

THE ONE-HUNDRED AND NINETEENTH DAY

CARSON CITY (Sunday), June 5, 2005

Assembly called to order at 10:30 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Terry Sullivan.

Let us pray. In this final prayer that I will give this session Lord, we just ask You that You continue to keep us all—legislators, lobbyists, attachés, interns, full-time staff, and, yes, even those folks at the north end of the building—in Your heart. Keep us all safe and in good spirits and allow us to keep the good friends we’ve made here. And if we didn’t make friends with everyone let us at least remember only the best situations and dull our minds to those incidents that were unpleasant to us.

And Lord, please give an extra blessing to these legislators who epitomize the term “public servants.” There are a lot of folks who work in government who are referred to as public servants, but these legislators are the only ones I know of who do it without pay. And we ask once more that You send us safely home to our family and friends, our dogs, our cats, our horses, and even our goldfish, if that’s the case. And we ask these things in whose name we pray.

AMEN.

Pledge of Allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which were rereferred Assembly Bills Nos. 127 and 233, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which were referred Senate Bills Nos. 105, 156, 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 referred Senate Bill No. 390, 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. 335, 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 4, 2005

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 411, Amendment No. 1173; Assembly Joint Resolution No. 17, Amendment No. 1158, 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 adopted the report of the first Conference Committee concerning Assembly Bills Nos. 221, 501.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly Amendment No. 958 to Senate Bill No. 107.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly Amendment No. 1151 to Senate Bill No. 392.

Also, I have the honor to inform your honorable body that the Senate rescinded its appointment of Senator Rhoads as a member of the First Conference Committee concerning Senate Bill No. 356 and appointed Senator Carlton as a member of the First Conference Committee concerning Senate Bill No. 356.

MARY JO MONGELLI

Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS, AND NOTICES

NOTICE OF EXEMPTION

June 05, 2005

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Assembly Bill No. 573.

MARK STEVENS

Fiscal Analysis Division

Assemblyman Ocegüera moved that Senate Concurrent Resolution No. 42 be taken from the Resolution File and placed on the Chief Clerk's desk.

Motion carried.

INTRODUCTION, FIRST READING, AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 573—AN ACT relating to the leasing of motor vehicles; increasing the amount of the governmental services fee imposed on the short-term lease of a passenger car and providing for the use of the additional proceeds; revising certain provisions governing the charges which may be imposed by a short-term lessor of a passenger car; making an appropriation; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Perkins and Anderson:

Assembly Bill No. 574—AN ACT relating to gaming; revising provisions governing the approval of a nonrestricted license for an establishment that is not a resort hotel in certain counties; revising provisions governing the moving of the location of an establishment and the transferring of its license to another location; and providing other matters properly relating thereto.

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

Remarks by Assemblyman Ocegüera.

Motion carried unanimously.

MOTIONS, RESOLUTIONS, AND NOTICES

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

Motion carried.

Assemblyman Conklin moved that Assembly Concurrent Resolution No. 17 be taken from the Chief Clerk's desk and placed at the top of the Resolution File.

Motion carried.

Assembly Concurrent Resolution No. 17.

Resolution read.

The following amendment was proposed by Assemblywomen Giunchigliani and Leslie:

Amendment No. 1187.

Amend the resolution, page 2, line 22, by deleting "and".

Amend the resolution, page 2, line 24, by deleting: "and be it further" and inserting: "and

10. Methods for combining juvenile and adult sentencing options for juveniles who commit serious crimes; and be it further".

Amend the preamble of the resolution, page 1, line 4, by deleting "to address" and inserting: "as the primary method of addressing".

Amend the preamble of the resolution, page 1, line 17, by deleting: "now, therefore, be it" and inserting: "and

WHEREAS, Certain juveniles who commit serious crimes are transferred to the adult criminal justice system in this State; and

WHEREAS, It is necessary to review options for sentencing juveniles who commit such serious crimes; now, therefore, be it".

Assemblyman Conklin moved the adoption of the amendment.

Remarks by Assemblyman Conklin.

Amendment adopted.

Resolution ordered reprinted, re-engrossed, and to resolution file.

SECOND READING AND AMENDMENT

Senate Bill No. 380.

Bill read second time.

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

Amendment No. 1198.

Amend the bill as a whole by renumbering sections 7 through 15 as sections 8 through 16 and adding a new section designated sec. 7, following sec. 6, to read as follows:

“Sec. 7. NRS 239C.090 is hereby amended to read as follows:

239C.090 “Restricted document” means any blueprint or plan of a school, place of worship, airport ~~[-]~~ *other than an international airport*, gaming establishment, governmental building or any other building or facility which is likely to be targeted for a terrorist attack.”.

Amend sec. 7, page 4, by deleting lines 5 through 23 and inserting:

“2. The Governor shall appoint to the Commission ~~{a number of}~~ 14 voting members that he determines to be appropriate ~~[-, except that the Commission]~~ and who serve at his pleasure, which must include at least:

(a) ~~{One member who is a representative of a Nevada law enforcement agency; and~~

~~{b) One member who is not employed in the field of law enforcement and is not otherwise affiliated with the field of law enforcement.}~~ The sheriff of each county whose population is 100,000 or more;

(b) The chief of the county fire department in each county whose population is 100,000 or more;

(c) The agent in charge of the office of the Federal Bureau of Investigation in this State;

(d) An officer of the United States Department of Homeland Security whom the Department of Homeland Security has designated for this State; and

(e) A member of the medical community in a county whose population is 400,000 or more.”.

Amend sec. 8, page 5, by deleting lines 4 through 18 and inserting:

“3. With respect to buildings, facilities, geographic features and infrastructure that must be protected from acts of terrorism and related emergencies to ensure the safety of the residents of this State and visitors to this State, including, without limitation, *airports other than international airports*, the Capitol Complex, dams, gaming establishments, governmental buildings, highways, hotels, information technology infrastructure, lakes, places of worship, power lines, public buildings, public utilities, reservoirs, rivers and their tributaries, and water facilities:

(a) Identify and categorize such buildings, facilities, geographic features and infrastructure according to their susceptibility to and need for protection from acts of terrorism and related emergencies; and

(b) Study and assess the security of such buildings, facilities, geographic features and infrastructure from acts of terrorism and related emergencies.”.

Amend the title of the bill to read as follows:

“AN ACT relating to homeland security; providing that the Director of the Department of Public Safety may employ certain persons on behalf of the Nevada Commission on Homeland Security; requiring the State and political subdivisions to submit reports to the Commission regarding any money

received from other governmental entities for programs or projects related to acts of terrorism; requiring the State and each political subdivision to adopt any national system for preventing and responding to acts of terrorism mandated by the United States Department of Homeland Security as a condition to the receipt of federal money; revising provisions relating to the membership and committees of the Commission; excluding certain airports from provisions requiring a security assessment by the Commission and relating to restricted documents; and providing other matters properly relating thereto.”.

Assemblyman Parks moved the adoption of the amendment.

Remarks by Assemblyman Parks.

Amendment adopted.

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

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Ocegüera moved that for the balance of the session, all rules be suspended and that all bills and joint resolutions passed be immediately transmitted to the Senate.

Motion carried unanimously.

GENERAL FILE AND THIRD READING

Assembly Bill No. 198.

Bill read third time.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblywoman Giunchigliani moved that Assembly Bill No. 198 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

Assemblywoman Giunchigliani moved that Assembly Bills Nos. 127, 233, 335; Senate Bill No. 390 be taken from their position on the General File and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 127.

Bill read third time.

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

Amendment No. 1169.

Amend the bill as a whole by renumbering sections 1 through 4 as sections 3 through 6 and adding new sections designated sections 1 and 2, following the enacting clause, to read as follows:

“Section 1. NRS 439.272 is hereby amended to read as follows:

439.272 1. The Health Division shall appoint a State Dental Health Officer, who is in the unclassified service of the State. The State Dental Health Officer must:

- (a) Be a resident of this State;
- (b) Hold a current license to practice dentistry issued pursuant to chapter 631 of NRS; and
- (c) Be appointed on the basis of his education, training and experience and his interest in public dental health and related programs.

2. The State Dental Health Officer shall:

- (a) Determine the needs of the residents of this State for public dental health;
- (b) Provide the Health Division with advice regarding public dental health;
- (c) Make recommendations to the Health Division and the Legislature regarding programs in this State for public dental health;
- (d) Supervise the activities of the State Public Health Dental Hygienist; and
- (e) Seek such information and advice from a dental school of the University and Community College System of Nevada as necessary to carry out his duties.

3. ~~{Except as otherwise provided in this subsection, the} The State Dental Health Officer shall devote all of his time to the business of his office and shall not pursue any other business or vocation or hold any other office of profit. {Notwithstanding the provisions of NRS 281.127 and 284.143, the State Dental Health Officer may engage in academic instruction, research and studies at a dental school of the University and Community College System of Nevada.}~~

4. The Health Division may solicit and accept gifts and grants to pay the costs associated with ~~{the position of State Dental Health Officer.}~~ *oral health programs.*

Sec. 2. NRS 439.279 is hereby amended to read as follows:

439.279 1. The Health Division shall appoint a State Public Health Dental Hygienist, who is in the unclassified service of the State. The State Public Health Dental Hygienist must:

- (a) Be a resident of this State;
- (b) Hold a current license to practice dental hygiene issued pursuant to chapter 631 of NRS with a special endorsement issued pursuant to NRS 631.287; and
- (c) Be appointed on the basis of his education, training and experience and his interest in public health dental hygiene and related programs.

2. The State Public Health Dental Hygienist:

- (a) Shall assist the State Dental Health Officer in carrying out his duties; and
- (b) May:

(1) Make recommendations to the Health Division regarding programs in this State for public health dental hygiene; and

(2) Perform any acts authorized pursuant to NRS 631.287.

3. ~~[Except as otherwise provided in this subsection, the] The State Public Health Dental Hygienist shall devote all of his time to the business of his office and shall not pursue any other business or vocation or hold any other office of profit. [Notwithstanding the provisions of NRS 281.127 and 284.143, the State Public Health Dental Hygienist may engage in academic instruction, research and studies in a program of the University and Community College System of Nevada.]~~

4. The Health Division may solicit and accept gifts and grants to pay the costs associated with the position of State Public Health Dental Hygienist.”.

Amend the title of the bill, first line, after “health;” by inserting: “making various changes concerning the duties of the State Dental Health Officer and the State Public Health Dental Hygienist;”.

Amend the summary of the bill to read as follows:

“SUMMARY—Makes various changes concerning State Dental Health Officer and State Public Health Dental Hygienist and provides subsidies from Fund for a Healthy Nevada for coverage of certain additional benefits, including dental and vision benefits for certain senior citizens. (BDR 40-714)”.

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. 233.

Bill read third time.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblywoman Giunchigliani moved that Assembly Bill No. 233 be taken from the General File and placed on the Chief Clerk’s desk.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 335.

Bill read third time.

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

Amendment No. 1197.

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

“Section 1. NRS 385.34691 is hereby amended to read as follows:

385.34691 1. The State Board shall prepare a plan to improve the achievement of pupils enrolled in the public schools in this State. The plan:

(a) Must be prepared in consultation with:

(1) Employees of the Department;

(2) At least one employee of a school district in a county whose population is 100,000 or more, appointed by the Nevada School Boards Association;

(3) At least one employee of a school district in a county whose population is less than 100,000, appointed by the Nevada School Boards Association; and

(4) At least one representative of the Statewide Council for the Coordination of the Regional Training Programs created by NRS 391.516, appointed by the Council; and

(b) May be prepared in consultation with:

(1) Representatives of institutions of higher education;

(2) Representatives of regional educational laboratories;

(3) Representatives of outside consultant groups;

(4) Representatives of the regional training programs for the professional development of teachers and administrators established pursuant to NRS 391.512;

(5) The Bureau; and

(6) Other persons who the State Board determines are appropriate.

2. A plan to improve the achievement of pupils enrolled in public schools in this State must include:

(a) A review and analysis of the data upon which the report required pursuant to NRS 385.3469 is based and a review and analysis of any data that is more recent than the data upon which the report is based.

(b) The identification of any problems or factors common among the school districts or charter schools in this State, as revealed by the review and analysis.

(c) Strategies based upon scientifically based research, as defined in 20 U.S.C. § 7801(37), that will strengthen the core academic subjects, as set forth in NRS 389.018.

(d) Strategies to improve the academic achievement of pupils enrolled in public schools in this State, including, without limitation, strategies to:

(1) Instruct pupils who are not achieving to their fullest potential;

(2) Increase the rate of attendance of pupils and reduce the number of pupils who drop out of school;

(3) Integrate technology into the instructional and administrative programs of the school districts;

(4) Manage effectively the discipline of pupils; and

(5) Enhance the professional development offered for the teachers and administrators employed at public schools in this State to include the activities set forth in 20 U.S.C. § 7801(34), as deemed appropriate by the State Board.

(e) Strategies designed to provide to the pupils enrolled in middle school, junior high school and high school, the teachers and counselors who provide instruction to those pupils, and the parents and guardians of those pupils information concerning:

(1) The requirements for admission to an institution of higher education and the opportunities for financial aid;

(2) The availability of millennium scholarships pursuant to NRS 396.911 to 396.938, inclusive; and

(3) The need for a pupil to make informed decisions about his curriculum in middle school, junior high school and high school in preparation for success after graduation.

(f) An identification, by category, of the employees of the Department who are responsible for ensuring that each provision of the plan is carried out effectively.

(g) For each provision of the plan, a timeline for carrying out that provision, including, without limitation, a timeline for monitoring whether the provision is carried out effectively.

(h) For each provision of the plan, measurable criteria for determining whether the provision has contributed toward improving the academic achievement of pupils, increasing the rate of attendance of pupils and reducing the number of pupils who drop out of school.

(i) Strategies to improve the allocation of resources from this State, by program and by school district, in a manner that will improve the academic achievement of pupils. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, the State Board shall use that statewide program in complying with this paragraph. If a statewide program is not available, the State Board shall use the Department's own financial analysis program in complying with this paragraph.

(j) Based upon the reallocation of resources set forth in paragraph (i), the resources available to the State Board and the Department to carry out the plan.

(k) A summary of the effectiveness of appropriations made by the Legislature to improve the academic achievement of pupils and programs approved by the Legislature to improve the academic achievement of pupils.

(l) Strategies to improve and increase effective involvement by parents and families in support of their children and the education of their children. The strategies must be consistent with the policy adopted by the State Board pursuant to NRS 392.457 regarding effective involvement by parents and families.

3. The State Board shall:

(a) Review the plan prepared pursuant to this section annually to evaluate the effectiveness of the plan; and

(b) Based upon the evaluation of the plan, make revisions, as necessary, to ensure that the plan is designed to improve the academic achievement of pupils enrolled in public schools in this State.

4. On or before December 15 of each year, the State Board shall submit the plan or the revised plan, as applicable, to the:

- (a) Governor;
- (b) Committee;
- (c) Bureau;
- (d) Board of Regents of the University of Nevada;
- (e) Council to Establish Academic Standards for Public Schools created by NRS 389.510;
- (f) Board of trustees of each school district; and
- (g) Governing body of each charter school.

Sec. 2. NRS 385.348 is hereby amended to read as follows:

385.348 1. The board of trustees of each school district shall, in consultation with the employees of the school district, prepare a plan to improve the achievement of pupils enrolled in the school district, excluding pupils who are enrolled in charter schools located in the school district. If the school district is a Title I school district designated as demonstrating need for improvement pursuant to NRS 385.377, the plan must also be prepared in consultation with parents and guardians of pupils enrolled in the school district and other persons who the board of trustees determines are appropriate.

2. Except as otherwise provided in this subsection, the plan must include the items set forth in 20 U.S.C. § 6316(c)(7) and the regulations adopted pursuant thereto. If a school district has not been designated as demonstrating need for improvement pursuant to NRS 385.377, the board of trustees of the school district is not required to include those items set forth in 20 U.S.C. § 6316(c)(7) and the regulations adopted pursuant thereto that directly relate to the status of a school district as needing improvement.

3. In addition to the requirements of subsection 2, a plan to improve the achievement of pupils enrolled in a school district must include:

(a) A review and analysis of the data upon which the report required pursuant to subsection 2 of NRS 385.347 is based and a review and analysis of any data that is more recent than the data upon which the report is based.

(b) The identification of any problems or factors at individual schools that are revealed by the review and analysis.

(c) Strategies based upon scientifically based research, as defined in 20 U.S.C. § 7801(37), that will strengthen the core academic subjects, as set forth in NRS 389.018.

(d) Strategies to improve the academic achievement of pupils enrolled in the school district including, without limitation, strategies to:

- (1) Instruct pupils who are not achieving to their fullest potential;
- (2) Increase the rate of attendance of pupils and reduce the number of pupils who drop out of school;

(3) Integrate technology into the instructional and administrative programs of the school district;

(4) Manage effectively the discipline of pupils; and

(5) Enhance the professional development offered for the teachers and administrators employed by the school district to include the activities set forth in 20 U.S.C. § 7801(34), as deemed appropriate by the board of trustees of the school district.

(e) An identification, by category, of the employees of the school district who are responsible for ensuring that each provision of the plan is carried out effectively.

(f) In consultation with the Department, an identification, by category, of the employees of the Department, if any, who are responsible for overseeing and monitoring whether the plan is carried out effectively.

(g) For each provision of the plan, a timeline for carrying out that provision, including, without limitation, a timeline for monitoring whether the provision is carried out effectively.

(h) For each provision of the plan, measurable criteria for determining whether the provision has contributed toward improving the academic achievement of pupils, increasing the rate of attendance of pupils and reducing the number of pupils who drop out of school.

(i) Strategies to improve the allocation of resources from the school district, by program and by school, in a manner that will improve the academic achievement of pupils. 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.

(j) Based upon the reallocation of resources set forth in paragraph (i), the resources available to the school district to carry out the plan.

(k) A summary of the effectiveness of appropriations made by the Legislature that are available to the school district or the schools within the school district to improve the academic achievement of pupils and programs approved by the Legislature to improve the academic achievement of pupils.

(l) Strategies to improve and increase effective involvement by parents and families in support of their children and the education of their children. The strategies must be consistent with the policy adopted by the State Board and the policy adopted by the school district pursuant to NRS 392.457 regarding effective involvement by parents and families.

4. The board of trustees of each school district shall:

(a) Review the plan prepared pursuant to this section annually to evaluate the effectiveness of the plan; and

(b) Based upon the evaluation of the plan, make revisions, as necessary, to ensure that the plan is designed to improve the academic achievement of pupils enrolled in the school district.

5. On or before December 15 of each year, the board of trustees of each school district shall submit the plan or the revised plan, as applicable, to the:

- (a) Superintendent of Public Instruction;
- (b) Governor;
- (c) State Board;
- (d) Department;
- (e) Committee; and
- (f) Bureau.”.

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

“Sec. 5. Chapter 391 of NRS is hereby amended by adding thereto a new section to read as follows:

The governing body of a regional training program may:

1. *Provide training to teachers and administrators on effective methods to communicate with parents and guardians regarding the education of their children; and*

2. *Otherwise facilitate and coordinate access to information by teachers and administrators concerning effective methods to communicate with parents and guardians regarding the education of their children.*

Sec. 6. NRS 391.500 is hereby amended to read as follows:

391.500 As used in NRS 391.500 to 391.556, inclusive, *and section 5 of this act*, unless the context otherwise requires, the words and terms defined in NRS 391.504 and 391.508 have the meanings ascribed to them in those sections.”.

Amend sec. 7, pages 10, 11 and 12, by deleting lines 40 through 44 on page 10, lines 1 through 45 on page 11 and lines 1 and 2 on page 12, and inserting:

“Sec. 7. 1. There is hereby created an Advisory Task Force to the Council to Establish Academic Standards for Public Schools created by NRS 389.510 for the Review of Certain Academic Standards and the High School Proficiency Examination. All appointments to the Task Force must be made on or before September 1, 2005.

2. The Chairman of the Council to Establish Academic Standards for Public Schools, upon recommendation of the Superintendent of Public Instruction shall appoint the following members to the Task Force:

(a) One director of testing of a school district in a county whose population is 100,000 or more and one director of testing of a school district in a county whose population is less than 100,000;

(b) One director of curriculum of a school district in a county whose population is 100,000 or more and one director of curriculum of a school district in a county whose population is less than 100,000;

(c) One teacher who provides instruction in a public high school;

(d) One teacher who provides instruction in a public middle school or junior high school;

(e) One teacher who provides instruction in a public elementary school;

(f) Two nonlegislative members of the Council to Establish Academic Standards for Public Schools;

(g) One parent or legal guardian of a pupil who is enrolled in a public high school;

(h) One parent or legal guardian of a pupil who is enrolled in a public middle school or junior high school;

(i) One parent or legal guardian of a pupil who is enrolled in a public elementary school;

(j) One teacher who provides instruction in an alternative education program of a school district or a program of adult education; and

(k) One school principal.

The Chairman of the Council to Establish Academic Standards for Public Schools shall appoint a Chairman of the Advisory Task Force from among the members he appoints.

3. If requested by the Task Force, the Council to Establish Academic Standards for Public Schools shall:

(a) Provide all information related to Nevada's academic standards that is necessary for the Task Force to carry out its duties; and

(b) Otherwise work in consultation with the Task Force in carrying out the duties of the Task Force that are related to academic standards.

4. Each member of the Task Force is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally for each day or portion of a day during which he attends a meeting of the Task Force or is otherwise engaged in the business of the Task Force. The per diem allowance and travel expenses for the members of the Task Force must be paid by the Department of Education.”.

Amend sec. 8, pages 12 and 13, by deleting lines 3 through 43 on page 12 and lines 1 through 22 on page 13, and inserting:

“Sec. 8. 1. The Advisory Task Force to Review Certain Academic Standards and the High School Proficiency Examination created pursuant to section 7 of this act shall:

(a) Review the high school proficiency examination to determine:

(1) The percentage of the examination questions that address the academic standards for grades 9 to 12, inclusive;

(2) The percentage of the examination questions that address the academic standards for kindergarten to grade 8, inclusive; and

(3) The percentage of the academic standards for grades 9 to 12, inclusive, which have been assigned priority for state testing by the Council to Establish Academic Standards for Public Schools and that are tested on the examination;

(b) Analyze whether the results of pupils on the high school proficiency examination are delivered in a timely manner to ensure that pupils are able to receive appropriate remediation before the next administration of the examination, including, without limitation, a review of:

(1) The test administration documents and guidelines of the testing company or the Department of Education, as applicable; and

(2) The efficiency of procedures carried out by school districts for the submission of the test booklets for scoring;

(c) Determine the methods and procedures that may be used to ensure more efficient and expedient delivery of the results of pupils on the high school proficiency examination to ensure that pupils who would benefit from remediation before the next administration of the examination are provided with an adequate opportunity to receive that remediation;

(d) Determine if the instruction provided in grades 1 to 8, inclusive, is calibrated to the academic standards established for those grades by the Council to Establish Academic Standards for Public Schools;

(e) Analyze the academic standards in reading and mathematics established for this State to determine the extent to which those standards compare with the standards in reading and mathematics that are tested on the examinations of the National Assessment of Educational Progress; and

(f) On or before August 1, 2006, submit a report of its findings and recommendations for legislation to the Council to Establish Academic Standards for Public Schools.

2. The Council to Establish Academic Standards for Public Schools shall consider the recommendations of the Task Force and shall, on or before February 1, 2007, submit the report of the Task Force to the Director of the Legislative Counsel Bureau for transmission to the 74th Session of the Nevada Legislature.

3. Notwithstanding the provisions of NRS 389.017 to the contrary, the Superintendent of Public Instruction shall disclose to the Task Force the questions and answers on all forms of the high school proficiency examination to the extent the disclosure is necessary for the Task Force to carry out its duties. The disclosure must be made in a manner that does not violate the confidentiality of the examination.

4. The provisions of chapter 241 of NRS do not apply to a meeting or a portion of a meeting of the Task Force to the extent that it is necessary for the Task Force to maintain the confidentiality of the high school proficiency examination.”

Amend the bill as a whole by deleting sections 9 through 11, renumbering sec. 12 as sec. 11 and adding new sections designated sections 9 and 10, following sec. 8, to read as follows:

“Sec. 9. 1. The Superintendent of Public Instruction shall establish the Advisory Council on Parental Involvement. All appointments to the Advisory Council must be made on or before September 1, 2005.

2. The Superintendent of Public Instruction shall appoint the following members to the Advisory Council:

(a) Two parents or legal guardians of pupils enrolled in public schools;

(b) Two teachers in public schools;

(c) One administrator of a public school;

- (d) One representative of a private business or industry;
- (e) One member of the board of trustees of a school district in county whose population is 100,000 or more; and
- (f) One member of the board of trustees of a school district in a county whose population is less than 100,000.

The Superintendent of Public Instruction shall, to the extent practicable, ensure that the members he appoints to the Advisory Council reflect the ethnic, economic and geographic diversity of this State.

3. The Speaker of the Assembly shall appoint one Assemblyman to the Advisory Council.

4. The Majority Leader of the Senate shall appoint one Senator to the Advisory Council.

5. The Advisory Council shall elect a Chairman and a Vice Chairman from among its members.

6. The Department of Education shall provide:

- (a) Administrative support to the Advisory Council; and
- (b) All information that is necessary for the Advisory Council to carry out its duties.

7. For each day or portion of a day during which a member of the Advisory Council who is a Legislator attends a meeting of the Advisory Council or is otherwise engaged in the business of the Advisory Council, except during a regular or special session of the Legislature, the Legislator is entitled to receive the:

- (a) Compensation provided for a majority of the members of the Legislature during the first 60 days of the preceding regular session;
- (b) Per diem allowance provided for state officers and employees generally; and
- (c) Travel expenses provided pursuant to NRS 218.2207.

The compensation, per diem allowances and travel expenses of the legislative members of the Advisory Council must be paid from the Legislative Fund.

8. A member of the Advisory Council who is not a Legislator is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally for each day or portion of a day during which he attends a meeting of the Advisory Council or is otherwise engaged in the business of the Advisory Council. The per diem allowance and travel expenses for the nonlegislative members of the Advisory Council must be paid by the Department of Education.

Sec. 10. The Advisory Council on Parental Involvement created pursuant to section 9 of this act shall:

- 1. Review any effective practices carried out in individual school districts in this State to increase parental involvement and determine the feasibility of carrying out those practices on a statewide basis;

2. Review any effective practices carried out in other states to increase parental involvement and determine the feasibility of carrying out those practices in this State;

3. Identify methods to effectively communicate and provide outreach to parents and guardians of pupils who have limited time to become involved in the education of their children for various reasons, including, without limitation, work schedules, single-parent homes and other family obligations;

4. Identify the manner in which the level of parental involvement affects the performance, attendance and discipline of pupils;

5. Identify methods to effectively communicate with and provide outreach to parents and guardians of pupils who are limited English proficient;

6. On or before September 1, 2006, submit a preliminary written report to the Legislative Committee on Education; and

7. On or before February 1, 2007, submit a final written report of its findings and any recommendations for legislation to the Director of the Legislative Counsel Bureau for transmission to the next regular session of the Legislature.”.

Amend sec. 12, page 15, by deleting lines 36 through 39 and inserting:

“Sec. 11. 1. This section and sections 1, 2, 3 and 5 to 10, inclusive, of this act become effective on July 1, 2005.

2. Section 3 of this act expires by limitation on June 30, 2007.

3. Section 4 of this act becomes effective on July 1, 2007.”.

Amend the title of the bill to read as follows:

“AN ACT relating to education; authorizing the disclosure of certain confidential examinations to a representative of the Statewide Council for the Coordination of the Regional Training Programs; creating an advisory committee to the Council to Establish Academic Standards for Public Schools for the review of the high school proficiency examination; revising provisions governing the plan to improve the achievement of pupils prepared by the State Board of Education and the plans to improve the achievement of pupils prepared by school districts to include strategies to increase and improve parental involvement; authorizing the regional training programs for the professional development of teachers and administrators to provide training and information concerning effective communication with parents; providing for the establishment of the Advisory Council on Parental Involvement; prescribing the membership and duties of the Advisory Council; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Makes various changes regarding education. (BDR 34-482)”.

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. 390.

Bill read third time.

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

Amendment No. 1193.

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

“Sec. 8. 1. This section and sections 1, 2, 3, 5 and 7 of this act become effective on July 1, 2005.

2. Sections 4 and 6 of this act become effective on January 1, 2006.”.

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. 554.

Bill read third time.

Remarks by Assemblymen Carpenter, Mortenson, Hettrick, and Buckley.

Mr. Speaker requested the privilege of the Chair for the purpose of making remarks.

Roll call on Assembly Bill No. 554:

YEAS—42.

NAYS—None.

Assembly Bill No. 554 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 149.

Bill read third time.

Roll call on Senate Bill No. 149:

YEAS—41.

NAYS—Angle.

Senate Bill No. 149 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 105.

Bill read third time.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Arberry moved that Senate Bill No. 105 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 156.

Bill read third time.

Roll call on Senate Bill No. 156:

YEAS—42.

NAYS—None.

Senate Bill No. 156 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 198.

Bill read third time.

Remarks by Assemblywomen Giunchigliani, Angle, Weber, and Buckley.

Roll call on Assembly Bill No. 198:

YEAS—42.

NAYS—None.

Assembly Bill No. 198 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

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

Assembly in recess at 11:08 a.m.

ASSEMBLY IN SESSION

At 11:27 a.m.

Mr. Speaker presiding.

Quorum present.

UNFINISHED BUSINESS

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Conklin, Denis, and Sibley as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 314.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 427.

The following Senate amendment was read:

Amendment No. 674.

Amend section 1, page 2, line 2, by deleting “8,” and inserting “8.5.”

Amend sec. 2, page 2, line 17, by deleting “*home*” and inserting: “*home, mobile home or commercial coach that was*”.

Amend sec. 2, page 2, line 23, by deleting: “*private business use.*” and inserting: “*own industrial, professional or commercial purposes.*”.

Amend sec. 3, page 2, line 24, after “Sec. 3.” by inserting “1.”

Amend sec. 3, page 2, by deleting lines 28 through 34 and inserting: “*accordance with NRS 489.325.*”

2. *The term does not include:*

(a) *A licensed manufacturer engaged in the repair or service of a manufactured home, mobile home or commercial coach that was manufactured by the licensed manufacturer;*

(b) *The owner or purchaser of a manufactured home or mobile home who uses the manufactured home or mobile home as his private residence; or*

(c) *The owner or purchaser of a commercial coach who uses the commercial coach for his own industrial, professional or commercial purposes.”.*

Amend sec. 5, page 3, by deleting line 6 and inserting:

“3. In addition to any other remedy or penalty authorized pursuant to this chapter, if the holder of a license violates any provision of this section, the violation is”.

Amend sec. 6, page 3, by deleting lines 9 through 13 and inserting: *“order to cease and desist to any person or combination of persons who:*

(a) Engages in the business or acts in the capacity of a licensee within this State, including, without limitation, commencing any work for which a license is required pursuant to this chapter; or

(b) Submits a bid or enters into a contract for a job located within this State for which a license is required pursuant to this chapter,

without having a license issued pursuant to this chapter, unless that person or combination of persons is exempt from licensure pursuant to this chapter. The”.

Amend sec. 6, page 3, lines 16, 21 and 24, after *“person”* by inserting: *“or combination of persons”.*

Amend sec. 6, page 3, by deleting lines 29 through 38 and inserting:

“3. In seeking injunctive relief against any person or combination of persons for an alleged violation of this chapter, it is sufficient to allege that the person or combination of persons, upon a certain day and in a certain county of this State:

(a) Engaged in the business or acted in the capacity of a licensee within this State; or

(b) Submitted a bid or entered into a contract for a job located within this State for which a license is required pursuant to this chapter,

and the person or combination of persons did not have a license issued pursuant to this chapter and was not exempt from licensure pursuant to this chapter, without alleging any further or more particular facts concerning the matter.”.

Amend sec. 6, page 3, line 40, after *“person”* by inserting: *“or combination of persons”.*

Amend sec. 6, page 3, line 43, by deleting *“a person”* and inserting: *“any person or combination of persons has”.*

Amend sec. 7, page 4, by deleting lines 4 and 5 and inserting: *“within this State, including, without limitation, commencing any work for which a license is required pursuant to this chapter; or*

(b) Submit a bid or enter into a contract for a job located within this State for which a license is required pursuant to this chapter.”.

Amend sec. 7, page 4, by deleting lines 15 and 16 and inserting:

“3. In addition to any other remedy or penalty authorized pursuant to this chapter, any person or combination of persons convicted of violating any provision of subsection 1 may”.

Amend sec. 7, page 4, line 21, by deleting “he” and inserting: *“the person or combination of persons”.*

Amend sec. 7, page 4, line 22, by deleting “his” and inserting “any”.

Amend sec. 7, page 4, line 24, by deleting “a person” and inserting: *“any person or combination of persons”.*

Amend sec. 8, page 4, line 26, after “person” by inserting: *“or combination of persons”.*

Amend sec. 8, page 4, line 31, by deleting “penalty imposed” and inserting: *“remedy or penalty authorized”.*

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

Amend the bill as a whole by adding a new section designated sec. 8.5, following sec. 8, to read as follows:

“Sec. 8.5. 1. Except as otherwise provided in this section, all money collected from administrative fines imposed pursuant to this chapter must be deposited in the State General Fund.

2. The money collected from an administrative fine may be deposited with the State Treasurer for credit to the Fund for Manufactured Housing created pursuant to NRS 489.491 if:

(a) The person pays the administrative fine without exercising his right to a hearing to contest the administrative fine; or

(b) The administrative fine is imposed in a hearing conducted by a hearing officer or panel appointed by the Administrator.

3. The Administrator may appoint one or more hearing officers or panels and may delegate to those hearing officers or panels the power of the Administrator to conduct hearings and other proceedings, determine violations, impose fines and penalties and take other disciplinary action authorized by the provisions of this chapter.

4. If money collected from an administrative fine is deposited in the State General Fund, the Administrator may present a claim to the State Board of Examiners for recommendation to the Interim Finance Committee if money is needed to pay attorney’s fees or the costs of an investigation, or both.”.

Amend sec. 11, page 5, by deleting line 10 and inserting: *“homes, mobile homes { } or commercial coaches, and responsible managing employees”.*

Amend sec. 11, page 5, by deleting lines 33 and 34 and inserting: *“servicemen, manufacturers of manufactured homes , mobile homes or commercial coaches, and suppliers of the various components for constructing such homes { } or coaches, including heating”.*

Amend sec. 11, page 6, line 1, after “homes” by inserting: *“, mobile homes or commercial coaches”.*

Amend sec. 16, page 8, by deleting lines 30 and 31 and inserting: “*serviceman or specialty serviceman of manufactured homes, mobile homes* ~~[]~~ *or commercial coaches, or a responsible managing employee or salesman, the*”.

Amend sec. 18, page 10, by deleting lines 18 and 19 and inserting: “single employer who is a licensed dealer . ~~[rebuilder, serviceman or installer.]~~”.

Amend sec. 19, page 11, by deleting lines 43 and 44 and inserting: “single employer who is a licensed dealer . ~~[rebuilder, serviceman or installer.]~~”.

Amend sec. 26, page 15, line 43, by deleting “Division” and inserting “~~[Division]~~ Administrator”.

Amend sec. 26, page 15, line 44, by deleting “a fine” and inserting: “~~[a]~~ *an administrative fine*”.

Amend sec. 26, page 16, line 5, by deleting “Division” and inserting “~~[Division]~~ Administrator”.

Amend sec. 26, page 16, line 6, by deleting “a fine” and inserting: “~~[a]~~ *an administrative fine*”.

Amend the title of the bill by deleting the seventh and eighth lines and inserting: “and desist order against unlicensed persons who engage in acts requiring a license; providing for the imposition of certain remedies and penalties against such unlicensed persons; deleting the provisions that require a”.

Assemblyman Conklin moved that the Assembly concur in the Senate amendment to Assembly Bill No. 427.

Remarks by Assemblyman Conklin.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

GENERAL FILE AND THIRD READING

Assembly Bill No. 574.

Bill read third time.

Roll call on Assembly Bill No. 574:

YEAS—41.

NAYS—Angle.

Assembly Bill No. 574 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 5, 2005

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 462; Senate Bills Nos. 521, 522.

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 Bills Nos. 267, 437.

MARY JO MONGELLI

Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 521.

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

Motion carried.

Senate Bill No. 522.

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

Motion carried.

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The first Conference Committee concerning Assembly Bill No. 63, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendment No. 919 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.

MARCUS CONKLIN

SHEILA LESLIE

HEIDI S. GANSERT

Assembly Conference Committee

JOE HECK

WARREN B. HARDY

MICHAEL SCHNEIDER

Senate Conference Committee

Assemblywoman Leslie moved that the Assembly adopt the report of the first Conference Committee concerning Assembly Bill No. 63.

Remarks by Assemblywoman Leslie.

Motion carried by a constitutional majority.

Mr. Speaker:

The first Conference Committee concerning Assembly Bill No. 380, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendment No. 895 of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA11, which is attached to and hereby made a part of this report.

DAVID PARKS

SUSAN GERHARDT

VALERIE WEBER

Assembly Conference Committee

JOE HECK

STEVEN HORSFORD

MIKE MCGINNESS

Senate Conference Committee

Conference Amendment No. CA11.

Amend sec. 4, pages 1 and 2, by deleting lines 11 through 15 on page 1 and lines 1 through 22 on page 2, and inserting:

“2. *The district board of health consists of:*

(a) *Representatives selected by the following entities from among their elected members:*

(1) *Two representatives of the board of county commissioners;*

(2) *Two representatives of the governing body of the largest incorporated city in the county; and*

(3) *One representative of the governing body of each other city in the county; and*

(b) *The following representatives, selected by the elected representatives of the district board of health selected pursuant to paragraph (a), who shall represent the health district at large and who must be selected based on their qualifications without regard to the location within the health district of their residence or their place of employment:*

(1) *Two representatives who are physicians licensed to practice medicine in this State, one of whom is selected on the basis of his education, training, experience or demonstrated abilities in the provision of health care services to members of minority groups and other medically underserved populations;*

(2) *One representative who is a nurse licensed to practice nursing in this State;*

(3) *One representative who has a background or expertise in environmental health or environmental health services; and*

(4) *One representative of a business or from an industry that is subject to regulation by the health district.”.*

Assemblywoman Leslie moved that the Assembly adopt the report of the first Conference Committee concerning Assembly Bill No. 380.

Remarks by Assemblymen Leslie and Hardy.

Conflict of interest declared by Assemblyman Hardy.

Motion carried by a constitutional majority with Assemblyman Hardy not voting.

Mr. Speaker:

The first Conference Committee concerning Assembly Bill No. 87, consisting of the undersigned members, has met and reports that:

No decision was reached.

CHRIS GIUNCHIGLIANI
MARILYN KIRKPATRICK
SCOTT SIBLEY

Assembly Conference Committee

RANDOLPH J. TOWNSEND
MAGGIE CARLTON
WARREN B. HARDY

Senate Conference Committee

Assemblywoman Giunchigliani moved that the Assembly adopt the report of the first Conference Committee concerning Assembly Bill No. 87.

Remarks by Assemblywoman Giunchigliani.

Motion carried by a constitutional majority.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 236.

The following Senate amendment was read:

Amendment No. 687.

Amend sec. 3, page 5, by deleting lines 16 through 18 and inserting:
“*generator’s bill for that billing period but must be reflected as a credit that is carried forward to offset the value of the electricity supplied by the utility during a subsequent billing period. At the discretion of the utility, the credit*

may be in a dollar amount or in kilowatt hours. If the credit is reflected as excess electricity and the customer-generator is billed for electricity pursuant to a time-of-use rate schedule, the excess electricity carried forward must be added to the same time-of-use period as the time-of-use period in which it was generated unless the subsequent billing period lacks a corresponding time-of-use period. In that case, the excess electricity carried forward must be apportioned evenly among the available time-of-use periods. Excess electricity may be carried forward to subsequent billing periods indefinitely, but a customer-generator is not entitled to receive compensation for any excess electricity that remains if the net metering system ceases to operate or is disconnected from the utility's transmission and distribution facilities, the customer-generator ceases to be a customer of the utility at the premises served by the net metering system or the customer-generator transfers the net metering system to another person.”.

Amend sec. 3, page 5, between lines 20 and 21, by inserting:

“(3) The excess electricity which is fed back to the utility shall be deemed to be electricity that the utility generated or acquired from a renewable energy system for the purposes of complying with its portfolio standard pursuant to NRS 704.7801 to 704.7828, inclusive.”.

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

“Sec. 8. NRS 278.160 is hereby amended to read as follows:

278.160 1. Except as otherwise provided in subsection 4 of NRS 278.150 and subsection 3 of NRS 278.170, the master plan, with the accompanying charts, drawings, diagrams, schedules and reports, may include such of the following subject matter or portions thereof as are appropriate to the city, county or region, and as may be made the basis for the physical development thereof:

(a) Community design. Standards and principles governing the subdivision of land and suggestive patterns for community design and development.

(b) Conservation plan. For the conservation, development and utilization of natural resources, including, without limitation, water and its hydraulic force, underground water, water supply, *solar or wind energy*, forests, soils, rivers and other waters, harbors, fisheries, wildlife, minerals and other natural resources. The plan must also cover the reclamation of land and waters, flood control, prevention and control of the pollution of streams and other waters, regulation of the use of land in stream channels and other areas required for the accomplishment of the conservation plan, prevention, control and correction of the erosion of soils through proper clearing, grading and landscaping, beaches and shores, and protection of watersheds. The plan must also indicate the maximum tolerable level of air pollution.

(c) Economic plan. Showing recommended schedules for the allocation and expenditure of public money in order to provide for the economical and timely execution of the various components of the plan.

(d) Historical properties preservation plan. An inventory of significant historical, archaeological and architectural properties as defined by a city, county or region, and a statement of methods to encourage the preservation of those properties.

(e) Housing plan. The housing plan must include, without limitation:

(1) An inventory of housing conditions, needs and plans and procedures for improving housing standards and for providing adequate housing.

(2) An inventory of affordable housing in the community.

(3) An analysis of the demographic characteristics of the community.

(4) A determination of the present and prospective need for affordable housing in the community.

(5) An analysis of any impediments to the development of affordable housing and the development of policies to mitigate those impediments.

(6) An analysis of the characteristics of the land that is the most appropriate for the construction of affordable housing.

(7) An analysis of the needs and appropriate methods for the construction of affordable housing or the conversion or rehabilitation of existing housing to affordable housing.

(8) A plan for maintaining and developing affordable housing to meet the housing needs of the community.

(f) Land use plan. An inventory and classification of types of natural land and of existing land cover and uses, and comprehensive plans for the most desirable utilization of land. The land use plan may include a provision concerning the acquisition and use of land that is under federal management within the city, county or region, including, without limitation, a plan or statement of policy prepared pursuant to NRS 321.7355.

(g) Population plan. An estimate of the total population which the natural resources of the city, county or region will support on a continuing basis without unreasonable impairment.

(h) Public buildings. Showing locations and arrangement of civic centers and all other public buildings, including the architecture thereof and the landscape treatment of the grounds thereof.

(i) Public services and facilities. Showing general plans for sewage, drainage and utilities, and rights-of-way, easements and facilities therefor, including, without limitation, any utility projects required to be reported pursuant to NRS 278.145.

(j) Recreation plan. Showing a comprehensive system of recreation areas, including, without limitation, natural reservations, parks, parkways, trails, reserved riverbank strips, beaches, playgrounds and other recreation areas, including, when practicable, the locations and proposed development thereof.

(k) Rural neighborhoods preservation plan. In any county whose population is 400,000 or more, showing general plans to preserve the character and density of rural neighborhoods.

(l) Safety plan. In any county whose population is 400,000 or more, identifying potential types of natural and man-made hazards, including,

without limitation, hazards from floods, landslides or fires, or resulting from the manufacture, storage, transfer or use of bulk quantities of hazardous materials. The plan may set forth policies for avoiding or minimizing the risks from those hazards.

(m) School facilities plan. Showing the general locations of current and future school facilities based upon information furnished by the appropriate local school district.

(n) Seismic safety plan. Consisting of an identification and appraisal of seismic hazards such as susceptibility to surface ruptures from faulting, to ground shaking or to ground failures.

(o) Solid waste disposal plan. Showing general plans for the disposal of solid waste.

(p) Streets and highways plan. Showing the general locations and widths of a comprehensive system of major traffic thoroughfares and other traffic ways and of streets and the recommended treatment thereof, building line setbacks, and a system of naming or numbering streets and numbering houses, with recommendations concerning proposed changes.

(q) Transit plan. Showing a proposed multimodal system of transit lines, including mass transit, streetcar, motorcoach and trolley coach lines, paths for bicycles and pedestrians, and related facilities.

(r) Transportation plan. Showing a comprehensive transportation system, including, without limitation, locations of rights-of-way, terminals, viaducts and grade separations. The plan may also include port, harbor, aviation and related facilities.

2. The commission may prepare and adopt, as part of the master plan, other and additional plans and reports dealing with such other subjects as may in its judgment relate to the physical development of the city, county or region, and nothing contained in NRS 278.010 to 278.630, inclusive, prohibits the preparation and adoption of any such subject as a part of the master plan.

Sec. 9. NRS 278.250 is hereby amended to read as follows:

278.250 1. For the purposes of NRS 278.010 to 278.630, inclusive, the governing body may divide the city, county or region into zoning districts of such number, shape and area as are best suited to carry out the purposes of NRS 278.010 to 278.630, inclusive. Within the zoning district, it may regulate and restrict the erection, construction, reconstruction, alteration, repair or use of buildings, structures or land.

2. The zoning regulations must be adopted in accordance with the master plan for land use and be designed:

- (a) To preserve the quality of air and water resources.
- (b) To promote the conservation of open space and the protection of other natural and scenic resources from unreasonable impairment.
- (c) To provide for recreational needs.
- (d) To protect life and property in areas subject to floods, landslides and other natural disasters.

(e) To conform to the adopted population plan, if required by NRS 278.170.

(f) To develop a timely, orderly and efficient arrangement of transportation and public facilities and services, including facilities and services for bicycles.

(g) To ensure that the development on land is commensurate with the character and the physical limitations of the land.

(h) To take into account the immediate and long-range financial impact of the application of particular land to particular kinds of development, and the relative suitability of the land for development.

(i) To promote health and the general welfare.

(j) To ensure the development of an adequate supply of housing for the community, including the development of affordable housing.

(k) To ensure the protection of existing neighborhoods and communities, including the protection of rural preservation neighborhoods.

(l) To promote systems which use solar or wind energy.

3. The zoning regulations must be adopted with reasonable consideration, among other things, to the character of the area and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the city, county or region.

4. In exercising the powers granted in this section, the governing body may use any controls relating to land use or principles of zoning that the governing body determines to be appropriate, including, without limitation, density bonuses, inclusionary zoning and minimum density zoning.

5. As used in this section:

(a) "Density bonus" means an incentive granted by a governing body to a developer of real property that authorizes the developer to build at a greater density than would otherwise be allowed under the master plan, in exchange for an agreement by the developer to perform certain functions that the governing body determines to be socially desirable, including, without limitation, developing an area to include a certain proportion of affordable housing.

(b) "Inclusionary zoning" means a type of zoning pursuant to which a governing body requires or provides incentives to a developer who builds residential dwellings to build a certain percentage of those dwellings as affordable housing.

(c) "Minimum density zoning" means a type of zoning pursuant to which development must be carried out at or above a certain density to maintain conformance with the master plan."

Amend sec. 8, page 8, line 25, by deleting "structure," and inserting:

"structure ~~+~~ if such systems and structures are otherwise in compliance with applicable building codes and zoning ordinances, including those relating to the design, location and soundness of such systems and structures,".

Amend sec. 8, page 8, line 28, after “5.” by inserting: “*The amendments required by subsection 4 may address, without limitation:*

(a) *The inclusion of characteristics of land and structures that are most appropriate for the construction and use of systems using solar and wind energy.*

(b) *The recognition of any impediments to the development of systems using solar and wind energy.*

(c) *The preparation of design standards for the construction, conversion or rehabilitation of new and existing systems using solar and wind energy.*

6.”.

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

“Sec. 11. The Legislature hereby declares that wind energy is a clean, renewable energy source, the use of which must be promoted. Regional planning is needed for communities to choose good turbine locations where wind is available. The provisions of this act allow the governing bodies of cities and counties to promote the use of this renewable resource while promoting the general welfare by regulating the location, height and noise level of wind turbines, as well as the parcel size on which turbines may be placed. The provisions of this act require cities and counties to balance the effects that wind turbines have on the environment through the existing master plan and zoning process.”.

Assemblyman Conklin moved that the Assembly concur in the Senate amendment to Assembly Bill No. 236.

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. 550, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendment No. 1063 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.

MARK MANENDO
JOHN C. CARPENTER
JOHN OCEGUERA

Assembly Conference Committee

DENNIS NOLAN
MICHAEL SCHNEIDER
MAURICE E. WASHINGTON

Senate Conference Committee

Assemblyman Manendo moved that the Assembly adopt the report of the first Conference Committee concerning Assembly Bill No. 550.

Remarks by Assemblyman Manendo.

Motion carried by a constitutional majority.

Assemblywoman Buckley moved that the Assembly recess until 3:00 p.m.

Motion carried.

Assembly in recess at 11:42 a.m.

ASSEMBLY IN SESSION

At 4:03 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

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

MORSE ARBERRY JR., *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 5, 2005

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 524.

MARY JO MONGELLI

Assistant Secretary of the Senate

INTRODUCTION, FIRST READING, AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 575—AN ACT relating to education; making appropriations to the State Distributive School Account for purposes relating to class-size reduction; and providing other matters properly relating thereto.

Assemblywoman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 576—AN ACT relating to state financial administration; making appropriations from the State General Fund and the State Highway Fund for the support of the civil government of the State of Nevada for the fiscal years beginning July 1, 2005, and ending June 30, 2006, and beginning July 1, 2006, and ending June 30, 2007; providing for the use of the money so appropriated; making various other changes relating to the financial administration of the State; and providing other matters properly relating thereto.

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

Motion carried.

Senate Bill No. 524.

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

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 127.

Bill read third time.

Roll call on Assembly Bill No. 127:

YEAS—42.

NAYS—None.

Assembly Bill No. 127 having received a constitutional majority,

Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 335.

Bill read third time.

Roll call on Assembly Bill No. 335:

YEAS—42.

NAYS—None.

Assembly Bill No. 335 having received a constitutional majority,

Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 380.

Bill read third time.

Roll call on Senate Bill No. 380:

YEAS—42.

NAYS—None.

Senate Bill No. 380 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 390.

Bill read third time.

Roll call on Senate Bill No. 390:

YEAS—42.

NAYS—None.

Senate Bill No. 390 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 306.

Bill read third time.

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

Amendment No. 1192.

Amend sec. 8, page 2, by deleting lines 34 through 38 and inserting:

“(b) Without any election, acquire, improve, equip, operate and maintain a project within a district created pursuant to paragraph (a). The project may be owned by the municipality, another governmental entity, any other person, or any combination thereof.”.

Amend sec. 8, page 3, between lines 21 and 22, by inserting:

“4. The governing body of a municipality shall not, after October 1, 2009, create a tourism improvement district that includes within its boundaries any property included within the boundaries of a redevelopment area established pursuant to chapter 279 of NRS.”.

Amend sec. 9, page 3, by deleting lines 35 through 43 and inserting:

“2. The governing body has made a written finding at a public hearing that the project will benefit the district.

3. The governing body has made a written finding at a public hearing, based upon reports from independent consultants which were addressed to both the governing body and the board of trustees of the school district in which the tourism improvement district is or will be located, as to whether the project and the financing thereof pursuant to this chapter will have a positive fiscal effect on the provision of local governmental services, after considering:”.

Amend sec. 9, page 4 , by deleting lines 16 through 44 and inserting:

“4. The governing body has, at least 45 days before making the written finding required by subsection 3, provided to the board of trustees of the school district in which the tourism improvement district is or will be located:

(a) Written notice of the time and place of the meeting at which the governing body will consider making that written finding; and

(b) Each analysis prepared by or for or presented to the governing body regarding the fiscal effect of the project and the use of any money proposed to be pledged pursuant to section 8 of this act on the provision of local governmental services, including education.

After the receipt of the notice required by this subsection and before the date of the meeting at which the governing body will consider making the written finding required by subsection 3, the board of trustees shall conduct a hearing regarding the fiscal effect on the school district, if any, of the project and the use of any money proposed to be pledged pursuant to section 8 of this act, and may submit to the governing body of the municipality any comments regarding that fiscal effect. The governing body shall consider those comments when making any written finding pursuant to subsection 3 and shall consider those comments when considering the terms of any agreement pursuant to section 12 of this act.

5. The governing body has determined, at a public hearing conducted at least 15 days after providing notice of the hearing by publication, that:”.

Amend sec. 10, page 6, by deleting lines 16 through 28 and inserting:

“Sec. 10. Any determination, written finding or approval made pursuant to section 9 of this act is conclusive in the absence of fraud or gross abuse of discretion.”.

Amend sec. 12, page 7, by deleting lines 9 through 12 and inserting:

“(a) The governing body has made a written finding pursuant to subsection 3 of section 9 of this act that the project and the use of any money

pledged pursuant to section 8 of this act will not have a positive fiscal effect on the provision of local governmental services; or”.

Amend sec. 14, pages 8 and 9, by deleting lines 36 through 44 on page 8 and lines 1 through 9 on page 9, and inserting:

“Sec. 14. 1. *Except as otherwise provided in this section, notwithstanding any other law to the contrary, any contract or other agreement relating to or providing for the construction, improvement, repair, demolition, reconstruction, other acquisition, equipment, operation or maintenance of any project financed in whole or in part pursuant to this chapter is exempt from any law requiring competitive bidding or otherwise specifying procedures for the award of contracts for construction or other contracts, or specifying procedures for the procurement of goods or services. The governing body of the municipality shall require a quarterly report on the demography of the workers employed by any contractor or subcontractor for each such project.*

2. *The provisions of subsection 1 do not apply to any project which is constructed or maintained by a governmental entity on any property while the governmental entity owns that property.*

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

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

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

Amend sec. 15, pages 9 and 10, by deleting lines 43 through 45 on page 9 and lines 1 and 2 on page 10, and inserting: “~~13.~~

~~(b) Except as otherwise provided in subsection 3, the board of county commissioners of each county in which the improvement district is located]~~

(b) *The governing body determines, at a public hearing conducted at least 15 days after providing notice of the hearing by publication, that:”.*

Amend sec. 15, page 11, by deleting lines 17 through 33 and inserting:

“~~13.]~~ 4. Any determination or approval made pursuant to subsection ~~{2}~~ 3 is conclusive in the absence of fraud or gross abuse of discretion. ~~{If an improvement district is created by a municipality that is not a county and the board of county commissioners refuses to make the determinations required by paragraph (b) of subsection 2, the governing body of the municipality may request the Commission on Tourism to make those determinations. The Commission on Tourism shall make those determinations if a majority of the members of the Commission on Tourism agree that the refusal was unreasonable. If those determinations are made by the Commission on Tourism pursuant to this subsection, those determinations shall be deemed to be as conclusive as determinations made by the board of county~~

~~commissioners pursuant to paragraph (b) of subsection 2, and to satisfy the requirements of that paragraph.~~

4-] 5. As used in this section, “retailer” has the meaning ascribed to it in NRS 374.060.”

Amend sec. 17, page 13, by deleting lines 31 through 34 and inserting:

“(b) Approved by the governing body, Commission on Tourism and Governor in the manner required to satisfy the requirements of subsections 5, 6 and 7 of section 9 of this act,”.

Amend the title of the bill, fourth line, after “tourism;” by inserting: “revising certain prerequisites to the pledge of certain sales and use tax proceeds and state funding for certain projects within a local improvement district;”.

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

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

MOTIONS, RESOLUTIONS, AND NOTICES

Assembly Concurrent Resolution No. 17.

Assemblywoman Koivisto moved the adoption of the resolution.

Remarks by Assemblywoman Koivisto.

Resolution adopted, as amended, and ordered transmitted to the Senate.

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

Motion carried.

Assembly Concurrent Resolution No. 20.

Resolution read.

The following amendment was proposed by Assemblywoman McClain:

Amendment No. 1203.

Amend the resolution, pages 1 and 2, by deleting lines 15 through 18 on page 1 and lines 1 through 34 on page 2, and adding a new resolution to read as follows:

“RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the Nevada Silver Haired Legislative Forum shall conduct a study concerning issues relating to senior citizens in this State; and be it further

RESOLVED, That the study must include, without limitation:

1. An evaluation of state and local governmental services provided to senior citizens in this State and gaps in providing such state and local governmental services;

2. Consideration of issues relating to senior citizens in this State, including, without limitation:

(a) Health services, including, without limitation, medical, dental and vision services, with a focus on geriatric needs;

(b) Affordable housing, assisted living and long-term care facilities;

(c) The needs of patients suffering from Alzheimer's disease or dementia;

(d) Transportation;

(e) Communication systems;

(f) Independent living and personal assistance; and

(g) Any other issues relevant to the growing needs of senior citizens in this State; and

3. A review of the methods used by other state legislatures to provide ongoing legislative oversight of aging services; and be it further

RESOLVED, That the Nevada Silver Haired Legislative Forum shall solicit the assistance, advice and policy recommendations of senior advocacy groups in conducting the study; and be it further

RESOLVED, That the Nevada Silver Haired Legislative Forum shall recommend legislation to advance the policy recommendations of the senior advocacy groups and to address identified gaps in services provided to senior citizens in this State; and be it further

RESOLVED, That any recommended legislation proposed by the Nevada Silver Haired Legislative Forum must be approved by a majority of the members of the Nevada Silver Haired Legislative Forum; and be it further

RESOLVED, That the Nevada Silver Haired Legislative Forum shall submit a report of the results of the study and any recommendations for legislation to the Legislative Commission.”.

Amend the title of the resolution, by deleting the second and third lines and inserting: “Nevada Silver Haired Legislative Forum to conduct a study concerning issues relating to”.

Amend the summary of the resolution to read as follows:

“SUMMARY—Directs the Nevada Silver Haired Legislative Forum to conduct a study concerning issues relating to senior citizens in this State. (BDR R-491)”.

Assemblywoman McClain moved the adoption of the amendment.

Remarks by Assemblywoman McClain.

Amendment adopted.

Resolution ordered reprinted and re-engrossed.

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The first Conference Committee concerning Assembly Bill No. 64, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendment No. 872 of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA18, which is attached to and hereby made a part of this report.

MARCUS CONKLIN
CHRIS GIUNCHIGLIANI
JOHN C. CARPENTER

Assembly Conference Committee

BOB BEERS
BERNICE MATHEWS
WARREN B. HARDY

Senate Conference Committee

Conference Amendment No. CA18.

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

“Sec. 2. NRS 281.551 is hereby amended to read as follows:

281.551 1. In addition to any other penalty provided by law, the Commission may impose on a public officer or employee or former public officer or employee civil penalties:

- (a) Not to exceed \$5,000 for a first willful violation of this chapter;
- (b) Not to exceed \$10,000 for a separate act or event that constitutes a second willful violation of this chapter; and
- (c) Not to exceed \$25,000 for a separate act or event that constitutes a third willful violation of this chapter.

2. In addition to other penalties provided by law, the Commission may impose a civil penalty not to exceed \$5,000 and assess an amount equal to the amount of attorney’s fees and costs actually and reasonably incurred by the person about whom an opinion was requested pursuant to NRS 281.511, against a person who prevents, interferes with or attempts to prevent or interfere with the discovery or investigation of a violation of this chapter.

3. If the Commission finds that a violation of a provision of this chapter by a public officer or employee or former public officer or employee has resulted in the realization by another person of a financial benefit, the Commission may, in addition to other penalties provided by law, require the current or former public officer or employee to pay a civil penalty of not more than twice the amount so realized.

4. In addition to any other penalty provided by law, by an affirmative vote of two-thirds of the Commission, the Commission may impose on any person who violates any provision of NRS 294A.345 or 294A.346 a civil penalty not to exceed \$5,000. The Commission shall not impose a civil penalty for a violation of NRS 294A.345 unless the Commission has made the specific findings required pursuant to subsection 7 of NRS 281.477.

5. If the Commission finds that:

- (a) A willful violation of this chapter has been committed by a public officer removable from office by impeachment only, the Commission shall file a report with the appropriate person responsible for commencing impeachment proceedings as to its finding. The report must contain a statement of the facts alleged to constitute the violation.

(b) A willful violation of this chapter has been committed by a public officer removable from office pursuant to NRS 283.440, the Commission may file a proceeding in the appropriate court for removal of the officer.

(c) Three or more willful violations have been committed by a public officer removable from office pursuant to NRS 283.440, the Commission shall file a proceeding in the appropriate court for removal of the officer.

6. An action taken by a public officer or employee or former public officer or employee relating to NRS 281.481, 281.491, 281.501 or 281.505 is not a willful violation of a provision of those sections if the public officer or employee ~~is~~

~~(a) Relied~~ establishes by sufficient evidence that he satisfied all of the following requirements:

(a) He relied in good faith upon the advice of the legal counsel retained by the public body which the public officer represents or by the employer of the public employee or upon the manual published by the Commission pursuant to NRS 281.471;

(b) ~~Was~~ He was unable, through no fault of his own, to obtain an opinion from the Commission before the action was taken; and

(c) ~~Took~~ He took action that was not contrary to a prior published opinion issued by the Commission.

7. In addition to other penalties provided by law, a public employee who willfully violates a provision of NRS 281.481, 281.491, 281.501 or 281.505 is subject to disciplinary proceedings by his employer and must be referred for action in accordance to the applicable provisions governing his employment.

8. NRS 281.481 to 281.541, inclusive, do not abrogate or decrease the effect of the provisions of the Nevada Revised Statutes which define crimes or prescribe punishments with respect to the conduct of public officers or employees. If the Commission finds that a public officer or employee has committed a willful violation of this chapter which it believes may also constitute a criminal offense, the Commission shall refer the matter to the Attorney General or the district attorney, as appropriate, for a determination of whether a crime has been committed that warrants prosecution.

9. The imposition of a civil penalty pursuant to subsections 1 to 4, inclusive, is a final decision for the purposes of judicial review.

10. A finding by the Commission that a public officer or employee has violated any provision of this chapter must be supported by a preponderance of the evidence unless a greater burden is otherwise prescribed by law.”.

Amend sec. 4, page 3, by deleting lines 40 through 42 and inserting:

“Sec. 5. This act becomes effective upon passage and approval and the amendatory provisions of subsection 2 of section 3 of this act apply retroactively to January 1, 2004.”.

Amend the title of the bill, seventh line, after “State;” by inserting: “revising the provisions relating to the circumstances under which a public

officer or employee has not committed a willful violation of certain provisions of the Nevada Ethics in Government Law;”.

Assemblyman Conklin moved that the Assembly adopt the report of the first Conference Committee concerning Assembly Bill No. 64.

Remarks by Assemblyman Conklin.

Motion carried by a constitutional majority.

Mr. Speaker:

The first Conference Committee concerning Assembly Bill No. 52, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendments Nos. 1037 and 1082 of the Senate be receded from.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA19, which is attached to and hereby made a part of this report.

JOHN OCEGUERA
KELVIN ATKINSON
JOHN C. CARPENTER

Assembly Conference Committee

DENNIS NOLAN
MARK E. AMODEI
MICHAEL SCHNEIDER

Senate Conference Committee

Conference Amendment No. CA19.

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

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

Amend sec. 3, page 3, by deleting lines 15 through 28 and inserting:

“Sec. 3. 1. A person to whom a driver’s license is issued pursuant to section 2 of this act shall not, during the first 3 months after the date on which the driver’s license is issued, transport as a passenger a person who is under 18 years of age, unless the person is a member of his immediate family.

2. A person who violates the provisions of this section:

(a) For a first offense, must be ordered to comply with the provisions of this section for 6 months after the date on which the driver’s license is issued.

(b) For a second or subsequent offense, must be ordered to:

(1) Pay a fine in an amount not to exceed \$250;

(2) Comply with the provisions of this section for such additional time as determined by the court; or

(3) Both pay such a fine and comply with the provisions of this section for such additional time as determined by the court.

3. A violation of this section:

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

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

Amend sec. 4, pages 3 and 4, by deleting lines 29 through 43 on page 3 and lines 1 through 4 on page 4, and inserting:

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

2. A peace officer shall not issue a citation to a person for operating a motor vehicle in violation of section 3 of this act if the person provides satisfactory evidence that the person has held the driver’s license for the period required pursuant to section 3 of this act.”.

Amend the bill as a whole by adding the following committee as a primary joint sponsor: Senate Committee on Transportation and Homeland Security.

Assemblyman Ocegüera moved that the Assembly adopt the report of the first Conference Committee concerning Assembly Bill No. 52.

Remarks by Assemblyman Ocegüera.

Motion carried by a constitutional majority.

Mr. Speaker:

The first Conference Committee concerning Assembly Bill No. 505, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendment No. 1012 of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA30, which is attached to and hereby made a part of this report.

JOHN OCEGUERA
KELVIN ATKINSON
PETE GOICOECHEA

Assembly Conference Committee

DENNIS NOLAN
MAGGIE CARLTON

Senate Conference Committee

Conference Amendment No. CA30.

Amend sec. 33, page 27, by deleting lines 22 through 29 and inserting:

“3. The Commission may employ ~~such~~ :

(a) *Such* other clerks, experts , ~~for~~ engineers *or other persons* as may be necessary ~~to~~ ; and

(b) *Peace officers in any position it deems necessary for the regulation of transportation services which are under the jurisdiction of the Commission.*”.

Amend the bill as a whole by renumbering sec. 128 as sec. 129 and adding a new section designated sec. 128, following sec. 127, to read as follows:

“Sec. 128. NRS 706.88185 is hereby amended to read as follows:

706.88185 1. When the Taxicab Authority has reason to believe that any provision of NRS 706.881 to 706.885, inclusive, is being violated, the Taxicab Authority shall investigate the alleged violation. After a hearing the Taxicab Authority may issue an order requiring that the certificate holder *or a driver* cease and desist from any action that is in violation of NRS 706.881 to 706.885, inclusive.

2. The Taxicab Authority shall enforce an order issued pursuant to subsection 1 in accordance with the provisions of NRS 706.881 to 706.885, inclusive.”.

Amend the bill as a whole by renumbering sections 129 through 140 as sections 134 through 145 and adding new sections designated sections 130 through 133, following sec. 128, to read as follows:

“Sec. 130. NRS 706.8822 is hereby amended to read as follows:

706.8822 The Administrator shall conduct administrative hearings and make final decisions, subject to appeal by any aggrieved party to the Taxicab Authority, in the following matters:

1. Any violation relating to the issuance of or transfer of license plates for motor carriers required by either the Taxicab Authority or the Department of Motor Vehicles;
2. Complaints against certificate holders;
3. Complaints against taxicab drivers ~~{;}~~, *including, without limitation, a complaint alleging a violation of NRS 706.8846;*
4. Applications for, or suspension or revocation of, drivers’ permits which may be required by the Administrator; and
5. Imposition of monetary penalties.

Sec. 131. NRS 706.8841 is hereby amended to read as follows:

706.8841 1. The Administrator shall issue a driver’s permit to qualified persons who wish to be employed by certificate holders as taxicab drivers. Before issuing a driver’s permit, the Administrator shall:

(a) Require the applicant to submit a complete set of his fingerprints which the Administrator may forward to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation to ascertain whether the applicant has a criminal record and the nature of any such record, and shall further investigate the applicant’s background; and

(b) Require proof that the applicant:

- (1) Has been a resident of the State for 30 days before his application for a permit;
- (2) Can read and orally communicate in the English language; and
- (3) Has a valid license issued under NRS 483.325 which authorizes him to drive a taxicab in this State.

2. The Administrator may refuse to issue a driver’s permit if the applicant has been convicted of:

- (a) A felony relating to the practice of taxicab drivers in this State or any other jurisdiction at any time before the date of the application;
- (b) A felony involving any sexual offense in this State or any other jurisdiction at any time before the date of the application;
- (c) A violation of NRS 484.379 or 484.3795 or a law of any other jurisdiction that prohibits the same or similar conduct within 3 years before the date of the application; ~~{or}~~
- (d) A violation of section 10 of ~~{this act}~~ *chapter 63, Statutes of Nevada 2005*, or a law of any other jurisdiction that prohibits the same or similar conduct ~~{;}~~; *or*
- (e) *A third violation of a provision of NRS 706.8846.*

3. The Administrator may refuse to issue a driver's permit if the Administrator, after the background investigation of the applicant, determines that the applicant is morally unfit or if the issuance of the driver's permit would be detrimental to public health, welfare or safety.

4. A taxicab driver shall pay to the Administrator, in advance, \$40 for an original driver's permit and \$10 for a renewal.

Sec. 132. NRS 706.8848 is hereby amended to read as follows:

706.8848 1. If a driver violates any provision of NRS 706.8844 ~~to 706.8847, inclusive,~~, 706.8845 or 706.8847, the Administrator may impose the following sanctions:

(a) First offense: Warning notice or a fine of not more than \$100, or both warning and fine.

(b) Second offense: 1 to 3 days' suspension of a driver's permit or a fine of not more than \$200, or both suspension and fine.

(c) Third offense: 4 to 6 days' suspension of a driver's permit or a fine of not more than \$300, or both suspension and fine.

(d) Fourth offense: 10 days' suspension of a driver's permit or a fine of not more than \$500, or both suspension and fine.

(e) Fifth offense: Revocation of a driver's permit or a fine of not more than \$500, or both revocation and fine.

2. *If a driver violates any provision of NRS 706.8846, the Administrator may impose the following sanctions:*

(a) For a first offense, a warning notice or a fine of not more than \$100, or both warning and fine.

(b) For a second offense, a suspension of his driver's permit for not more than 3 days or a fine of not more than \$200, or both suspension and fine.

(c) For a third offense, revocation of his driver's permit or a fine of not more than \$500, or both revocation and fine.

3. Only violations occurring in the 12 months immediately preceding the most current violation shall be considered for the purposes of subsection 1 ~~1~~ or 2. The Administrator shall inspect the driver's record for that period to compute the number of offenses committed.

~~{3}~~ 4. The Administrator shall conduct a hearing prior to suspension or revocation of a driver's permit or imposing a fine under this section or NRS 706.8849.

Sec. 133. NRS 706.8849 is hereby amended to read as follows:

706.8849 1. A taxicab driver shall:

(a) Ensure that the fare indicator on the taximeter of his taxicab reads zero before the time that the taxicab is engaged.

(b) Ensure that the taximeter of his taxicab is engaged while the taxicab is on hire.

(c) Not make any charge for the transportation of a passenger other than the charge shown on the taximeter.

(d) *Not accept a tip, gift, gratuity, money, fee or any other valuable consideration of any kind from a person who has been issued a license by a*

board of county commissioners, a county liquor board, a county licensing board or the city council or other governing body of an incorporated city for the conveyance of a passenger to the location of the person who holds the license.

(e) Not alter, manipulate, tamper with or disconnect a sealed taximeter or its attachments nor make any change in the mechanical condition of the wheels, tires or gears of a taxicab with intent to cause false registration on the taximeter of the passenger fare.

~~{{(e)}}~~ (f) Not remove or alter fare schedules which have been posted in his taxicab by the certificate holder.

~~{{(f)}}~~ (g) Not permit any person or persons other than the person who has engaged the taxicab to ride therein unless the person who has engaged the taxicab requests that the other person or persons ride in the taxicab. If more than one person is loaded by the taxicab driver as set forth in this paragraph, the driver shall, when one of the persons leaves the taxicab, charge that person the fare on the meter and reset the taximeter.

~~{{(g)}}~~ (h) Not drive a taxicab or go on duty while under the influence of, or impaired by, any controlled substance, dangerous drug, or intoxicating liquor or drink intoxicating liquor while on duty.

~~{{(h)}}~~ (i) Not use or consume controlled substances or dangerous drugs which impair a person's ability to operate a motor vehicle at any time, or use or consume any other controlled substances or dangerous drugs at any time except in accordance with a lawfully issued prescription.

~~{{(i)}}~~ (j) Not operate a taxicab without a valid driver's permit issued pursuant to NRS 706.8841 and a valid driver's license issued pursuant to NRS 483.325 in his possession.

~~{{(j)}}~~ (k) Obey all provisions and restrictions of his employer's certificate of public convenience and necessity.

2. If a driver violates any provision of subsection 1, the Administrator may, after a hearing, impose the following sanctions:

(a) For a first offense, 1 to 5 days' suspension of a driver's permit or a fine of not more than \$100, or both suspension and fine.

(b) For a second offense, 6 to 20 days' suspension of a driver's permit or a fine of not more than \$300, or both suspension and fine.

(c) For a third offense, a fine of not more than \$500.

In addition to the other penalties set forth in this subsection, the Administrator may revoke a driver's permit for any violation of a provision of paragraph (g) of subsection 1.

3. Only violations occurring in the 12 months immediately preceding the most current violation may be considered for the purposes of subsection 2. The Administrator shall inspect the driver's record for that period to compute the number of offenses committed.

4. *The Administrator shall notify the appropriate board of county commissioners, county liquor board, county licensing board or city council or other governing body of an incorporated city which issued a license to a*

person from whom a driver accepted a tip, gift, gratuity, money, fee or any other valuable consideration of any kind in violation of paragraph (d) of subsection 1.”

Amend the title of the bill, seventh line, after “Nevada;” by inserting: “revising provisions governing regulation of certain taxicab drivers; providing penalties;”.

Amend the summary of the bill to read as follows:

“SUMMARY—Makes various changes concerning transportation. (BDR 43-973)”.

Assemblyman Ocegüera moved that the Assembly adopt the report of the first Conference Committee concerning Assembly Bill No. 505.

Remarks by Assemblyman Ocegüera.

Motion carried by a constitutional majority.

Mr. Speaker:

The first Conference Committee concerning Assembly Bill No. 337, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendment No. 735 of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA10, which is attached to and hereby made a part of this report.

PEGGY PIERCE
WILLIAM HORNE
VALERIE WEBER

Assembly Conference Committee

BARBARA CEGAVSKE
DINA TITUS
DENNIS NOLAN

Senate Conference Committee

Conference Amendment No. CA10.

Amend the bill as a whole by renumbering sections 4 through 11 as sections 5 through 12 and adding a new section designated sec. 4, following sec. 3, to read as follows:

“Sec. 4. NRS 449.037 is hereby amended to read as follows:

449.037 1. The Board shall adopt:

(a) Licensing standards for each class of medical facility or facility for the dependent covered by NRS 449.001 to 449.240, inclusive, and for programs of hospice care.

(b) Regulations governing the licensing of such facilities and programs.

(c) Regulations governing the procedure and standards for granting an extension of the time for which a natural person may provide certain care in his home without being considered a residential facility for groups pursuant to NRS 449.017. The regulations must require that such grants are effective only if made in writing.

(d) Regulations establishing a procedure for the indemnification by the Health Division, from the amount of any surety bond or other obligation filed or deposited by a facility for refractive laser surgery pursuant to NRS 449.068 or 449.069, of a patient of the facility who has sustained any damages as a result of the bankruptcy of or any breach of contract by the facility.

(e) Any other regulations as it deems necessary or convenient to carry out the provisions of NRS 449.001 to 449.240, inclusive.

2. The Board shall adopt separate regulations governing the licensing and operation of:

- (a) Facilities for the care of adults during the day; and
- (b) Residential facilities for groups, which provide care to persons with Alzheimer's disease.

3. The Board shall adopt separate regulations for:

- (a) The licensure of rural hospitals which take into consideration the unique problems of operating such a facility in a rural area.
- (b) The licensure of facilities for refractive laser surgery which take into consideration the unique factors of operating such a facility.
- (c) The licensure of mobile units which take into consideration the unique factors of operating a facility that is not in a fixed location.

4. The Board shall require that the practices and policies of each medical facility or facility for the dependent provide adequately for the protection of the health, safety and physical, moral and mental well-being of each person accommodated in the facility.

5. The Board shall establish minimum qualifications for administrators and employees of residential facilities for groups. In establishing the qualifications, the Board shall consider the related standards set by nationally recognized organizations which accredit such facilities.

6. The Board shall adopt separate regulations regarding the assistance which may be given pursuant to NRS 453.375 and 454.213 to an ultimate user of controlled substances or dangerous drugs by employees of residential facilities for groups. The regulations must require at least the following conditions before such assistance may be given:

(a) The ultimate user's physical and mental condition is stable and is following a predictable course.

(b) The amount of the medication prescribed is at a maintenance level and does not require a daily assessment.

(c) A written plan of care by a physician or registered nurse has been established that:

(1) Addresses possession and assistance in the administration of the medication; and

(2) Includes a plan, which has been prepared under the supervision of a registered nurse or licensed pharmacist, for emergency intervention if an adverse condition results.

(d) The prescribed medication is not administered by injection or intravenously.

(e) The employee has successfully completed training and examination approved by the Health Division regarding the authorized manner of assistance.

7. The Board shall adopt separate regulations governing the licensing and operation of residential facilities for groups which provide assisted living

services. The ~~regulations must prohibit a~~ Board shall not allow the licensing of a facility as a residential facility for groups which provide assisted living services and a residential facility for groups ~~from claiming~~ shall not claim that it provides “assisted living services” unless:

(a) Before authorizing a person to move into the facility, the facility makes a full written disclosure to the person regarding what services of personalized care will be available to the person and the amount that will be charged for those services throughout the resident’s stay at the facility.

(b) The residents of the facility reside in their own living units which:

(1) ~~Contain~~ Except as otherwise provided in subsection 8, contain toilet facilities ~~and a~~ ;

(2) Contain a sleeping area or bedroom; and

~~{{2}}~~ (3) Are shared with another occupant only upon consent of both occupants.

(c) The facility provides personalized care to the residents of the facility and the general approach to operating the facility incorporates these core principles:

(1) The facility is designed to create a residential environment that actively supports and promotes each resident’s quality of life and right to privacy;

(2) The facility is committed to offering high-quality supportive services that are developed by the facility in collaboration with the resident to meet the resident’s individual needs;

(3) The facility provides a variety of creative and innovative services that emphasize the particular needs of each individual resident and his personal choice of lifestyle;

(4) The operation of the facility and its interaction with its residents supports, to the maximum extent possible, each resident’s need for autonomy and the right to make decisions regarding his own life;

(5) The operation of the facility is designed to foster a social climate that allows the resident to develop and maintain personal relationships with fellow residents and with persons in the general community;

(6) The facility is designed to minimize and is operated in a manner which minimizes the need for its residents to move out of the facility as their respective physical and mental conditions change over time; and

(7) The facility is operated in such a manner as to foster a culture that provides a high-quality environment for the residents, their families, the staff, any volunteers and the community at large.

8. *The Health Division may grant an exception from the requirement of subparagraph (1) of paragraph (b) of subsection 7 to a facility licensed as a residential facility for groups on or before the effective date of this act and which is authorized to have 10 or fewer beds and was originally constructed as a single-family dwelling, if the Health Division finds that:*

(a) *Strict application of that requirement would result in economic hardship to the facility requesting the exception; and*

(b) *The exception, if granted, would not:*

(1) *Cause substantial detriment to the health or welfare of any resident of the facility;*

(2) *Result in more than two residents sharing a toilet facility; or*

(3) *Otherwise impair substantially the purpose of that requirement.*

9. The Board shall, if it determines necessary, adopt regulations and requirements to ensure that each residential facility for groups and its staff are prepared to respond to an emergency, including, without limitation:

(a) The adoption of plans to respond to a natural disaster and other types of emergency situations, including, without limitation, an emergency involving fire;

(b) The adoption of plans to provide for the evacuation of a residential facility for groups in an emergency, including, without limitation, plans to ensure that nonambulatory patients may be evacuated;

(c) Educating the residents of residential facilities for groups concerning the plans adopted pursuant to paragraphs (a) and (b); and

(d) Posting the plans or a summary of the plans adopted pursuant to paragraphs (a) and (b) in a conspicuous place in each residential facility for groups.

10. *As used in this section, "living unit" means an individual private accommodation designated for a resident within the facility."*

Amend the bill as a whole by renumbering sections 12 through 15 as sections 14 through 17 and adding a new section designated sec. 13, following sec. 11, to read as follows:

"Sec. 13. NRS 449.230 is hereby amended to read as follows:

449.230 1. Any authorized member or employee of the Health Division may enter and inspect any building or premises at any time to secure compliance with or prevent a violation of any provision of NRS 449.001 to 449.245, inclusive.

2. The State Fire Marshal or his designee shall, upon receiving a request from the Health Division or a written complaint concerning compliance with the plans and requirements to respond to an emergency adopted pursuant to subsection ~~{8}~~ 9 of NRS 449.037:

(a) Enter and inspect a residential facility for groups; and

(b) Make recommendations regarding the adoption of plans and requirements pursuant to subsection ~~{8}~~ 9 of NRS 449.037, to ensure the safety of the residents of the facility in an emergency.

3. The State Health Officer or his designee shall enter and inspect at least annually each building or the premises of a residential facility for groups to ensure compliance with standards for health and sanitation.

4. An authorized member or employee of the Health Division shall enter and inspect any building or premises operated by a residential facility for groups within 72 hours after the Health Division is notified that a residential facility for groups is operating without a license."

Amend the title of the bill, first line, after "welfare;" by inserting:

“revising certain provisions governing the licensure of residential facilities for groups which provide assisted living services;”.

Amend the summary of the bill to read as follows:

“SUMMARY—Enacts provisions governing residential care services for certain persons, including elderly persons and persons with disabilities. (BDR 40-375)”.

Assemblywoman Pierce moved that the Assembly adopt the report of the first Conference Committee concerning Assembly Bill No. 337.

Remarks by Assemblywoman Pierce.

Motion carried by a constitutional majority.

Mr. Speaker:

The first Conference Committee concerning Assembly Bill No. 143, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendment No. 846 of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA25, which is attached to and hereby made a part of this report.

MARCUS CONKLIN
JOHN C. CARPENTER
WILLIAM HORNE

Assembly Conference Committee

MARK E. AMODEI
TERRY CARE
MIKE MCGINNESS

Senate Conference Committee

Conference Amendment No. CA25.

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

“(a) *Negotiate in good faith with the owner of the property and attempt to reach an agreement regarding the amount of compensation to be paid for the property;*”.

Amend sec. 13, page 9, by deleting lines 42 through 44 and inserting:

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

Amend the bill as a whole by adding a new section designated sec. 13.5, following sec. 13, to read as follows:

“Sec. 13.5. Section 3 of Senate Bill No. 326 of this session is hereby amended to read as follows:

Sec. 3. ~~{Notwithstanding}~~

1. *Except as otherwise provided in subsection 2, notwithstanding any other provision of law, if the State of Nevada, any political subdivision of the State or other governmental entity that has acquired property pursuant to the provisions of this chapter:*

~~{1-}~~ (a) *Fails to use the property for the public purpose for which it was acquired; and*

~~{2-}~~ (b) *Seeks to convey the right, title or interest in all or part of that property to any person,*

within 15 years after the property is acquired, the person from whom the property was acquired or his successor in interest must be granted the right of first refusal to purchase the right, title or interest in the property sought to be conveyed for fair market value which shall be deemed to be an amount which

does not exceed the proportional amount paid by the State, political subdivision or other governmental entity for the acquisition of the property.

2. *This section does not apply to property that is:*

(a) *Acquired through the use of federal funds; or*

(b) *Purchased as an early or total acquisition at the request of the owner of the property.”.*

Amend the bill as a whole by deleting sec. 16 and adding a new section designated sec. 16, following sec. 15, to read as follows:

“Sec. 16. 1. This act becomes effective upon passage and approval.

2. Section 13.5 of this act expires by limitation on July 1, 2007.”.

Assemblyman Conklin moved that the Assembly adopt the report of the first Conference Committee concerning Assembly Bill No. 143.

Remarks by Assemblyman Conklin.

Motion carried by a constitutional majority.

Mr. Speaker:

The first Conference Committee concerning Assembly Bill No. 239, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendment No. 951 of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA27, which is attached to and hereby made a part of this report.

KELVIN ATKINSON

JOSEPH M. HOGAN

ROD SHERER

Assembly Conference Committee

JOE HECK

MICHAEL SCHNEIDER

DENNIS NOLAN

Senate Conference Committee

Conference Amendment No. CA27.

Amend sec. 2, page 2, by deleting lines 23 through 26 and inserting:

“3. *The Director shall prescribe:”.*

Amend sec. 4, page 3, by deleting lines 15 through 27 and inserting:

“3. *The Department may apply for and accept any gift, grant,”.*

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

“Sec. 9. NRS 484.287 is hereby amended to read as follows:

484.287 1. It is unlawful for any person to place, maintain or display upon or in view of any highway any unauthorized sign, signal, marking or device which purports to be or is an imitation of or resembles an official traffic-control device or railroad sign or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any such device, sign or signal, and except as otherwise provided in subsection 4, a person shall not place or maintain nor may any public authority permit upon any highway any sign, signal or marking bearing thereon any commercial advertising except on benches and shelters for passengers of public mass transportation for which a franchise has been granted pursuant to NRS 244.187 and 244.188, 268.081 and 268.083, 269.128 and 269.129, or section 15 of this act, or on monorail stations.

2. Every such prohibited sign, signal or marking is hereby declared to be a public nuisance, and the proper public authority may remove the same or cause it to be removed without notice.

3. This section does not prohibit the erection upon private property adjacent to highways of signs giving useful directional information and of a type that cannot be mistaken for official traffic-control devices.

4. A person may place and maintain commercial advertising in an airspace above a highway under the conditions specified pursuant to subsection 3 of NRS 405.110, and a public authority may permit commercial advertising that has been placed in an airspace above a highway under the conditions specified pursuant to subsection 3 of NRS 405.110.

5. If a franchisee receives revenues from commercial advertising authorized by subsection 1 and the franchisee is obligated to repay a bond issued by the State of Nevada, the franchisee shall use all revenue generated by the advertising authorized by subsection 1 to meet its obligations to the State of Nevada as set forth in the financing agreement and bond indenture, including, without limitation, the payment of operations and maintenance obligations, the funding of reserves and the payment of debt service. To the extent that any surplus revenue remains after the payment of all such obligations, the surplus revenue must be used solely to repay the bond until the bond is repaid.

6. As used in this section, "monorail station" means:

(a) A structure for the loading and unloading of passengers from a monorail for which a franchise has been granted pursuant to NRS 705.695 or an agreement has been entered into pursuant to NRS 705.695; and

(b) Any facilities or appurtenances within such a structure."

Amend the bill as a whole by renumbering sections 10 and 11 as sections 19 and 20 and adding new sections designated sections 11 through 18, following sec. 9, to read as follows:

"Sec. 11. NRS 244.187 is hereby amended to read as follows:

244.187 A board of county commissioners may, to provide adequate, economical and efficient services to the inhabitants of the county and to promote the general welfare of those inhabitants, displace or limit competition in any of the following areas:

1. Ambulance service.

2. Taxicabs and other public transportation, unless regulated in that county by an agency of the State.

3. Collection and disposal of garbage and other waste.

4. Operations at an airport, including but not limited to the leasing of motor vehicles and the licensing of concession stands, but excluding police protection and fire protection.

5. Water and sewage treatment, unless regulated in that county by an agency of the State.

6. Concessions on, over or under property owned or leased by the county.

7. Operation of landfills.

8. ~~{Construction}~~ *Except as otherwise provided in section 15 of this act, construction and maintenance of benches and shelters for passengers of public mass transportation.*

Sec. 12. NRS 268.081 is hereby amended to read as follows:

268.081 The governing body of an incorporated city may, to provide adequate, economical and efficient services to the inhabitants of the city and to promote the general welfare of those inhabitants, displace or limit competition in any of the following areas:

1. Ambulance service.
2. Taxicabs and other public transportation, unless regulated in that city by an agency of the State.
3. Collection and disposal of garbage and other waste.
4. Operations at an airport, including, but not limited to, the leasing of motor vehicles and the licensing of concession stands, but excluding police protection and fire protection.
5. Water and sewage treatment, unless regulated in that city by an agency of the State.
6. Concessions on, over or under property owned or leased by the city.
7. Operation of landfills.
8. Search and rescue.
9. Inspection required by any city ordinance otherwise authorized by law.

10. ~~{Construction}~~ *Except as otherwise provided in section 15 of this act, construction and maintenance of benches and shelters for passengers of public mass transportation.*

11. Any other service demanded by the inhabitants of the city which the city itself is otherwise authorized by law to provide.

Sec. 13. NRS 269.128 is hereby amended to read as follows:

269.128 A town board or board of county commissioners may, to provide adequate, economical and efficient services to the inhabitants of the town and to promote the general welfare of those inhabitants, displace or limit competition in any of the following areas:

1. Ambulance service.
2. Taxicabs and other public transportation, unless regulated in that town by an agency of the State.
3. Collection and disposal of garbage and other waste.
4. Operations at an airport, including, but not limited to, the leasing of motor vehicles and the licensing of concession stands, but excluding police protection and fire protection.
5. Water and sewage treatment, unless regulated in that town by an agency of the State.
6. Concessions on, over or under property owned or leased by the town.
7. Operation of landfills.

8. ~~[Construction]~~ *Except as otherwise provided in section 15 of this act, construction and maintenance of benches and shelters for passengers of public mass transportation.*

Sec. 14. Chapter 373 of NRS is hereby amended by adding thereto the provisions set forth as sections 15 and 16 of this act.

Sec. 15. *In a county whose population is 400,000 or more:*

1. *The commission shall provide for the construction and maintenance of benches and shelters for passengers of public mass transportation.*

2. *In carrying out its duties pursuant to subsection 1, the commission may displace or limit competition in the construction and maintenance of such benches and shelters. The commission may:*

(a) *Provide those services on an exclusive basis or adopt a regulatory scheme for controlling the provision of those services; or*

(b) *Grant an exclusive franchise to any person to provide those services.*

3. *The commission shall post on each bench, and within each shelter, a notice that provides a telephone number that a person may use to report damage to the bench or shelter.*

4. *No board of county commissioners, governing body of an incorporated city or town board may provide for the construction or maintenance of benches and shelters for passengers of public mass transportation.*

Sec. 16. 1. *In a county whose population is 400,000 or more, the commission shall establish an advisory committee to provide information and advice to the commission concerning the construction and maintenance of benches and shelters for passengers of public mass transportation in the county. The membership of the advisory committee must consist of:*

(a) *Two members of the general public from each city within the county who are appointed by the governing body of that city; and*

(b) *Six members of the general public appointed by the commission.*

2. *Each member of the advisory committee serves a term of 1 year. A member may be reappointed for additional terms of 1 year in the same manner as the original appointment.*

3. *A vacancy occurring in the membership of the advisory committee must be filled in the same manner as the original appointment.*

4. *The advisory committee shall meet at least six times annually.*

5. *At its first meeting and annually thereafter, the advisory committee shall elect a chairman and vice chairman from among its members.*

6. *Each member of the advisory committee serves without compensation and is not entitled to receive a per diem allowance or travel expenses.*

Sec. 17. NRS 405.030 is hereby amended to read as follows:

405.030 1. Except as otherwise provided in subsection 3 and except within the limits of any city or town through which the highway may run, and on benches and shelters for passengers of public mass transportation built pursuant to a franchise granted pursuant to NRS 244.187 and 244.188, 268.081 and 268.083, 269.128 and 269.129, or section 15 of this act, or on

monorail stations, it is unlawful for any person, firm or corporation to paste, paint, print or in any manner whatever place or attach to any building, fence, gate, bridge, rock, tree, board, structure or anything whatever, any written, printed, painted or other outdoor advertisement, bill, notice, sign, picture, card or poster:

(a) Within any right-of-way of any state highway or road which is owned or controlled by the Department of Transportation.

(b) Within 20 feet of the main-traveled way of any unimproved highway.

(c) On the property of another within view of any such highway, without the owner's written consent.

2. Nothing in this section prevents the posting or maintaining of any notices required by law to be posted or maintained, or the placing or maintaining of highway signs giving directions and distances for the information of the traveling public if the signs are approved by the Department of Transportation.

3. A tenant of a mobile home park may exhibit a political sign within a right-of-way of a state highway or road which is owned or controlled by the Department of Transportation if the tenant exhibits the sign within the boundary of his lot and in accordance with the requirements and limitations set forth in NRS 118B.145. As used in this subsection, the term "political sign" has the meaning ascribed to it in NRS 118B.145.

4. If a franchisee receives revenues from an advertisement, bill, notice, sign, picture, card or poster authorized by subsection 1 and the franchisee is obligated to repay a bond issued by the State of Nevada, the franchisee shall use all revenue generated by the advertisement, bill, notice, sign, picture, card or poster authorized by subsection 1 to meet its obligations to the State of Nevada as set forth in the financing agreement and bond indenture, including, without limitation, the payment of operations and maintenance obligations, the funding of reserves and the payment of debt service. To the extent that any surplus revenue remains after the payment of all such obligations, the surplus revenue must be used solely to repay the bond until the bond is repaid.

5. As used in this section, "monorail station" means:

(a) A structure for the loading and unloading of passengers from a monorail for which a franchise has been granted pursuant to NRS 705.695 or an agreement has been entered into pursuant to NRS 705.695; and

(b) Any facilities or appurtenances within such a structure.

Sec. 18. NRS 405.110 is hereby amended to read as follows:

405.110 1. Except on benches and shelters for passengers of public mass transportation for which a franchise has been granted pursuant to NRS 244.187 and 244.188, 268.081 and 268.083, 269.128 and 269.129, *or section 15 of this act*, or on monorail stations, no advertising signs, signboards, boards or other materials containing advertising matter may:

(a) Except as otherwise provided in subsection 3, be placed upon or over any state highway.

(b) Except as otherwise provided in subsections 3 and 4, be placed within the highway right-of-way.

(c) Except as otherwise provided in subsection 3, be placed upon any bridge or other structure thereon.

(d) Be so situated with respect to any public highway as to obstruct clear vision of an intersecting highway or highways or otherwise so situated as to constitute a hazard upon or prevent the safe use of the state highway.

2. With the permission of the Department of Transportation, counties, towns or cities of this State may place at such points as are designated by the Director of the Department of Transportation suitable signboards advertising the counties, towns or municipalities.

3. A person may place an advertising sign, signboard, board or other material containing advertising matter in any airspace above a highway if:

(a) The Department of Transportation has leased the airspace to the person pursuant to subsection 2 of NRS 408.507, the airspace is over an interstate highway and:

(1) The purpose of the sign, signboard, board or other material is to identify a commercial establishment that is entirely located within the airspace, services rendered, or goods produced or sold upon the commercial establishment or that the facility or property that is located within the airspace is for sale or lease; and

(2) The size, location and design of the sign, signboard, board or other material and the quantity of signs, signboards, boards or other materials have been approved by the Department of Transportation; or

(b) The person owns real property adjacent to an interstate highway and:

(1) The person has dedicated to a public authority a fee or perpetual easement interest in at least 1 acre of the property for the construction or maintenance, or both, of the highway over which he is placing the sign, signboard, board or other material and the person retained the air rights in the airspace above the property for which the person has dedicated the interest;

(2) The sign, signboard, board or other material is located in the airspace for which the person retained the air rights;

(3) The structure that supports the sign, signboard, board or other material is not located on the property for which the person dedicated the fee or easement interest to the public authority, and the public authority determines that the location of the structure does not create a traffic hazard; and

(4) The purpose of the sign, signboard, board or other material is to identify an establishment or activity that is located on the real property adjacent to the interstate highway, or services rendered or goods provided or sold on that property.

4. A tenant of a mobile home park may exhibit a political sign within a right-of-way of a state highway or road which is owned or controlled by the Department of Transportation if the tenant exhibits the sign within the boundary of his lot and in accordance with the requirements and limitations

set forth in NRS 118B.145. As used in this subsection, the term “political sign” has the meaning ascribed to it in NRS 118B.145.

5. If any such sign is placed in violation of this section, it is thereby declared a public nuisance and may be removed forthwith by the Department of Transportation or the public authority.

6. Any person placing any such sign in violation of the provisions of this section shall be punished by a fine of not more than \$250, and is also liable in damages for any injury or injuries incurred or for injury to or loss of property sustained by any person by reason of the violation.

7. If a franchisee receives revenues from an advertising sign, signboard, board or other material containing advertising matter authorized by subsection 1 and the franchisee is obligated to repay a bond issued by the State of Nevada, the franchisee shall use all revenue generated by the advertising sign, signboard, board or other material containing advertising matter authorized by subsection 1 to meet its obligations to the State of Nevada as set forth in the financing agreement and bond indenture, including, without limitation, the payment of operations and maintenance obligations, the funding of reserves and the payment of debt service. To the extent that any surplus revenue remains after the payment of all such obligations, the surplus revenue must be used solely to repay the bond until the bond is repaid.

8. As used in this section, “monorail station” means:

(a) A structure for the loading and unloading of passengers from a monorail for which a franchise has been granted pursuant to NRS 705.695 or an agreement has been entered into pursuant to NRS 705.695; and

(b) Any facilities or appurtenances within such a structure.”.

Amend the bill as a whole by deleting sec. 12 and adding new sections designated sections 21 through 23, following sec. 11, to read as follows:

“Sec. 21. On July 1, 2005, any contract for the construction and maintenance of benches and shelters for passengers of public mass transportation, or for an exclusive franchise to provide such services, entered into by a local government in a county whose population is 400,000 or more shall be deemed to be a contract with the regional transportation commission for that county. All rights and obligations of the local government on that date under such a contract become the rights and obligations of the regional transportation commission.

Sec. 22. 1. The regional transportation commission for a county whose population is 400,000 or more shall, in accordance with section 15 of this act, provide for the construction of at least a total of 20 benches or shelters, or any combination thereof, for passengers of public mass transportation during each fiscal year of the 2005-2007 biennium.

2. In providing for the construction of benches and shelters pursuant to subsection 1, the regional transportation commission shall, to the extent practicable, give priority to the construction of benches and shelters along

fixed bus routes where the period of waiting between buses is 45 minutes or more.

3. On or before January 1, 2007, the regional transportation commission shall:

(a) Prepare a report that:

(1) Identifies the locations of the benches and shelters for passengers of public mass transportation that were constructed pursuant to subsection 1 during the 2005-2007 biennium;

(2) Describe the activities and plans of the regional transportation commission relating to future construction of benches and shelters for passengers of public mass transportation;

(3) Describe the activities and plans of the regional transportation commission relating to the maintenance of the benches and shelters, including, without limitation, any renegotiation of existing contracts for the construction and maintenance of benches and shelters for passengers of public mass transportation; and

(4) Describe the activities of any advisory committees created by the regional transportation commission, and of the advisory committee established pursuant to section 16 of this act, relating to the construction and maintenance of benches and shelters for passengers of public mass transportation.

(b) Submit the report prepared pursuant to paragraph (a) to the Director of the Legislative Counsel Bureau for transmittal to the 74th Session of the Legislature.

Sec. 23. 1. This section and sections 9, 11 to 18, inclusive, 21 and 22 of this act become effective on July 1, 2005.

2. Sections 1, 2, 3, 5, 10, 19 and 20 of this act become effective on October 1, 2005.

3. Sections 4, 6, 7 and 8 of this act become effective on July 1, 2006.”.

Amend the title of the bill to read as follows:

“AN ACT relating to transportation; providing under certain circumstances for the examination of a holder of a driver’s license; authorizing the Department of Motor Vehicles to establish a program to imprint certain indicators of a medical condition on a driver’s license or identification card; requiring the Department to send a notice of suspension of registration to certain owners of motor vehicles; transferring the authority to provide for benches and shelters for passengers of public mass transportation from local governments to the regional transportation commission in certain larger counties; requiring the regional transportation commission to establish an advisory committee to provide information and advice to the regional transportation commission concerning the construction and maintenance of those benches and shelters; revising certain provisions relating to the licensure of authorized inspection stations; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Revises certain provisions relating to transportation. (BDR 43-566)”.

Assemblyman Atkinson moved that the Assembly adopt the report of the first Conference Committee concerning Assembly Bill No. 239.

Remarks by Assemblyman Atkinson.

Motion carried by a constitutional majority.

Mr. Speaker:

The first Conference Committee concerning Senate Bill No. 296, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendments Nos. 942 and 1042 of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA29, which is attached to and hereby made a part of this report.

BONNIE PARNELL
SUSAN GERHARDT
JOE HARDY

Assembly Conference Committee

SANDRA J. TIFFANY
STEVEN HORSFORD
MAURICE E. WASHINGTON

Senate Conference Committee

Conference Amendment No. CA29.

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

“Section 1. Chapter 432 of NRS is hereby amended by adding thereto a new section to read as follows:

As used in this section and NRS 432.100 to 432.130, inclusive, “Central Registry” means the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established by NRS 432.100.

Sec. 2. NRS 432.100 is hereby amended to read as follows:

432.100 1. There is hereby established a Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child. This Central Registry must be maintained by ~~and in the Central Office of~~ the Division.

2. The Central Registry must contain:

(a) The information in any *substantiated* report of child abuse or neglect made pursuant to NRS 432B.220 ; ~~[-, and the results, if any, of the investigation of the report;]~~

(b) Statistical information on the protective services provided in this State; and

(c) Any other information which the Division determines to be in furtherance of NRS 432.100 to 432.130, inclusive, *and section 1 of this act*, and 432B.010 to 432B.400, inclusive.

3. The Division may ~~designate a county hospital in each county whose population is 100,000 or more as a regional registry for the collection of information concerning the abuse or neglect of a child.~~ *release information contained in the Central Registry to an employer:*

(a) *If the person who is the subject of a background investigation by the employer provides written authorization for the release of the information; and*

(b) *Either:*

(1) *The employer is required by law to conduct the background investigation of the person for employment purposes; or*

(2) *The person who is the subject of the background investigation could, in the course of his employment, have regular and substantial contact with children or regular and substantial contact with elderly persons who require assistance or care from other persons,*

but only to the extent necessary to inform the employer whether the person who is the subject of the background investigation has been found to have abused or neglected a child.

4. *Except as otherwise provided in this section or by specific statute, information in the Central Registry may be accessed only by an employee of the Division and by an agency which provides child welfare services.*

Sec. 3. NRS 432.110 is hereby amended to read as follows:

432.110 ~~{The}~~

1. *Except as otherwise provided in subsection 2, the Division shall maintain a record of ~~{the}~~ :*

(a) *The names and identifying data, dates and circumstances of any persons requesting or receiving information from the ~~{central or regional registries and any}~~ Central Registry; and*

(b) *Any other information which might be helpful in furthering the purposes of NRS 432.100 to 432.130, inclusive, and section 1 of this act, and 432B.010 to 432B.400, inclusive.*

2. *The Division is not required to maintain a record of information concerning requests for information from or the receipt of information by employees of an agency which provides child welfare services.*

Sec. 4. NRS 432.120 is hereby amended to read as follows:

432.120 1. ~~Information contained in the {central or regional registries or obtained for these registries} Central Registry must not be released unless the right of the applicant to the information is confirmed {and} , the information concerning the report of abuse or neglect of the child has been reported pursuant to NRS 432B.310, the released information discloses {the nature of} the disposition of the case {or its current status.}~~

~~2. Unless an investigation of a report, conducted pursuant to NRS 432.100 to 432.130, inclusive, and 432B.010 to 432B.400, inclusive, reveals some credible evidence of alleged abuse or neglect of a child, all information identifying the subject of a report must be expunged from the central and regional registries at the conclusion of the investigation or within 60 days after the report is filed, whichever occurs first. In all other cases, the record of the substantiated reports} and, if the information is being provided pursuant to subsection 3 of NRS 432.100, the person who is the subject of the~~

background investigation provides written authorization for the release of the information.

2. *The information contained in the ~~{central or regional registries}~~ Central Registry concerning cases in which a report of abuse or neglect of a child has been substantiated by an agency which provides child welfare services must be ~~{sealed or}~~ deleted from the Central Registry not later than 10 years after the child who is the subject of the report reaches the age of 18 ~~{-}~~ years.*

3. The Division shall adopt regulations to carry out the provisions of this section.

Sec. 5. NRS 432.130 is hereby amended to read as follows:

432.130 Any person who willfully releases data or information contained in the ~~{central or regional registries}~~ Central Registry to unauthorized persons in violation of NRS 432.120 or 432B.290 is guilty of a misdemeanor.”.

Amend sec. 5, page 7, line 10, by deleting “expunge” and inserting “~~{expunge}~~ delete”.

Amend the bill as a whole by renumbering sections 6 and 7 as sections 13 and 14 and adding new sections designated sections 11 and 12, following sec. 5, to read as follows:

“Sec. 11. NRS 432B.290 is hereby amended to read as follows:

432B.290 1. Except as otherwise provided in subsections 2, 5 and 6 and NRS 432B.513, data or information concerning reports and investigations thereof made pursuant to this chapter may be made available only to:

(a) A physician, if the physician has before him a child who he has reasonable cause to believe has been abused or neglected;

(b) A person authorized to place a child in protective custody, if the person has before him a child who he has reasonable cause to believe has been abused or neglected and the person requires the information to determine whether to place the child in protective custody;

(c) An agency, including, without limitation, an agency in another jurisdiction, responsible for or authorized to undertake the care, treatment or supervision of:

(1) The child; or

(2) The person responsible for the welfare of the child;

(d) A district attorney or other law enforcement officer who requires the information in connection with an investigation or prosecution of the abuse or neglect of a child;

(e) A court, for in camera inspection only, unless the court determines that public disclosure of the information is necessary for the determination of an issue before it;

(f) A person engaged in bona fide research or an audit, but information identifying the subjects of a report must not be made available to him;

(g) The attorney and the guardian ad litem of the child;

(h) A grand jury upon its determination that access to these records is necessary in the conduct of its official business;

(i) A federal, state or local governmental entity, or an agency of such an entity, that needs access to the information to carry out its legal responsibilities to protect children from abuse and neglect;

(j) A person or an organization that has entered into a written agreement with an agency which provides child welfare services to provide assessments or services and that has been trained to make such assessments or provide such services;

(k) A team organized pursuant to NRS 432B.350 for the protection of a child;

(l) A team organized pursuant to NRS 432B.405 to review the death of a child;

(m) A parent or legal guardian of the child and an attorney of a parent or guardian of the child, if the identity of the person responsible for reporting the alleged abuse or neglect of the child to a public agency is kept confidential;

(n) The persons who are the subject of a report;

(o) An agency that is authorized by law to license foster homes or facilities for children or to investigate persons applying for approval to adopt a child, if the agency has before it an application for that license or is investigating an applicant to adopt a child;

(p) Upon written consent of the parent, any officer of this State or a city or county thereof or Legislator authorized, by the agency or department having jurisdiction or by the Legislature, acting within its jurisdiction, to investigate the activities or programs of an agency which provides child welfare services if:

(1) The identity of the person making the report is kept confidential; and

(2) The officer, Legislator or a member of his family is not the person alleged to have committed the abuse or neglect;

(q) The Division of Parole and Probation of the Department of Public Safety for use pursuant to NRS 176.135 in making a presentence investigation and report to the district court or pursuant to NRS 176.151 in making a general investigation and report;

(r) Any person who is required pursuant to NRS 432B.220 to make a report to an agency which provides child welfare services or to a law enforcement agency;

(s) The Rural Advisory Board to Expedite Proceedings for the Placement of Children created pursuant to NRS 432B.602 or a local advisory board to expedite proceedings for the placement of children created pursuant to NRS 432B.604; ~~for~~

(t) The panel established pursuant to NRS 432B.396 to evaluate agencies which provide child welfare services ~~to~~; or

(u) An employer in accordance with subsection 3 of NRS 432.100.

2. Except as otherwise provided in subsection 3, data or information concerning reports and investigations thereof made pursuant to this chapter may be made available to any member of the general public if the child who is the subject of a report dies or is critically injured as a result of alleged abuse or neglect, except that the data or information which may be disclosed is limited to:

(a) The fact that a report of abuse or neglect has been made and, if appropriate, a factual description of the contents of the report;

(b) Whether an investigation has been initiated pursuant to NRS 432B.260, and the result of a completed investigation; and

(c) Such other information as is authorized for disclosure by a court pursuant to subsection 4.

3. An agency which provides child welfare services shall not disclose data or information pursuant to subsection 2 if the agency determines that the disclosure is not in the best interests of the child or if disclosure of the information would adversely affect any pending investigation concerning a report.

4. Upon petition, a court of competent jurisdiction may authorize the disclosure of additional information to the public pursuant to subsection 2 if good cause is shown by the petitioner for the disclosure of the additional information.

5. An agency investigating a report of the abuse or neglect of a child shall, upon request, provide to a person named in the report as allegedly causing the abuse or neglect of the child:

(a) A copy of:

(1) Any statement made in writing to an investigator for the agency by the person named in the report as allegedly causing the abuse or neglect of the child; or

(2) Any recording made by the agency of any statement made orally to an investigator for the agency by the person named in the report as allegedly causing the abuse or neglect of the child; or

(b) A written summary of the allegations made against the person who is named in the report as allegedly causing the abuse or neglect of the child. The summary must not identify the person responsible for reporting the alleged abuse or neglect.

6. An agency which provides child welfare services shall disclose the identity of a person who makes a report or otherwise initiates an investigation pursuant to this chapter if a court, after reviewing the record in camera and determining that there is reason to believe that the person knowingly made a false report, orders the disclosure.

7. Any person, except for:

(a) The subject of a report;

(b) A district attorney or other law enforcement officer initiating legal proceedings; or

(c) An employee of the Division of Parole and Probation of the Department of Public Safety making a presentence investigation and report to the district court pursuant to NRS 176.135 or making a general investigation and report pursuant to NRS 176.151,

who is given access, pursuant to subsection 1 or 2, to information identifying the subjects of a report and who makes this information public is guilty of a misdemeanor.

8. The Division of Child and Family Services shall adopt regulations to carry out the provisions of this section.

Sec. 12. NRS 432B.310 is hereby amended to read as follows:

432B.310 1. Except as otherwise provided in subsection 5 of NRS 432B.260, the agency investigating a report of abuse or neglect of a child shall, upon completing the investigation, report to the Central Registry:

~~{1-}~~ (a) Identifying and demographic information on the child alleged to be abused or neglected, his parents, any other person responsible for his welfare and the person allegedly responsible for the abuse or neglect;

~~{2-}~~ (b) The facts of the alleged abuse or neglect, including the date and type of alleged abuse or neglect, the manner in which the abuse was inflicted and the severity of the injuries; and

~~{3-}~~ (c) The disposition of the case.

2. *An agency which provides child welfare services shall not report to the Central Registry any information concerning a child identified as being affected by prenatal illegal substance abuse or as having withdrawal symptoms resulting from prenatal drug exposure unless the agency determines that a person has abused or neglected the child.*

3. *As used in this section, "Central Registry" has the meaning ascribed to it in section 1 of this act."*

Amend the bill as a whole by adding a new section designated sec. 15, following sec. 7, to read as follows:

"Sec. 15. As soon as practicable after October 1, 2005, each county hospital that was designated as a regional registry for the collection of information concerning the abuse or neglect of a child pursuant to NRS 432.100 shall transfer any information that the county hospital collected for that purpose to the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established by NRS 432.100."

Amend the title of the bill, first line, after "children;" by inserting: "revising the provisions governing the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child; authorizing an employer to obtain under certain circumstances certain information concerning whether a person has been found to have abused or neglected a child;"

Amend the summary of the bill to read as follows:

"SUMMARY—Revises provisions governing abuse or neglect of children. (BDR 38-372)".

Assemblywoman Parnell moved that the Assembly adopt the report of the first Conference Committee concerning Senate Bill No. 296.

Remarks by Assemblywoman Parnell.

Motion carried by a constitutional majority.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 411.

The following Senate amendment was read:

Amendment No. 1173.

Amend the bill as a whole by deleting sections 1 through 8 and adding new sections designated sections 1 and 2, following the enacting clause, to read as follows:

“Section 1. 1. The Nevada Association of School Boards shall study the feasibility and necessity of the use of safety restraints by pupils on school buses. The study must include, without limitation:

(a) A determination whether safety restraints are necessary to enhance the safety of pupils on school buses;

(b) A plan for the installation of appropriate safety restraints in school buses and the implementation of requirements for pupils to wear the safety restraints, including, without limitation, a time frame for carrying out the plan;

(c) The costs of implementing the plan described in paragraph (b);

(d) The manner by which the school districts in this State may enforce the use of safety restraints by pupils; and

(e) Recommendations for appropriate disciplinary action for pupils who refuse to wear the safety restraints or who use the safety restraints in an unsafe manner.

2. On or before February 1, 2007, the Nevada Association of School Boards shall submit a written report of the results of the study conducted pursuant to subsection 1, including, without limitation, any recommendations for legislation to the Director of the Legislative Counsel Bureau for transmission to the 74th Session of the Nevada Legislature.

Sec. 2. This act becomes effective on July 1, 2005.”.

Amend the title of the bill to read as follows:

“AN ACT relating to the transportation of pupils; requiring the Nevada Association of School Boards to study the feasibility and necessity of safety restraints for use by pupils on school buses; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Requires Nevada Association of School Boards to study feasibility and necessity of safety restraints on school buses. (BDR 34-260)”.

Assemblyman Arberry moved that the Assembly concur in the Senate amendment to Assembly Bill No. 411.

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 Senate Bill No. 338, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendment No. 815 of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA23, which is attached to and hereby made a part of this report.

BARBARA BUCKLEY

JOHN C. CARPENTER

BERNIE ANDERSON

Assembly Conference Committee

MARK E. AMODEI

MAURICE E. WASHINGTON

TERRY CARE

Senate Conference Committee

Conference Amendment No. CA23.

Amend the bill as a whole by deleting sec. 57 and adding a new section designated sec. 57, following sec. 56, to read as follows:

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

1. *If a local government sells, leases, transfers or conveys land to, or exchanges land with, a domestic or foreign limited-liability company, the local government shall require the domestic or foreign limited-liability company to submit a disclosure to the local government setting forth the name of any person who holds an ownership interest of 1 percent or more in the domestic or foreign limited-liability company. The disclosure must be made available for public inspection upon request.*

2. *As used in this section:*

(a) *“Land” includes all lands, including improvements and fixtures thereon, lands under water, all easements and hereditaments, corporeal or incorporeal, and every estate, interest and right, legal or equitable, in lands or water, and all rights, interests, privileges, easements, encumbrances and franchises relating to the same, including terms for years and liens by way of judgment, mortgage or otherwise.*

(b) *“Local government” means any political subdivision of this State, including, without limitation, any county, city, town, board, airport authority, regional transportation commission, fire protection district, irrigation district, school district or other special district that performs a governmental function.”.*

Amend the bill as a whole by deleting sections 58 through 60 and adding:

“Secs. 58–60. (Deleted by amendment.)”.

Amend the bill as a whole by deleting sec. 61 and adding a new section designated sec. 61, following sec. 60, to read as follows:

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

1. *If the State Land Registrar sells, leases, transfers or conveys land to, or exchanges land with, a domestic or foreign limited-liability company, the State Land Registrar shall require the domestic or foreign limited-liability company to submit a disclosure to the State Land Registrar setting forth the name of any person who holds an ownership interest of 1 percent or more in the domestic or foreign limited-liability company. The disclosure must be made available for public inspection upon request.*

2. *As used in this section, "land" includes all lands, including improvements and fixtures thereon, lands under water, all easements and hereditaments, corporeal or incorporeal, and every estate, interest and right, legal or equitable, in lands or water, and all rights, interests, privileges, easements, encumbrances and franchises relating to the same, including terms for years and liens by way of judgment, mortgage or otherwise."*

Amend the bill as a whole by deleting sections 62 through 64 and adding:

"Secs. 62–64. (Deleted by amendment.)".

Amend the bill as a whole by deleting sec. 65 and adding a new section designated sec. 65, following sec. 64, to read as follows:

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

1. *If the System sells, leases, transfers or conveys land to, or exchanges land with, a domestic or foreign limited-liability company, the Board of Regents shall require the domestic or foreign limited-liability company to submit a disclosure to the Board of Regents setting forth the name of any person who holds an ownership interest of 1 percent or more in the domestic or foreign limited-liability company. The disclosure must be made available for public inspection upon request.*

2. *As used in this section, "land" includes all lands, including improvements and fixtures thereon, lands under water, all easements and hereditaments, corporeal or incorporeal, and every estate, interest and right, legal or equitable, in lands or water, and all rights, interests, privileges, easements, encumbrances and franchises relating to the same, including terms for years and liens by way of judgment, mortgage or otherwise."*

Amend the bill as a whole by deleting sec. 67 and adding a new section designated sec. 67, following sec. 66, to read as follows:

"Sec. 67. NRS 602.017 is hereby amended to read as follows:

602.017 1. No person may adopt any fictitious name which includes "Corporation," "Corp.," "Incorporated," or "Inc." in its title, unless that person is a corporation organized or qualified to do business pursuant to the laws of this State.

2. *No person may adopt any fictitious name which includes "Limited-Liability Company," "Limited Liability Company," "Limited Company," or the abbreviations "L.L.C.," "L.C.," "LLC" or "LC" in its title, unless that person is a limited-liability company organized or registered to do business pursuant to the laws of this State.*

3. No person may adopt any fictitious name which includes “Business Trust” or the abbreviation “B.T.” or “BT” in its title unless that person is a business trust organized or registered to do business pursuant to the laws of this State.

4. No person may adopt any fictitious name which includes “Professional Corporation” or the abbreviation “Prof. Corp.,” “P.C.” or “PC,” the word “Chartered” or the abbreviation “Chtd.,” in its title unless that person is a professional corporation organized to do business pursuant to the laws of this State.

5. No person may adopt any fictitious name which includes “Professional Association,” “Professional Organization” or the abbreviations “Prof. Ass’n” or “Prof. Org.” in its title unless that person is a professional association organized to do business pursuant to the laws of this State.

6. No person may adopt any fictitious name which includes “Limited” or the abbreviation “Ltd.,” in its title unless the person is a corporation, limited-liability company, registered limited-liability partnership, limited partnership or professional corporation organized, qualified or registered to do business pursuant to the laws of this State.

7. No natural person may adopt any fictitious name which appears to be the name of a natural person unless the name includes an additional word or words which indicate that the fictitious name is not the name of a natural person.

8. No county clerk may accept for filing a certificate which violates any provision of this chapter.”

Amend the title of the bill by deleting the seventeenth through nineteenth lines and inserting: “requiring a domestic or foreign limited-liability company to disclose the names of certain owners of the domestic or foreign limited-liability company to the State, a local government or the Board of Regents of the University of Nevada under certain circumstances;”.

Assemblywoman Buckley moved that the Assembly adopt the report of the first Conference Committee concerning Senate Bill No. 338.

Remarks by Assemblywoman Buckley.

Motion carried by a constitutional majority.

Assemblywoman Buckley moved that the Assembly recess until 7:00 p.m.

Motion carried.

Assembly in recess at 4:38 p.m.

ASSEMBLY IN SESSION

At 7:45 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 567, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was referred Assembly Bill No. 572, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was rereferred Senate Bill No. 282, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which were referred Senate Bills Nos. 357, 400, 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. 341, 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. 176, 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 5, 2005

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 28.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 274, Amendment No. 1183, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 525.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly Amendment No. 1175 to Senate Bill No. 149.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Townsend, Titus and Rhoads as a first Conference Committee concerning Senate Bill No. 17.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Cegavske, Beers and Mathews as a first Conference Committee concerning Senate Bill No. 98.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Cegavske, Nolan and Washington as a first Conference Committee concerning Senate Bill No. 221.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Washington, Cegavske and Mathews as a first Conference Committee concerning Senate Bill No. 460.

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 Senate Bills Nos. 29, 68, 198, 296, 302, 325, 335, 338, 367, 434, 453; Assembly Bills Nos. 52, 63, 64, 87, 143, 239, 337, 380, 505, 550.

MARY JO MONGELLI

Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assembly Concurrent Resolution No. 20.

Assemblywoman McClain moved the adoption of the resolution.

Remarks by Assemblywoman McClain.

Resolution adopted, as amended.

Assemblyman Ocegüera moved that Assembly Bills Nos. 176, 567, and 572 be taken from their position on the General File and placed at the top of the General File.

Motion carried.

Assemblyman Ocegüera moved that Senate Concurrent Resolution No. 42 be taken from the Chief Clerk's desk and placed on the Resolution File.

Motion carried.

Assemblyman Ocegüera moved to rescind the action whereby Amendment No. 1195 to Senate Concurrent Resolution No. 42 was adopted.

Remarks by Assemblyman Ocegüera.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 176.

Bill read third time.

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

Amendment No. 1212.

Amend section 1, page 3, line 20, by deleting "(i)" and inserting "(j)".

Amend sec. 2, pages 3 through 7, by deleting lines 25 through 43 on page 3, lines 1 through 45 on page 4, lines 1 through 45 on page 5, lines 1 through 45 on page 6 and lines 1 through 6 on page 7, and inserting:

"Sec. 2. NRS 439.630 is hereby amended to read as follows:

439.630 1. The Task Force for the Fund for a Healthy Nevada shall:

(a) Conduct public hearings to accept public testimony from a wide variety of sources and perspectives regarding existing or proposed programs that:

(1) Promote public health;

(2) Improve health services for children, senior citizens and persons with disabilities;

(3) Reduce or prevent the use of tobacco;

(4) Reduce or prevent the abuse of and addiction to alcohol and drugs; and

(5) Offer other general or specific information on health care in this State.

(b) Establish a process to evaluate the health and health needs of the residents of this State and a system to rank the health problems of the

residents of this State, including, without limitation, the specific health problems that are endemic to urban and rural communities.

(c) Reserve not more than 30 percent of all revenues deposited in the Fund for a Healthy Nevada each year for direct expenditure by the Department to pay for prescription drugs and pharmaceutical services for senior citizens pursuant to NRS 439.635 to 439.690, inclusive, and to fund in whole or in part any program established pursuant to NRS 422.274 or 422.2745. From the money reserved to the Department pursuant to this paragraph, the Department may subsidize all of the cost of policies of health insurance that provide coverage to senior citizens for prescription drugs and pharmaceutical services pursuant to NRS 439.635 to 439.690, inclusive, and fund in whole or in part any program established pursuant to NRS 422.274 or 422.2745. The Department shall consider recommendations from the Task Force for the Fund for a Healthy Nevada in carrying out the provisions of NRS 439.635 to 439.690, inclusive, and administering any program established pursuant to NRS 422.274 or 422.2745. The Department shall submit a quarterly report to the Governor, the Task Force for the Fund for a Healthy Nevada and the Interim Finance Committee regarding the general manner in which expenditures have been made pursuant to this paragraph and the status of the program.

(d) Reserve not more than 30 percent minus ~~(\$200,000)~~ \$350,000 of all revenues deposited in the Fund for a Healthy Nevada each year for allocation by the Aging Services Division of the Department in the form of grants for existing or new programs that assist senior citizens with independent living, including, without limitation, programs that provide:

- (1) Respite care or relief of family caretakers;
- (2) Transportation to new or existing services to assist senior citizens in living independently; and
- (3) Care in the home which allows senior citizens to remain at home instead of in institutional care.

The Aging Services Division of the Department shall consider recommendations from the Task Force for the Fund for a Healthy Nevada concerning the independent living needs of senior citizens.

(e) Reserve not more than \$200,000 of all revenues deposited in the Fund for a Healthy Nevada each year for allocation by the Director to:

- (1) Provide guaranteed funding to finance assisted living facilities that satisfy the criteria for certification set forth in section 3 of Assembly Bill No. 248 of this Session; and
- (2) Fund assisted living facilities that satisfy the criteria for certification set forth in section 3 of Assembly Bill No. 248 of this Session and assisted living supportive services that are provided pursuant to the provisions of the home and community-based services waiver which are amended pursuant to section 4 of Assembly Bill No. 248 of this Session.

The Director shall develop policies and procedures for allocating money which is reserved pursuant to this paragraph.

(f) *Reserve \$150,000 of all revenues deposited in the Fund for a Healthy Nevada each year if available for allocation by the Aging Services Division of the Department in the form of contracts or grants for existing or new programs that provide dental benefits to persons who are domiciled in this State and are 62 years of age or older:*

(1) *Who satisfy the residency requirement set forth in subsection 2 of NRS 439.665;*

(2) *Whose incomes are not over the amounts set forth in subsection 2 of NRS 439.665, as adjusted pursuant to the provisions of that section.*

(g) Allocate, by contract or grant, for expenditure not more than 20 percent of all revenues deposited in the Fund for a Healthy Nevada each year for programs that prevent, reduce or treat the use of tobacco and the consequences of the use of tobacco.

~~{{(g)}}~~ (h) Allocate, by contract or grant, for expenditure not more than 10 percent of all revenues deposited in the Fund for a Healthy Nevada each year for programs that improve health services for children.

~~{{(h)}}~~ (i) Allocate, by contract or grant, for expenditure not more than 7.5 percent of all revenues deposited in the Fund for a Healthy Nevada each year for programs that improve the health and well-being of persons with disabilities. In making allocations pursuant to this paragraph, the Task Force shall, to the extent practicable, allocate the money evenly among the following three types of programs:

(1) Programs that provide respite for persons caring for persons with disabilities;

(2) Programs that provide positive behavioral supports to persons with disabilities; and

(3) Programs that assist persons with disabilities to live safely and independently in their communities outside of an institutional setting.

~~{{(i)}}~~ (j) Reserve not more than 2.5 percent of all revenues deposited in the Fund for a Healthy Nevada each year for direct expenditure by the Department to fund in whole or in part any program established pursuant to NRS 422.2745. The Department shall consider recommendations from the Task Force for the Fund for a Healthy Nevada in administering any program established pursuant to NRS 422.2745.

~~{{(j)}}~~ (k) Maximize expenditures through local, federal and private matching contributions.

~~{{(k)}}~~ (l) Ensure that any money expended from the Fund for a Healthy Nevada will not be used to supplant existing methods of funding that are available to public agencies.

~~{{(l)}}~~ (m) Develop policies and procedures for the administration and distribution of contracts, grants and other expenditures to state agencies, political subdivisions of this State, nonprofit organizations, universities and community colleges. A condition of any such contract or grant must be that not more than 8 percent of the contract or grant may be used for

administrative expenses or other indirect costs. The procedures must require at least one competitive round of requests for proposals per biennium.

~~[(m)]~~ (n) To make the allocations required by paragraphs ~~[(f), (g) and (h)]~~ (g), (h) and (i):

(1) Prioritize and quantify the needs for these programs;
 (2) Develop, solicit and accept applications for allocations;
 (3) Conduct annual evaluations of programs to which allocations have been awarded; and

(4) Submit annual reports concerning the programs to the Governor and the Interim Finance Committee.

~~[(n)]~~ (o) Transmit a report of all findings, recommendations and expenditures to the Governor and each regular session of the Legislature.

2. The Task Force may take such other actions as are necessary to carry out its duties.

3. The Department shall take all actions necessary to ensure that all allocations for expenditures made by the Task Force are carried out as directed by the Task Force.

4. To make the allocations required by ~~paragraph~~ paragraphs (d) and (f) of subsection 1, the Aging Services Division of the Department shall:

(a) Prioritize and quantify the needs of senior citizens for these programs;
 (b) Develop, solicit and accept grant applications for allocations;
 (c) As appropriate, expand or augment existing state programs for senior citizens upon approval of the Interim Finance Committee;

(d) Award grants, contracts or other allocations;
 (e) Conduct annual evaluations of programs to which grants or other allocations have been awarded; and

(f) Submit annual reports concerning the ~~grant program~~ allocations made by the Aging Services Division pursuant to paragraphs (d) and (f) of subsection 1 to the Governor and the Interim Finance Committee.

5. The Aging Services Division of the Department shall submit each proposed grant or contract which would be used to expand or augment an existing state program to the Interim Finance Committee for approval before the grant or contract is awarded. The request for approval must include a description of the proposed use of the money and the person or entity that would be authorized to expend the money. The Aging Services Division of the Department shall not expend or transfer any money allocated to the Aging Services Division pursuant to this section to subsidize any portion of the cost of policies of health insurance that provide coverage to senior citizens for prescription drugs and pharmaceutical services pursuant to NRS 439.635 to 439.690, inclusive, or to pay for any program established pursuant to NRS 422.274 or 422.2745.

6. The Department, on behalf of the Task Force, shall submit each allocation proposed pursuant to paragraph ~~[(f), (g) or (h)]~~ (g), (h) or (i) of subsection 1 which would be used to expand or augment an existing state program to the Interim Finance Committee for approval before the contract

or grant is awarded. The request for approval must include a description of the proposed use of the money and the person or entity that would be authorized to expend the money.”.

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

“Sec. 3. Section 2 of Assembly Bill No. 248 of this Session is hereby amended to read as follows:

Sec. 2. NRS 439.630 is hereby amended to read as follows:

439.630 1. The Task Force for the Fund for a Healthy Nevada shall:

(a) Conduct public hearings to accept public testimony from a wide variety of sources and perspectives regarding existing or proposed programs that:

(1) Promote public health;

(2) Improve health services for children, senior citizens and persons with disabilities;

(3) Reduce or prevent the use of tobacco;

(4) Reduce or prevent the abuse of and addiction to alcohol and drugs; and

(5) Offer other general or specific information on health care in this State.

(b) Establish a process to evaluate the health and health needs of the residents of this State and a system to rank the health problems of the residents of this State, including, without limitation, the specific health problems that are endemic to urban and rural communities.

(c) Reserve not more than 30 percent of all revenues deposited in the Fund for a Healthy Nevada each year for direct expenditure by the Department to pay for prescription drugs and pharmaceutical services for senior citizens pursuant to NRS 439.635 to 439.690, inclusive, and to fund in whole or in part any program established pursuant to NRS 422.274 or 422.2745. From the money reserved to the Department pursuant to this paragraph, the Department may subsidize all of the cost of policies of health insurance that provide coverage to senior citizens for prescription drugs and pharmaceutical services pursuant to NRS 439.635 to 439.690, inclusive, and fund in whole or in part any program established pursuant to NRS 422.274 or 422.2745. The Department shall consider recommendations from the Task Force for the Fund for a Healthy Nevada in carrying out the provisions of NRS 439.635 to 439.690, inclusive, and administering any program established pursuant to NRS 422.274 or 422.2745. The Department shall submit a quarterly report to the Governor, the Task Force for the Fund for a Healthy Nevada and the Interim Finance Committee regarding the general manner in which expenditures have been made pursuant to this paragraph and the status of the program.

(d) Reserve not more than 30 percent minus ~~[\$50,000]~~ \$200,000 of all revenues deposited in the Fund for a Healthy Nevada each year for allocation by the Aging Services Division of the Department in the form of grants for

existing or new programs that assist senior citizens with independent living, including, without limitation, programs that provide:

- (1) Respite care or relief of family caretakers;
- (2) Transportation to new or existing services to assist senior citizens in living independently; and
- (3) Care in the home which allows senior citizens to remain at home instead of in institutional care.

The Aging Services Division of the Department shall consider recommendations from the Task Force for the Fund for a Healthy Nevada concerning the independent living needs of senior citizens.

(e) Reserve not more than ~~[\$50,000]~~ \$200,000 of all revenues deposited in the Fund for a Healthy Nevada each year for allocation by the Director to:

(1) Provide guaranteed funding to finance assisted living facilities that satisfy the criteria for certification set forth in section 3 of Assembly Bill No. 248 of this ~~act~~ session; and

(2) Fund assisted living facilities that satisfy the criteria for certification set forth in section 3 of Assembly Bill No. 248 of this ~~act~~ session and assisted living supportive services that are provided pursuant to the provisions of the home and community-based services waiver which are amended pursuant to section 4 of Assembly Bill No. 248 of this ~~act~~ session.

The Director shall develop policies and procedures for allocating money which is reserved pursuant to this paragraph.

(f) Allocate, by contract or grant, for expenditure not more than 20 percent of all revenues deposited in the Fund for a Healthy Nevada each year for programs that prevent, reduce or treat the use of tobacco and the consequences of the use of tobacco.

(g) Allocate, by contract or grant, for expenditure not more than 10 percent of all revenues deposited in the Fund for a Healthy Nevada each year for programs that improve health services for children.

(h) Allocate, by contract or grant, for expenditure not more than 7.5 percent of all revenues deposited in the Fund for a Healthy Nevada each year for programs that improve the health and well-being of persons with disabilities. In making allocations pursuant to this paragraph, the Task Force shall, to the extent practicable, allocate the money evenly among the following three types of programs:

(1) Programs that provide respite for persons caring for persons with disabilities;

(2) Programs that provide positive behavioral supports to persons with disabilities; and

(3) Programs that assist persons with disabilities to live safely and independently in their communities outside of an institutional setting.

(i) Reserve not more than 2.5 percent of all revenues deposited in the Fund for a Healthy Nevada each year for direct expenditure by the Department to fund in whole or in part any program established pursuant to

NRS 422.2745. The Department shall consider recommendations from the Task Force for the Fund for a Healthy Nevada in administering any program established pursuant to NRS 422.2745.

(j) Maximize expenditures through local, federal and private matching contributions.

(k) Ensure that any money expended from the Fund for a Healthy Nevada will not be used to supplant existing methods of funding that are available to public agencies.

(l) Develop policies and procedures for the administration and distribution of contracts, grants and other expenditures to state agencies, political subdivisions of this State, nonprofit organizations, universities and community colleges. A condition of any such contract or grant must be that not more than 8 percent of the contract or grant may be used for administrative expenses or other indirect costs. The procedures must require at least one competitive round of requests for proposals per biennium.

(m) To make the allocations required by paragraphs (f), (g) and (h):

(1) Prioritize and quantify the needs for these programs;

(2) Develop, solicit and accept applications for allocations;

(3) Conduct annual evaluations of programs to which allocations have been awarded; and

(4) Submit annual reports concerning the programs to the Governor and the Interim Finance Committee.

(n) Transmit a report of all findings, recommendations and expenditures to the Governor and each regular session of the Legislature.

2. The Task Force may take such other actions as are necessary to carry out its duties.

3. The Department shall take all actions necessary to ensure that all allocations for expenditures made by the Task Force are carried out as directed by the Task Force.

4. To make the allocations required by paragraph (d) of subsection 1, the Aging Services Division of the Department shall:

(a) Prioritize and quantify the needs of senior citizens for these programs;

(b) Develop, solicit and accept grant applications for allocations;

(c) As appropriate, expand or augment existing state programs for senior citizens upon approval of the Interim Finance Committee;

(d) Award grants or other allocations;

(e) Conduct annual evaluations of programs to which grants or other allocations have been awarded; and

(f) Submit annual reports concerning the grant program to the Governor and the Interim Finance Committee.

5. The Aging Services Division of the Department shall submit each proposed grant which would be used to expand or augment an existing state program to the Interim Finance Committee for approval before the grant is awarded. The request for approval must include a description of the proposed use of the money and the person or entity that would be authorized to expend

the money. The Aging Services Division of the Department shall not expend or transfer any money allocated to the Aging Services Division pursuant to this section to subsidize any portion of the cost of policies of health insurance that provide coverage to senior citizens for prescription drugs and pharmaceutical services pursuant to NRS 439.635 to 439.690, inclusive, or to pay for any program established pursuant to NRS 422.274 or 422.2745.

6. The Department, on behalf of the Task Force, shall submit each allocation proposed pursuant to paragraph (f), (g) or (h) of subsection 1 which would be used to expand or augment an existing state program to the Interim Finance Committee for approval before the contract or grant is awarded. The request for approval must include a description of the proposed use of the money and the person or entity that would be authorized to expend the money.

Sec. 4. 1. This section and section 3 of this act become effective upon passage and approval.

2. Sections 1 and 2 of this act become effective on July 1, 2005.”.

Amend the title of the bill to read as follows:

“AN ACT relating to public health; revising provisions governing the reserve and allocation of revenue in the Fund for a Healthy Nevada; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Revises provisions governing reserve and allocation of revenue in the Fund for Healthy Nevada. (BDR 40-347)”.

Assemblywoman McClain moved the adoption of the amendment.

Remarks by Assemblywoman McClain.

Amendment adopted.

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

Assembly Bill No. 567.

Bill read third time.

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

Amendment No. 1208.

Amend sec. 2, page 1, by deleting line 6 and inserting: “*the Repair, Replacement and Renovation of School Buildings and*”.

Amend sec. 3, page 1, by deleting line 8 and inserting:

“Sec. 3. 1. *The Account for the Repair, Replacement and*”.

Amend sec. 4, page 2, by deleting line 20 and inserting: “*the repair, replacement and renovation of school buildings and*”.

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

“Sec. 5. 1. *The board of trustees of a school district in a county whose population is less than 40,000 may submit an application for a grant of money from the Account if the board of trustees has determined that:*

(a) One of the facilities that is located on the grounds of a school within the school district is:

(1) Unsuitable for use as a result of:

(I) Structural defects;

(II) Barriers to accessibility; or

(III) Hazards to life, health or safety, including, without limitation, environmental hazards and the operation of the facility in an unsafe manner; or

(2) In such a condition that the cost of removing barriers to accessibility would exceed 40 percent of the cost of constructing a new facility; and

(b) The remaining allowable increase in ad valorem taxes available to the school district is within 90 percent of the limit imposed pursuant to NRS 361.453 or the board of county commissioners of the county in which the school district is located has imposed a tax pursuant to NRS 374A.010.

2. An application submitted pursuant to subsection 1 must include a written description of the:

(a) Project for the repair, replacement or renovation for which the grant of money will be used, including, without limitation, a description of how the money will be used in an efficient manner; and

(b) Financial status of the school district, including, without limitation, the criteria for approval set forth in paragraphs (b) and (c) of subsection 4.

3. Upon receipt of an application, the Director of the Department of Administration shall forward the application to the:

(a) Department of Taxation to determine whether the application satisfies the showing of proof required by paragraphs (b), (c) and (d) of subsection 4;

(b) State Public Works Board to determine whether the application satisfies the showing of proof required by paragraph (a) of subsection 4; and

(c) Department of Education for its review and comment.

4. The Director of the Department of Administration shall, in consultation with the Department of Education, the Department of Taxation and the State Public Works Board, determine whether to forward an application to the State Board of Examiners based upon:

(a) The needs of the school district, as set forth in paragraph (a) of subsection 1;

(b) Proof that the county in which the school district is located satisfies the requirements of paragraph (b) of subsection 1;

(c) Information that the assessed valuation of the taxable property in the county in which the school district is located is declining or that all other resources available to the school district for financing capital improvements are diminishing; and

(d) The proposed use of the money for which the application is made, including, without limitation, whether the money will be used in an efficient manner.

5. The Department of Taxation and the State Public Works Board shall submit written statements of their determinations pursuant to subsection 4

regarding an application to the Director of the Department of Administration.

6. *The Director of the Department of Administration shall forward each application that satisfies the requirements of subsection 4 accompanied by the statements provided pursuant to subsection 5 for that application to the State Board of Examiners.”.*

Amend sec. 8, page 5, by deleting line 2 and inserting: “*Repair, Replacement and Renovation of School Buildings and*”.

Amend the bill as a whole by deleting sec. 13 and adding:

“Sec. 13. (Deleted by amendment.)”.

Amend sec. 15, page 6, by deleting line 28 and inserting: “for the Repair, Replacement and Renovation of School Buildings”.

Amend the title of the bill to read as follows:

“AN ACT relating to school facilities; creating an Account for the Repair, Replacement and Renovation of School Buildings and Facilities; providing for the submission of applications by certain school districts for grants of money from the Account; prescribing the process for the review and approval of applications; revising provisions governing the local tax for school facilities; repealing the provisions creating the Fund to Assist School Districts in Financing Capital Improvements; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Creates Account for Repair, Replacement and Renovation of School Buildings and Facilities. (BDR 34-1443)”.

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 572.

Bill read third time.

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

Amendment No. 1213.

Amend section 1, page 2, by deleting line 22 and inserting: “of \$600,000,000, at least part of which is attributable to sales taxes, excise taxes”.

Amend section 1, page 3, by deleting lines 9 through 15 and inserting:

“14. Pursuant to the American Jobs Creation Act of 2004, Public Law 108-357, the United States Congress granted to taxpayers the option to deduct state and local general sales taxes in lieu of deducting state and local income taxes on their federal income tax returns. However, this election applies only:

(a) For taxable years beginning after December 31, 2003, and before January 1, 2006; and

(b) To taxpayers who elect to itemize deductions.

15. According to the Las Vegas Business Press, the annual household income in Nevada averaged \$63,005 for 2004 and, as per Internal Revenue Service “Publication 600: Optional State Sales Tax Tables,” a family with an annual household income of \$63,005 and four exemptions would be presumed to have paid \$858 in state sales taxes during 2004.

16. It is the sense of the Legislature that the residents of this State have each paid to the State of Nevada, in the form of sales taxes, excise taxes on gasoline or taxes on diesel fuel, or a combination of all three such taxes, \$175 more than necessary to address the State’s budgetary needs and that, as a result, the sum of \$175 should be returned in the form of a rebate check to each person who qualifies to receive such a check pursuant to section 4 of this act.”.

Amend sec. 2, page 3, by deleting line 17 and inserting:

“Sales Taxes, State Excise Taxes on Gasoline and State Taxes on Diesel Fuel is hereby”.

Amend sec. 4, page 3, by deleting lines 24 through 39 and inserting:

“Sec. 4. 1. Except as otherwise provided in section 5 of this act, as soon as practicable after July 1, 2005, the State Treasurer shall issue a rebate check in the sum of \$175 for:

(a) State sales taxes paid by a person before January 1, 2004; and

(b) State fuel taxes paid by a person since January 1, 1995, whether such fuel taxes were paid directly through the purchase of fuel or indirectly through the purchase of a ticket, the payment of a fare or the making of another form of payment in exchange for transportation by way of motor vehicle.

2. The State Treasurer shall issue the rebate check in the sum of \$175 to each person who:

(a) Was at least 55 years of age on or before January 1, 2005, held a valid driver’s license or identification card issued by the Department of Motor Vehicles on or before that date and continues to hold such valid driver’s license or identification card; or

(b) Was at least 18 years of age but not yet 55 years of age on or before January 1, 2005, held a valid driver’s license issued by the Department of Motor Vehicles on or before that date and continues to hold such valid driver’s license.

3. Except as otherwise provided in section 5 of this act or in the”.

Amend sec. 4, page 3, line 43, by deleting “3.” and inserting “4.”.

Amend the title of the bill by deleting the third and fourth lines and inserting: “residents of this State for the money those residents paid to the State in the form of certain sales taxes and for the money those residents paid to the State, directly or indirectly, as taxes imposed on”.

Amend the summary of the bill to read as follows:

“SUMMARY—Provides for one-time rebate of certain sales taxes and taxes imposed on certain motor vehicle fuels. (BDR S-1474)”.

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblywoman Buckley moved that all rules be suspended and the reprinting of Assembly Bill No. 572 be dispensed with, the Chief Clerk be authorized to insert Amendment No. 1213, and the bill be placed on third reading and final passage

Motion carried unanimously.

GENERAL FILE AND THIRD READING

Assemblyman Arberry moved that Senate Bill No. 105 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

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

Assembly in recess at 8:00 p.m.

ASSEMBLY IN SESSION

At 8:05 p.m.

Mr. Speaker presiding.

Quorum present.

Senate Bill No. 105.

Bill read third time.

Roll call on Senate Bill No. 105:

YEAS—42.

NAYS—None.

Senate Bill No. 105 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 341.

Bill read third time.

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

Amendment No. 1204.

Amend sec. 3, page 5, by deleting lines 5 through 22 and inserting:

“5. As used in this section:

(a) “Offense that poses a threat to the safety or well-being of others” has the meaning ascribed to it in NRS 179D.060.

(b) “*Person professionally qualified to conduct psychosexual evaluations*” has the meaning ascribed to it in NRS 176.133.

(c) “Sexual offense” means:

(1) A violation of NRS 200.366, subsection 4 of NRS 200.400, NRS 200.710, 200.720, subsection 2 of NRS 200.730, NRS 201.180, paragraph (a) or subparagraph (2) of paragraph (b) of subsection 1 of NRS 201.195, NRS 201.230 or 201.450 or paragraph (a) or (b) of subsection 4 or paragraph (a) or (b) of subsection 5 of NRS 201.560;

(2) An attempt to commit an offense listed in subparagraph (1); or

(3) An act of murder in the first or second degree, kidnapping in the first or second degree, false imprisonment, burglary or invasion of the home if the act is determined to be sexually motivated at a hearing conducted pursuant to NRS 175.547.”.

Amend the bill as a whole by deleting sec. 22.5 and adding:

“Sec. 22.5. (Deleted by amendment.)”.

Amend the bill as a whole by deleting sections 23.3 and 23.7 and adding:

“Secs. 23.3 and 23.7. (Deleted by amendment.)”.

Amend the bill as a whole by deleting sections 24.3 and 24.7 and adding:

“Secs. 24.3 and 24.7. (Deleted by amendment.)”.

Amend sec. 27, page 25, by deleting lines 24 through 35 and inserting:

“5. For the purpose of this section, “other sexual offense against a child” means any act committed by an adult upon a child constituting:

(a) Incest pursuant to NRS 201.180;

(b) Lewdness with a child pursuant to NRS 201.230;

(c) Sado-masochistic abuse pursuant to NRS 201.262; or

(d) Luring a child using a computer, system or network pursuant to NRS 201.560, if punished as a felony.”.

Amend sec. 34.5, pages 29 and 30, by deleting lines 39 through 45 on page 29 and lines 1 through 25 on page 30, and inserting:

“5. The provisions of this section apply to a prisoner convicted of any of the following offenses:

(a) Sexual assault pursuant to NRS 200.366.

(b) Statutory sexual seduction pursuant to NRS 200.368.

(c) Battery with intent to commit sexual assault pursuant to NRS 200.400.

(d) Abuse or neglect of a child pursuant to NRS 200.508.

(e) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive.

(f) Incest pursuant to NRS 201.180.

(g) Solicitation of a minor to engage in acts constituting the infamous crime against nature pursuant to NRS 201.195.

(h) Open or gross lewdness pursuant to NRS 201.210.

(i) Indecent or obscene exposure pursuant to NRS 201.220.

(j) Lewdness with a child pursuant to NRS 201.230.

(k) Sexual penetration of a dead human body pursuant to NRS 201.450.

(l) Luring a child or mentally ill person pursuant to NRS 201.560, if punished as a felony.

(m) An attempt to commit an offense listed in paragraphs (a) to (l), inclusive.

(n) *An offense that is determined to be sexually motivated pursuant to NRS 175.547.*

(o) Coercion or attempted coercion that is determined to be sexually motivated pursuant to NRS 207.193.”.

Amend the title of the bill by deleting the twenty-first through twenty-sixth lines and inserting: “increasing penalties for a second or subsequent violation of certain requirements concerning registration of sex offenders and offenders convicted of a crime against a child;”.

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

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

The following amendment was proposed by Assemblyman Anderson:

Amendment No. 1214.

Amend sec. 16, pages 11 and 12, by deleting lines 43 through 45 on page 11 and lines 1 through 7 on page 12, and inserting:

“Sec. 16. 1. *A person who uses information obtained from the community notification website in violation of the provisions of NRS 179B.250 or section 15 of this act is liable:*

(a) *In a civil action brought by or on behalf of a person injured by the violation, for damages, attorney’s fees and costs incurred as the result of the violation; and*

(b) *In a civil action brought in the name of the State of Nevada by the Attorney General, for a civil penalty not to exceed \$25,000 and for the costs of the action, including investigative costs and attorney’s fees.*

2. *In addition to any civil liability, a person who uses information obtained from the community notification website to commit a crime punishable as:*

(a) *A misdemeanor, is guilty of a gross misdemeanor.*

(b) *A gross misdemeanor or felony, is guilty of a category C felony and shall be punished as provided in NRS 193.130.”.*

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

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

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblywoman Smith moved that Senate Bill No. 306 be taken from the General File and placed on the Chief Clerk’s desk.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 282.

Bill read third time.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblywoman Giunchigliani moved that Senate Bill No. 282 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblywoman Giunchigliani.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 357.

Bill read third time.

Roll call on Senate Bill No. 357:

YEAS—42.

NAYS—None.

Senate Bill No. 357 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 400.

Bill read third time.

Roll call on Senate Bill No. 400:

YEAS—26.

NAYS—Buckley, Conklin, Gerhardt, Giunchigliani, Hogan, Horne, Kirkpatrick, Leslie, Manendo, McCleary, Mortenson, Munford, Parks, Parnell, Pierce, Smith—16.

Senate Bill No. 400 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblywoman Ohrenschall moved that the action whereby Senate Bill No. 400 was passed be rescinded.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 400.

Bill read third time.

Roll call on Senate Bill No. 400:

YEAS—23.

NAYS—Anderson, Atkinson, Buckley, Conklin, Gerhardt, Giunchigliani, Hogan, Horne, Kirkpatrick, Leslie, Manendo, McCleary, Mortenson, Munford, Ohrenschall, Parks, Parnell, Pierce, Smith—19.

Senate Bill No. 400 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 572.

Bill read third time.

Remarks by Assemblywoman Giunchigliani.

Roll call on Assembly Bill No. 572:

YEAS—42.

NAYS—None.

Assembly Bill No. 572 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The first Conference Committee concerning Assembly Bill No. 260, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendments Nos. 866 and 1048 of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA32, which is attached to and hereby made a part of this report.

MARCUS CONKLIN

PEGGY PIERCE

FRANCIS ALLEN

Assembly Conference Committee

JOE HECK

MAGGIE CARLTON

SANDRA J. TIFFANY

Senate Conference Committee

Conference Amendment No. CA32.

Amend sec. 19, pages 8 and 9, by deleting lines 1 through 44 on page 8 and lines 1 through 22 on page 9, and inserting:

“Sec. 19. NRS 625A.110 is hereby amended to read as follows:

625A.110 1. ~~[To]~~ *Except as otherwise provided in this section, to be eligible for a certificate of registration [s] as an environmental health specialist, an applicant [must have:*

(a) A].:

(a) *Must:*

(1) *Possess a baccalaureate or higher degree from an [accredited college or university;*

~~(b) Satisfactorily]~~ *institution of higher education approved by the Board;*

(2) *Have satisfactorily completed at least 45 quarter hours or 30 semester hours of academic work [approved by the Board in environmental health and public hygiene or the physical and biological sciences, or a combination of both; and*

(c) *At] in basic science courses, including biology, chemistry, physics, geology, sanitary engineering or environmental engineering;*

(3) *Have passed the written examination pursuant to NRS 625A.120; and*

(4) *Have at least 2 years of experience approved by the Board in [this field of public health.*

~~2.—The Board may register] the practice of environmental health;~~

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

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

(d) Must possess training or experience obtained during service in the military forces of this State or the United States which the Board determines is equivalent to at least 2 years of experience in the practice of environmental health and have passed the written examination pursuant to NRS 625A.120.

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

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

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

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

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

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

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

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

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

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

To be eligible to be issued a certificate of registration pursuant to this subsection, a person must apply to the Board for a certificate of registration not later than July 1, 2007.

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

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

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

Assemblyman Conklin moved that the Assembly adopt the report of the first Conference Committee concerning Assembly Bill No. 260.

Remarks by Assemblyman Conklin.

Motion carried by a constitutional majority.

Mr. Speaker:

The first Conference Committee concerning Senate Bill No. 367, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendment No. 838 of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA13, which is attached to and hereby made a part of this report.

WILLIAM HORNE

MARK MANENDO

GARN MABEY

Assembly Conference Committee

DENNIS NOLAN

SANDRA J. TIFFANY

STEVEN HORSFORD

Senate Conference Committee

Conference Amendment No. CA13.

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

“warrant ~~for~~ *a specific* educational program , *including, without limitation, a charter school* specifically designed to serve a single gender ~~and emphasize~~ *that emphasizes* personal responsibility and rehabilitation; or”.

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

“AN ACT relating to pupils; revising provisions governing the formation of charter schools designed exclusively for pupils with disciplinary problems; providing that a pupil who is”.

Assemblyman Horne moved that the Assembly adopt the report of the first Conference Committee concerning Senate Bill No. 367.

Remarks by Assemblyman Horne.

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 8:19 p.m.

ASSEMBLY IN SESSION

At 8:24 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The first Conference Committee concerning Senate Bill No. 29, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendment No. 834 of the Assembly be concurred in.

KATHY MCCLAIN

BARBARA BUCKLEY

FRANCIS ALLEN

Assembly Conference Committee

JOE HECK

WARREN B. HARDY

MICHAEL SCHNEIDER

Senate Conference Committee

Assemblywoman McClain moved that the Assembly adopt the report of the first Conference Committee concerning Senate Bill No. 29.

Remarks by Assemblywoman McClain.

Motion carried by a constitutional majority.

Mr. Speaker:

The first Conference Committee concerning Senate Bill No. 198, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendment No. 1041 of the Assembly be receded from and a 3rd reprint be created in accordance with this action.

BARBARA BUCKLEY

JOHN C. CARPENTER

MARCUS CONKLIN

Assembly Conference Committee

TERRY CARE

MIKE MCGINNESS

MARK E. AMODEI

Senate Conference Committee

Assemblyman Conklin moved that the Assembly adopt the report of the first Conference Committee concerning Senate Bill No. 198.

Remarks by Assemblyman Conklin.

Motion carried by a constitutional majority.

Mr. Speaker:

The first Conference Committee concerning Senate Bill No. 453, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendment No. 881 of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA17, which is attached to and hereby made a part of this report.

BARBARA BUCKLEY

JOHN C. CARPENTER

BERNIE ANDERSON

Assembly Conference Committee

MARK E. AMODEI

MIKE MCGINNESS

TERRY CARE

Senate Conference Committee

Conference Amendment No. CA17.

Amend sec. 36, page 31, between lines 13 and 14, by inserting:

“6. As used in this section, “record” means information that is:

(a) *Inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form; and*

(b) *Filed or offered for filing by a person pursuant to any provision of title 7 of NRS or Article 9 of the Uniform Commercial Code.”.*

Assemblywoman Buckley moved that the Assembly adopt the report of the first Conference Committee concerning Senate Bill No. 453.

Remarks by Assemblywoman Buckley.

Motion carried by a constitutional majority.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 5, 2005

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Senate Bill No. 80.

MARY JO MONGELLI

Assistant Secretary of the Senate

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The first Conference Committee concerning Senate Bill No. 80, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendment No. 722 of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA34, which is attached to and hereby made a part of this report.

MARCUS CONKLIN

DAVID PARKS

BOB SEALE

Assembly Conference Committee

JOHN LEE

WARREN B. HARDY

RANDOLPH J. TOWNSEND

Senate Conference Committee

Conference Amendment No. CA34.

Amend sec. 3, page 3, by deleting lines 7 through 11 and inserting:

“6. The presence of a security freeze in the file of a consumer must not be considered to be an adverse factor in the consumer’s credit worthiness, credit standing or credit capacity.”

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

“Sec. 5. 1. Except as otherwise provided in this section:

(a) A reporting agency may charge a consumer a reasonable fee, not to exceed \$15, to place a security freeze in his file.

(b) After a security freeze has been placed in the file of a consumer, a reporting agency may charge the consumer a reasonable fee:

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

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

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

2. A reporting agency may not charge a consumer the fees set forth in subsection 1 to place a security freeze in his file, to temporarily release his consumer report for a specific period or to a specific person, or to remove a security freeze from his file if the consumer is a victim of identity theft and the consumer submits, at the time the security freeze is requested, a valid copy of a police report, investigative report or complaint which the consumer has filed with a law enforcement agency regarding the unlawful use of the personal information of the consumer by another person.

3. On January 1 of each year, a reporting agency may increase the fees set forth in subsection 1 based proportionally on changes to the Consumer Price Index of All Urban Consumers, as determined by the United States Department of Labor, with fractional changes rounded to the nearest 25 cents.”

Amend sec. 11, page 7, by deleting lines 13 through 17 and inserting:

“1. A person with whom the consumer has an existing business relationship, or the subsidiary, affiliate or agent of that person, for any purpose relating to that business relationship.

2. A licensed collection agency to which an account of the consumer has been assigned for the purposes of collection.”.

Assemblyman Conklin moved that the Assembly adopt the report of the first Conference Committee concerning Senate Bill No. 80.

Remarks by Assemblyman Conklin.

Motion carried by a constitutional majority.

Mr. Speaker:

The first Conference Committee concerning Assembly Bill No. 314, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendment No. 947 of the Senate be concurred in.

MARCUS CONKLIN

MO DENIS

SCOTT SIBLEY

Assembly Conference Committee

BOB BEERS

DINA TITUS

WARREN B. HARDY

Senate Conference Committee

Assemblyman Conklin moved that the Assembly adopt the report of the first Conference Committee concerning Assembly Bill No. 314.

Remarks by Assemblyman Conklin.

Motion carried by a constitutional majority.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 5, 2005

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 95, 203, 314, 523.

MARY JO MONGELLI

Assistant Secretary of the Senate

INTRODUCTION, FIRST READING, AND REFERENCE

Senate Bill No. 95.

Assemblywoman Buckley moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 203.

Assemblywoman Buckley moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 314.

Assemblywoman Buckley moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 523.

Assemblywoman Buckley moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 525.

Assemblywoman Buckley moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

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

Assembly in recess at 8:33 p.m.

ASSEMBLY IN SESSION

At 8:41 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 575, 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 5, 2005

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 189, Amendment No. 1186; Assembly Bill No. 385, Amendments Nos. 1136, 1205, and respectfully requests your honorable body to concur in said amendments.

I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Senate Bill No. 80.

MARY JO MONGELLI

Assistant Secretary of the Senate

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 560.

The following Senate amendment was read:

Amendment No. 1174.

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

“Section 1. NRS 396.918 is hereby amended to read as follows:

396.918 “Millennium scholarship” means a ~~[scholarship]~~ *Governor Guinn Millennium Scholarship* that is awarded from the Trust Fund to a student.”.

Amend sec. 3, page 2, line 7, after “1.” by inserting: “*The Governor Guinn Millennium Scholarship Program is hereby created for the distribution of the Governor Guinn Millennium Scholarships in accordance with NRS 396.911 to 396.938, inclusive.*”.

Amend sec. 3, page 2, by deleting lines 19 through 22 and inserting:

“3. The State Treasurer shall administer the Trust Fund. As administrator of the Trust Fund, the State Treasurer, except as otherwise provided in this section:”.

Amend sec. 3, page 2, line 27, by deleting “and”.

Amend sec. 3, page 2, by deleting lines 29 through 33 and inserting: “made with the money in the Trust Fund;

(e) May contract with vendors for any good or service that is necessary to carry out the provisions of this section; and

(f) May perform any other duties necessary to administer the Trust Fund.”.

Amend sec. 3, page 3, by deleting lines 40 through 43 and inserting:

“7. Not more than ~~[2]~~ 3 percent of the ~~[amount of money]~~ *anticipated annual revenue to the State of Nevada from the settlement agreements with and civil actions against manufacturers of tobacco products anticipated for deposit* in the Trust Fund may be used to pay the costs of administering the Trust Fund.

8. The money in the Trust Fund remains in the Fund and does”.

Amend sec. 3, page 4, by deleting lines 1 through 3 and inserting:

“9. Money in the Trust Fund may be used only for the purposes set forth in NRS 396.914 to 396.934, inclusive.”.

Amend sec. 4, page 4, line 8, by deleting “2” and inserting “[~~2~~] 3”.

Amend sec. 4, page 4, line 32, by deleting “and” and inserting “[~~and~~]”.

Amend sec. 4, page 4, line 37, by deleting “institution.” and inserting: “institution ~~[+]~~; and

(f) *Has submitted a Free Application for Federal Student Aid (FAFSA) and the entity reviewing the application has determined that the application is complete.*”.

Amend sec. 4, page 5, line 21, by deleting “2” and inserting “[~~2~~] 3”.

Amend sec. 5, page 5, line 36, by deleting “*subsection 2,*” and inserting “*this section,*”.

Amend sec. 5, page 5, line 39, by deleting “If” and inserting: “[~~If~~] *Subject to the limitation set forth in this paragraph, if*”.

Amend sec. 5, page 6, by deleting lines 2 through 25 and inserting: “*division courses for the purposes of this paragraph. In no event may a student who is eligible for a millennium scholarship pursuant to this paragraph receive more than:*

(1) *If he is enrolled in at least 6 credits but less than 12 credits in a semester, the cost of 6 semester credits for that semester.*

(2) *If he is enrolled in at least 12 credits in a semester, the cost of 12 semester credits for that semester.*

(b) ~~[(H)]~~ *Subject to the limitation set forth in this paragraph, if he is enrolled in a state college within the System, including, without limitation, a summer academic term, \$60 per credit for which the student is enrolled, or the amount of money that is necessary for the student to pay the costs of attending the state college that are not otherwise satisfied by other grants or scholarships, whichever is less. In no event may a student who is eligible for a millennium scholarship receive more than the cost of 12 semester credits per semester pursuant to this paragraph.*

(c) ~~[(H)]~~ *Subject to the limitation set forth in this paragraph, if he is enrolled in another eligible institution, including, without limitation, a summer academic term, \$80 per credit for which the student is enrolled, or the amount of money that is necessary for the student to pay the costs of attending the university that are not otherwise satisfied by other grants or scholarships, whichever is less. In no event may a student who is eligible for a millennium scholarship receive more than the cost of 12 semester credits per semester pursuant to this paragraph.*

2. No student may be awarded a millennium scholarship ~~[for]~~ :

(a) *To pay for remedial courses.*

(b) *For a total amount in excess of \$10,000.*

~~[2.]~~ 3. A student who receives a millennium scholarship shall:

(a) *Make satisfactory academic progress toward a recognized degree or certificate, as determined by the Board of Regents pursuant to subsection ~~[5:]~~ 7; and*

(b) *If the student graduated from high school after May 1, 2003, maintain ~~at~~ :*

(1) *At least a ~~[2.6]~~ 2.60 grade point average on a 4.0 grading scale ~~[- 3-]~~ for each semester during the first year of enrollment in the Governor Guinn Millennium Scholarship Program.*

(2) *At least a 2.75 grade point average on a 4.0 grading scale for each semester during the second year of enrollment in the Governor Guinn Millennium Scholarship Program.*

(3) *At least a 3.0 grade point average on a 4.0 grading scale for each semester during the third year of enrollment in the Governor Guinn Millennium Scholarship Program and for each semester during each year of enrollment thereafter.*

4. *If a student does not satisfy the requirements of”.*

Amend sec. 5, page 7, between lines 15 and 16 by inserting:

“8. The Board of Regents shall establish procedures to ensure that all money from a millennium scholarship awarded to a student that is refunded in whole or in part for any reason is refunded to the Trust Fund and not the student.”.

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

“Sec. 7. The provisions of section 4 of this act requiring students to maintain a prescribed grade point average for each semester depending upon the year of enrollment in the Governor Guinn Millennium Scholarship Program apply to all students who graduated after May 1, 2003, including, without limitation, students who are currently enrolled in an eligible institution and are receiving a millennium scholarship.

Sec. 7.5. The criteria established by the Board of Regents pursuant to section 4 of this act with respect to students who have a documented physical or mental disability apply to all students who satisfy the criteria including, without limitation, students who are currently enrolled in an eligible institution and are receiving a millennium scholarship, regardless of the year of enrollment in the Governor Guinn Millennium Scholarship program.”.

Amend sec. 8, page 8, by deleting lines 14 through 17 and inserting:

“Sec. 8. 1. This section and sections 1 to 4, inclusive, 6, 7 and 7.5 of this act become effective upon passage and approval.

2. Section 5 of this act becomes effective on July 1, 2005.”.

Assemblyman Arberry moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 560.

Remarks by Assemblyman Arberry.

Motion carried.

Bill ordered to transmitted to the Senate.

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The first Conference Committee concerning Assembly Bill No. 42, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendments Nos. 847 and 1040 of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA37, which is attached to and hereby made a part of this report.

SHEILA LESLIE

WILLIAM HORNE

VALERIE WEBER

Assembly Conference Committee

MAURICE E. WASHINGTON

STEVEN HORSFORD

JOE HECK

Senate Conference Committee

Conference Amendment No. CA37.

Amend the bill as a whole by renumbering sections 1 through 11 as sections 12 through 22 and adding new sections designated sections 1 through 11, following the enacting clause, to read as follows:

“Section 1. Chapter 432A of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. “Accommodation facility” means a child care facility which is operated:

1. By a business that is licensed to conduct a business other than the provision of care to children; and

2. As an auxiliary service provided for the customers of the primary business.

Sec. 3. 1. *Except as otherwise provided in subsection 2 and unless excused because of religious belief or medical condition, a child may not be admitted to any accommodation facility within this State, including an accommodation facility licensed by a county or city, unless his parents or guardian submit to the operator of the accommodation facility written documentation stating that the child has been immunized and has received proper boosters for that immunization or is complying with the schedules established by regulation pursuant to NRS 439.550 for the diseases set forth in subsection 1 of NRS 432A.230. The written documentation required pursuant to this subsection must be:*

(a) A letter signed by a licensed physician stating that the child has been immunized and received boosters or is complying with the schedules;

(b) A record from a public school or private school which establishes that a child is enrolled in the school and has satisfied the requirements for immunization for enrollment in the school pursuant to NRS 392.435 or 394.192; or

(c) Any other documentation from a local health officer which proves that the child has been immunized and received boosters or is complying with the schedules.

2. *A child whose parent or guardian has not established a permanent residence in the county in which an accommodation facility is located and whose history of immunization cannot be immediately confirmed by the written documentation required pursuant to subsection 1 may enter the accommodation facility conditionally if the parent or guardian:*

(a) Agrees to submit within 15 days the documentation required pursuant to subsection 1; and

(b) Submits proof that he has not established a permanent residence in the county in which the facility is located.

3. *If the documentation required pursuant to subsection 1 is not submitted to the operator of the accommodation facility within 15 days after the child was conditionally admitted, the child must be excluded from the facility.*

4. *Before December 31 of each year, each accommodation facility shall report to the Health Division of the Department, on a form furnished by the Division, the exact number of children who have:*

(a) Been admitted conditionally to the accommodation facility; and

(b) Completed the immunizations required by this section.

5. *To the extent that the Board or an agency for the licensing of child care facilities established by a county or city requires a child care facility to maintain proof of immunization of a child admitted to the facility, the Board or agency shall authorize a business which operates more than one accommodation facility to maintain proof of immunization of a child admitted to any accommodation facility of the business at a single location of the business. The documentation must be accessible by each accommodation facility of the business.*

Sec. 4. 1. *To the extent that the Board or an agency for the licensing of child care facilities established by a county or city requires a child care facility to make available a minimum amount of space per child in the facility, an accommodation facility may include the space occupied by any recreational toys that are used in the accommodation facility in satisfying the requirement for the minimum amount of space per child in the facility.*

2. *To the extent that the Board or an agency for the licensing of child care facilities established by a county or city requires a child care facility to make available a minimum number of toilets per child in the facility, the Board or agency shall adjust the number of toilets per child required in an accommodation facility to a number that is appropriate for accommodation facilities, taking into account the unique nature of such facilities.*

3. *An accommodation facility shall permit each parent or guardian of a child who is receiving care in the accommodation facility to attend to the needs of the child if the parent or guardian does so in an area of a bathroom facility that is designated for use by one person.*

Sec. 5. NRS 432A.020 is hereby amended to read as follows:

432A.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 432A.021 to 432A.028, inclusive, *and section 2 of this act* have the meanings ascribed to them in those sections.

Sec. 6. NRS 432A.220 is hereby amended to read as follows:

432A.220 Any person who operates a child care facility without a license issued pursuant to NRS 432A.131 to 432A.220, inclusive, *and section 4 of this act* is guilty of a misdemeanor.

Sec. 7. NRS 432A.230 is hereby amended to read as follows:

432A.230 *Except as otherwise provided in section 3 of this act for accommodation facilities:*

1. Except as otherwise provided in subsection 3 and unless excused because of religious belief or medical condition, a child may not be admitted to any child care facility within this State, including a facility licensed by a county or city, unless his parents or guardian submit to the operator of the facility a certificate stating that the child has been immunized and has received proper boosters for that immunization or is complying with the schedules established by regulation pursuant to NRS 439.550 for the following diseases:

- (a) Diphtheria;
- (b) Tetanus;
- (c) Pertussis if the child is under 6 years of age;
- (d) Poliomyelitis;
- (e) Rubella;
- (f) Rubeola; and
- (g) Such other diseases as the local board of health or the State Board of Health may determine.

2. The certificate must show that the required vaccines and boosters were given and must bear the signature of a licensed physician or his designee or a

registered nurse or his designee, attesting that the certificate accurately reflects the child's record of immunization.

3. A child whose parent or guardian has not established a permanent residence in the county in which a child care facility is located and whose history of immunization cannot be immediately confirmed by a physician in this State or a local health officer, may enter the child care facility conditionally if the parent or guardian:

(a) Agrees to submit within 15 days a certificate from a physician or local health officer that the child has received or is receiving the required immunizations; and

(b) Submits proof that he has not established a permanent residence in the county in which the facility is located.

4. If a certificate from the physician or local health officer showing that the child has received or is receiving the required immunizations is not submitted to the operator of the child care facility within 15 days after the child was conditionally admitted, the child must be excluded from the facility.

5. Before December 31 of each year, each child care facility shall report to the Health Division of the Department, on a form furnished by the Division, the exact number of children who have:

(a) Been admitted conditionally to the child care facility; and

(b) Completed the immunizations required by this section.

Sec. 8. NRS 432A.240 is hereby amended to read as follows:

432A.240 If the religious belief of a child's parents or guardian prohibits the immunization of the child as required by NRS 432A.230 ~~or~~ *or section 3 of this act*, a written statement of this fact signed by the parents or guardian and presented to the operator of the facility exempts the child from the provisions of that section for purposes of admission.

Sec. 9. NRS 432A.250 is hereby amended to read as follows:

432A.250 If the medical condition of a child will not permit him to be immunized to the extent required by NRS 432A.230 ~~or~~ *or section 3 of this act*, a written statement of this fact signed by a licensed physician and presented to the operator of the facility by the parents or guardian of such child exempts such child from all or part of the provisions of NRS 432A.230 ~~or~~ *or section 3 of this act*, as the case may be, for purposes of admission.

Sec. 10. NRS 432A.260 is hereby amended to read as follows:

432A.260 If, after a child has been admitted to a child care facility, including a facility licensed by a county or city, additional immunization requirements are provided by law, the child's parents or guardian shall submit an additional certificate or certificates *or, if the facility is an accommodation facility, additional written documentation in a form authorized pursuant to section 3 of this act* to the operator of the facility stating that such child has met the new immunization requirements.

Sec. 11. NRS 432A.280 is hereby amended to read as follows:

432A.280 Any parent or guardian who refuses to remove his child from the child care facility to which he has been admitted when retention in the facility is prohibited under the provisions of NRS 432A.230, 432A.260 or 432A.270 or section 3 of this act is guilty of a misdemeanor.”.

Amend section 1, page 2, line 2, by deleting: “2 and 3” and inserting: “13 and 14”.

Amend sec. 3, page 3, by deleting lines 10 through 20 and inserting:

“Sec. 14. 1. *An agency which provides child welfare services shall provide training to each person who is employed by the agency and who provides child welfare services. Such training must include, without limitation, instruction concerning the applicable state and federal constitutional and statutory rights of a person who is responsible for a child’s welfare and who is:*

(a) The subject of an investigation of alleged abuse or neglect of a child;
or

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

2. *Nothing in this section shall be construed as requiring or authorizing a person who is employed by an agency which provides child welfare services to offer legal advice, legal assistance or legal interpretation of state or federal statutes or laws.”.*

Amend sec. 4, page 4, line 34, by deleting “3” and inserting “14”.

Amend sec. 7, page 6, line 41, by deleting “2” and inserting “13”.

Amend sec. 11, page 11, by deleting lines 25 through 31 and inserting:

“Sec. 22. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 13, inclusive, and 16 to 21, inclusive, of this act become effective on October 1, 2005.

3. Sections 14 and 15 of this act become effective upon passage and approval for the purpose of adopting regulations and on July 1, 2006, for all other purposes.”.

Amend the title of the bill by deleting the first line and inserting:

“AN ACT relating to children; making various changes relating to child care facilities that are operated by businesses as an auxiliary service provided for their customers; requiring an agency”.

Amend the summary of the bill to read as follows:

“SUMMARY—Makes various changes concerning certain child care facilities and protection of children from abuse and neglect. (BDR 38-670)”.

Assemblywoman Leslie moved that the Assembly adopt the report of the first Conference Committee concerning Assembly Bill No. 42.

Remarks by Assemblywoman Leslie.

Motion carried by a constitutional majority.

GENERAL FILE AND THIRD READING

Assembly Bill No. 575.

Bill read third time.

Remarks by Assemblywoman Giunchigliani.

Roll call on Assembly Bill No. 575:

YEAS—42.

NAYS—None.

Assembly Bill No. 575 having received a constitutional majority,
Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Arberry moved that the Assembly do not recede from its action on Senate Bill No. 392, 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 Arberry, Giunchigliani, and Hettrick as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 392.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 47, 51, 154, 221, 404, 458, 464, 501, 534, 569, 570 and 571; Senate Bills Nos. 34, 107, 173, 209, 515, 517, and 514; Senate Concurrent Resolutions Nos. 45 and 46.

Assemblywoman Buckley moved that the Assembly adjourn until Monday, June 6, 2005, at 9:00 a.m.

Motion carried.

Assembly adjourned at 8:51 p.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: NANCY S. TRIBBLE
Chief Clerk of the Assembly