

**THE ONE-HUNDRED AND TWENTIETH DAY**

---

CARSON CITY (Monday), June 6, 2005

Assembly called to order at 9:25 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Reverend Ruth Hanusa.

O God, we thank You for all the gifts of the Legislative Session: for friendships that formed bonds for life; for uneasy alliances that kept us on our toes; for your gracious care that sustained us these several months; for Your loving protection of our families while we've been apart; for the chance to participate in democracy, the boldest experiment in governing of all time. For all this, and more, we thank You. And still we ask You a blessing for this day, too: for the patience of Job, who, however, was not very patient, but as he wrestled, continued to trust You and expect every good. Give us patience with our process, patience with each other and patience with ourselves, trusting You for every good. And, at the end of this day, let us be able to say, "We done good."

AMEN.

Pledge of Allegiance to the Flag.

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

Motion carried.

**REPORTS OF COMMITTEES**

*Mr. Speaker:*

Your Committee on Ways and Means, to which were referred Assembly Bill No. 576; Senate Bill No. 524, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY JR., *Chairman*

**MOTIONS, RESOLUTIONS, AND NOTICES**

Senate Concurrent Resolution No. 42.

Assemblyman Ocegüera moved the adoption of the resolution.

Remarks by Assemblyman Ocegüera.

Resolution adopted.

**INTRODUCTION, FIRST READING, AND REFERENCE**

By the Committee on Ways and Means:

Assembly Bill No. 577—AN ACT relating to state employees; establishing the maximum allowed salaries for certain employees in the classified and unclassified service of the State; making appropriations from the State General Fund and State Highway Fund for increases in the salaries of certain employees 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.

By the Committee on Judiciary:

Assembly Bill No. 578—AN ACT relating to statutes; making technical corrections to certain legislative measures; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

#### GENERAL FILE AND THIRD READING

Assembly Bill No. 176.

Bill read third time.

Roll call on Assembly Bill No. 176:

YEAS—41.

NAYS—None.

EXCUSED—Sherer.

Assembly Bill No. 176 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 567.

Bill read third time.

Roll call on Assembly Bill No. 567:

YEAS—41.

NAYS—None.

EXCUSED—Sherer.

Assembly Bill No. 567 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 341.

Bill read third time.

Roll call on Senate Bill No. 341:

YEAS—41.

NAYS—None.

EXCUSED—Sherer.

Senate Bill No. 341 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

#### MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Ocegüera moved that Assembly Bill No. 576 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblywoman Giunchigliani moved that Senate Bill No. 306 be taken from the Chief Clerk's desk and placed at the top of the General File.

Remarks by Assemblywoman Giunchigliani.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 306.

Bill read third time.

The following amendment was proposed by Assemblywoman Giunchigliani:

Amendment No. 1209.

Amend sec. 6, page 2, by deleting lines 14 through 29 and inserting:

“Sec. 6. *“Project” means:*

1. *With respect to a county whose population is 400,000 or more:*

(a) *An art project, as defined in NRS 271.037;*

(b) *A tourism and entertainment project, as defined in NRS 271.234; or*

(c) *A sports stadium which can be used for the home games of a Major League Baseball or National Football League team and for other purposes, including structures, buildings and other improvements and equipment therefor, parking facilities, and all other appurtenances necessary, useful or desirable for a Major League Baseball or National Football League stadium, including, without limitation, all types of property therefor and immediately adjacent facilities for retail sales, dining and entertainment.*

2. *With respect to a city in a county whose population is 400,000 or more:*

(a) *A project described in paragraph (a), (b) or (c) of subsection 1; or*

(b) *A recreational project, as defined in NRS 268.710.*

3. *With respect to a municipality other than a municipality described in subsection 1 or 2,*

*any project that the municipality is authorized to acquire, improve, equip, operate and maintain pursuant to subsections 1, 2 and 4 to 10, inclusive, of NRS 244A.057 or NRS 268.730 or 271.265, as applicable.*

4. *Any real or personal property suitable for retail, tourism or entertainment purposes.*

5. *Any real or personal property necessary, useful or desirable in connection with any of the projects set forth in this section.*

6. *Any combination of the projects set forth in this section.”.*

Amend sec. 9, pages 3 through 6, by deleting lines 36 through 45 on page 3, lines 1 through 45 on page 4, lines 1 through 45 on page 5 and lines 1 through 26 on page 6, and inserting:

“Sec. 9. *The governing body of a municipality shall not adopt an ordinance pursuant to section 8 of this act unless:*

1. *If the ordinance:*

(a) *Creates a district, the governing body has determined that no retailers will have maintained or will be maintaining a fixed place of business within*

*the district on or within the 120 days immediately preceding the date of the adoption of the ordinance; or*

*(b) Amends the boundaries of the district to add any additional area, the governing body has determined that no retailers will have maintained or will be maintaining a fixed place of business within that area on or within 120 days immediately preceding the date of the adoption of the ordinance.*

*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 the governing body, to the board of county commissioners, if the governing body is not the board of county commissioners for the county in which the tourism district is or will be located, and to 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:*

*(a) The amount of the proceeds of all taxes and other governmental revenue projected to be received as a result of the properties and businesses expected to be located in the district;*

*(b) The use of any money proposed to be pledged pursuant to section 8 of this act;*

*(c) Any increase in costs for the provision of local governmental services, including, without limitation, services for education, including operational and capital costs, and services for police protection and fire protection, as a result of the project and the development of land within the district; and*

*(d) Estimates of any increases in the proceeds from sales and use taxes collected by retailers located outside of the district and of any displacement of the proceeds from sales and use taxes collected by those retailers, as a result of the properties and businesses expected to be located in the district.*

*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. If the governing body is not the board of county commissioners for the county in which the tourism district is or will be located, the governing body has, at least 45 days before making the written finding required by subsection 3, provided to the board of county commissioners in the county 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.

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 county commissioners may conduct a hearing regarding the fiscal effect on local governmental services, 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 may 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.

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

(a) As a result of the project:

(1) Retailers will locate their businesses as such in the district; and

(2) There will be a substantial increase in the proceeds from sales and use taxes remitted by retailers with regard to tangible personal property sold at retail, or stored, used or otherwise consumed, in the district; and

(b) A preponderance of that increase in the proceeds from sales and use taxes will be attributable to transactions with tourists who are not residents of this State.

7. The Commission on Tourism has determined, at a public hearing conducted at least 15 days after providing notice of the hearing by publication, that a preponderance of the increase in the proceeds from sales and use taxes identified pursuant to subsection 6 will be attributable to transactions with tourists who are not residents of this State.

8. The Governor has determined that the project and the use of any money proposed to be pledged pursuant to section 8 of this act will contribute significantly to economic development and tourism in this State. Before making that determination, the Governor:

(a) Must consider the fiscal effects of the pledge of money on educational funding, including any fiscal effects described in comments provided pursuant to subsection 4 by the school district in which the tourism improvement district is or will be located, and for that purpose may require the Department of Education or the Department of Taxation, or both, to provide him with an appropriate fiscal report; and

(b) If the Governor determines that the pledge of money will have a substantial adverse fiscal effect on educational funding, may require a commitment from the municipality for the provision of specified payments to the school district in which the tourism improvement district is or will be located during the term of the use of any money pledged pursuant to section 8 this act. The payments may be provided pursuant to agreements with owners of property within the district authorized by section 12 of this act or from sources other than the owners of property within the district. Such a commitment by a municipality is not subject to the limitations of subsection 1 of NRS 354.626 and, notwithstanding any other law to the contrary, is binding on the municipality for the term of the use of any money pledged pursuant to section 8 of this act.

9. If any property within the boundaries of the district is also included within the boundaries of any other tourism improvement district or any improvement district for which any money has been pledged pursuant to NRS 271.650, all the governing bodies which created those districts have entered into an interlocal agreement providing for:

(a) The apportionment of any money pledged pursuant to section 8 of this act and NRS 271.650 with respect to such property; and

(b) The priority of the application of that money between:

(1) Bonds issued pursuant to chapter 271 of NRS; and

(2) Bonds and notes issued, and agreements entered into, pursuant to section 13 of this act.

Any such agreement for the priority of the application of that money may be made irrevocable during the term of any bonds issued pursuant to chapter 271 of NRS to which all or any portion of that money is pledged, or during the term of any bonds or notes issued or any agreements entered into pursuant to section 13 of this act to which all or any portion of that money is pledged.”.

Amend sec. 17, pages 13 and 14, by deleting lines 42 through 44 on page 13 and lines 1 through 4 on page 14, and inserting:

“(b) Approved by the governing body, Commission on Tourism and Governor in the manner required to satisfy the requirements of subsections 6, 7 and 8 of section 9 of this act,

and after the provision of notice to and an opportunity to make comments by the board of trustees of the school district in which the tourism improvement district is located in accordance with subsection 4 of section 9 of this act and, if applicable, by the board of county commissioners of the

*county in which the tourism improvement district is located in accordance with subsection 5 of section 9 of this act.”.*

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. 524.

Bill read third time.

Remarks by Assemblyman Arberry.

Roll call on Senate Bill No. 524:

YEAS—41.

NAYS—Sherer.

Senate Bill No. 524 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

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

Assembly in recess at 9:48 a.m.

#### ASSEMBLY IN SESSION

At 9:52 a.m.

Mr. Speaker presiding.

Quorum present.

#### UNFINISHED BUSINESS

##### CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 189.

The following Senate amendment was read:

Amendment No. 1186.

Amend sec. 3, page 4, by deleting lines 1 through 14 and inserting:

*“4. The order of the Commission is a final decision in a contested case for the purpose of judicial review. If the person fails to comply with the Commission’s order, the Commission shall apply to the district court for an order compelling such compliance, but failure or delay on the part of the Commission does not prejudice the right of an aggrieved party to judicial review. The court shall issue the order unless it finds that the Commission’s findings or order are:*

- (a) In violation of constitutional, statutory or regulatory provisions;*
- (b) In excess of the statutory authority of the Commission;*
- (c) Made upon unlawful procedure;*
- (d) Affected by other error of law;*
- (e) Clearly erroneous in view of the reliable, probative and substantial evidence on the whole record; or*

(f) *Arbitrary or capricious or characterized by abuse of discretion.*

*If the court upholds the Commission's order and finds that the person has violated the order by failing to cease and desist from the unlawful discriminatory practice in housing or to make the payment ordered, the court shall award the aggrieved party actual damages for any economic loss and no more."*

Amend sec. 4, page 4, by deleting lines 19 through 40 and inserting:

"Sec. 4. NRS 233.010 is hereby amended to read as follows:

233.010 1. It is hereby declared to be the public policy of the State of Nevada to protect the welfare, prosperity, health and peace of all the people of the State, and to foster the right of all persons ~~reasonably to seek, obtain and hold employment and housing accommodations, and~~ reasonably to seek and be granted services in places of public accommodation without discrimination, distinction or restriction because of race, religious creed, color, age, sex, disability, *sexual orientation*, national origin or ancestry.

2. *It is hereby declared to be the public policy of the State of Nevada to protect the welfare, prosperity, health and peace of all the people of the State, and to foster the right of all persons reasonably to seek, obtain and hold employment and housing accommodations without discrimination, distinction or restriction in violation of federal law.*

3. It is recognized that the people of this State should be afforded full and accurate information concerning ~~actual and alleged~~ *unlawful* practices of discrimination and acts of prejudice, and that such information may provide the basis for formulating statutory remedies of equal protection and opportunity for all citizens in this State."

Amend sec. 5, pages 4 and 5, by deleting lines 41 through 44 on page 4 and lines 1 through 16 on page 5, and inserting:

"Sec. 5. NRS 233.020 is hereby amended to read as follows:

233.020 As used in this chapter:

1. "Administrator" means the Administrator of the Commission.
2. "Commission" means the Nevada Equal Rights Commission within the Department of Employment, Training and Rehabilitation.
3. "Disability" means, with respect to a person:
  - (a) A physical or mental impairment that substantially limits one or more of the major life activities of the person;
  - (b) A record of such an impairment; or
  - (c) Being regarded as having such an impairment.
4. "Member" means a member of the Nevada Equal Rights Commission.
5. "*Sexual orientation*" means *having or being perceived as having an orientation for heterosexuality, homosexuality or bisexuality.*
6. "*Unlawful discriminatory practice in housing*" means *a practice prohibited by NRS 118.100."*

Amend sec. 6, page 5, by deleting lines 17 through 40 and inserting:

"Sec. 6. NRS 233.150 is hereby amended to read as follows:

233.150 The Commission may:



1. ~~[Order]~~ *If the Commission determines that a complaint may be meritorious, order its Administrator to :*

(a) *With regard to public accommodation, investigate tensions, practices of discrimination and acts of prejudice against any person or group because of race, color, creed, sex, age, disability, sexual orientation, national origin or ancestry, and may conduct hearings with regard thereto.*

(b) *With regard to employment and housing, investigate tensions, practices of discrimination and acts of prejudice against any person or group in violation of federal law, and may conduct hearings with regard thereto.*

2. Mediate between or reconcile the persons or groups involved in those tensions, practices and acts.

3. Issue subpoenas for the attendance of witnesses or for the production of documents or tangible evidence relevant to any investigations or hearings conducted by the Commission.

4. Delegate its power to hold hearings and issue subpoenas to any of its members or any hearing officer in its employ.

5. Adopt reasonable regulations necessary for the Commission to carry out the functions assigned to it by law.”.

Amend sec. 7, pages 5 and 6, by deleting lines 41 through 45 on page 5 and lines 1 through 5 on page 6, and inserting:

“Sec. 7. NRS 233.157 is hereby amended to read as follows:

233.157 The Commission shall accept any complaint alleging an unlawful discriminatory practice over which it has jurisdiction pursuant to this chapter. The Commission shall adopt regulations setting forth the manner in which the Commission will process any such complaint and determine whether to hold an informal *settlement* meeting or conduct an investigation concerning the complaint. *If a complaint alleging an unlawful discriminatory practice in housing is not resolved at an informal settlement meeting, the Commission shall investigate any such complaint that it determines may be meritorious.*”.

Amend the bill as a whole by deleting sec. 13 and adding a new section designated sec. 13, following sec. 12, to read as follows:

“Sec. 13. NRS 118.020 is hereby amended to read as follows:

118.020 1. It is hereby declared to be the public policy of the State of Nevada that all people in the State have equal opportunity to inherit, purchase, lease, rent, sell, hold and convey real property without discrimination, distinction or restriction ~~[because of race, religious creed, color, national origin, disability, ancestry, familial status or sex.]~~ *in violation of federal law.*

2. Nothing in this chapter shall be deemed to render enforceable a conveyance or other contract made by a person who lacks the capacity to contract.”.

Amend sec. 15, pages 11 through 13, by deleting lines 39 through 45 on page 11, lines 1 through 44 on page 12 and lines 1 through 19 on page 13, and inserting:

“Sec. 15. NRS 118.100 is hereby amended to read as follows:

118.100 1. Except as otherwise provided in subsection 2, a person shall not ~~[, because of race, religious creed, color, national origin, disability, ancestry, familial status or sex:]~~ *in violation of federal law:*

(a) Refuse to sell or rent or refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person.

(b) Discriminate against any person in the terms, conditions or privileges of sale or rental of a dwelling, including the amount of breakage or brokerage fees, deposits or other undue penalties, or in the provision of services or facilities in connection therewith.

(c) Make, print or publish, or cause to be made, printed or published, any notice, statement or advertisement with respect to the sale or rental of a dwelling that indicates any preference, limitation or discrimination, or an intention to make any preference, limitation or discrimination. As used in this paragraph, “dwelling” includes a house, room or unit described in subsection 2 or 3 of NRS 118.060.

(d) Represent to any person ~~[because of race, religious creed, color, national origin, disability, ancestry, familial status or sex]~~ that any dwelling is not available for inspection, sale or rental when the dwelling is in fact so available.

(e) For profit, induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person . ~~[of a particular race, religious creed, color, national origin, disability, ancestry, familial status or sex.]~~

(f) Coerce, intimidate, threaten or interfere with any person in the exercise or enjoyment of, or on account of *his having exercised or enjoyed, or on account of* that person having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected in this chapter.

(g) *If his business includes engaging in residential real estate-related transactions, discriminate against any person in making available such a transaction, or in the terms or conditions of such a transaction.*

(h) *Deny any person access to or membership or participation in any multiple-listing service, real estate brokers’ organization or other service, organization or facility relating to the business of selling or renting dwellings, or discriminate against such a person in the terms or conditions of such access, membership or participation.*

2. The provisions of ~~[subsection 1 do not prohibit any act that is not prohibited by the provisions of the Fair Housing Act of 1968 (42 U.S.C. §§ 3601 et seq.), as amended.]~~ *this section do not:*

(a) *Prohibit a religious organization, association or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association or society, from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion or from*

*giving preference to such persons, unless membership in such religion is restricted on account of race, color or national origin.*

*(b) Prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members.*

*(c) Regarding familial status, apply with respect to housing for older persons as defined in 42 U.S.C. § 3607.*

3. As used in this section, unless the context otherwise requires, “residential real estate-related transaction” means any of the following:

*(a) The making or purchasing of loans or providing other financial assistance for the purchasing, constructing, improving, repairing or maintaining of a dwelling.*

*(b) The making or purchasing of loans or providing other financial assistance secured by residential real estate.*

*(c) The selling, brokering or appraising of residential real estate.”.*

Assemblywoman Giunchigliani moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 189.

Remarks by Assemblywoman Giunchigliani.

Motion carried.

Bill ordered to be transmitted to the Senate.

Assemblyman Ocegüera moved that the Assembly recess until 2:00 p.m.

Motion carried.

Assembly in recess at 9:53 a.m.

#### ASSEMBLY IN SESSION

At 2:25 p.m.

Mr. Speaker presiding.

Quorum present.

#### REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Ways and Means, to which was rereferred Assembly Bill No. 307, 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. 95, 195, 369, 522, 525, 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 6, 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. 574.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly Amendment No. 1193 to Senate Bill No. 390.

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. 851 to Senate Bill No. 445; Assembly Amendments Nos. 944, 1171 to Senate Bill No. 462.

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. 20, 62, 394, 457; Assembly Bills Nos. 42, 260, 314.

MARY JO MONGELLI

*Assistant Secretary of the Senate*

#### INTRODUCTION, FIRST READING, AND REFERENCE

By Assemblymen Perkins and Koivisto (emergency request by Perkins):

Assembly Bill No. 579—AN ACT relating to health care; requiring certain major hospitals to accept certain payments for the provision of emergency services and care to certain patients as payment in full; providing a penalty; 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.

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

Assembly in recess at 2:29 p.m.

#### ASSEMBLY IN SESSION

At 2:40 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. 577, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY JR., *Chairman*

#### GENERAL FILE AND THIRD READING

Senate Bill No. 306.

Bill read third time.

Roll call on Senate Bill No. 306:

YEAS—41.

NAYS—McCleary.

Senate Bill No. 306 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 307.

Bill read third time.

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

Amendment No. 1217.

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

“Section 1. NRS 482.385 is hereby amended to read as follows:

482.385 1. Except as otherwise provided in subsection 4 and NRS 482.390, a nonresident owner of a vehicle of a type subject to registration pursuant to the provisions of this chapter, owning any vehicle which has been registered for the current year in the state, country or other place of which the owner is a resident and which at all times when operated in this State has displayed upon it the registration license plate issued for the vehicle in the place of residence of the owner, may operate or permit the operation of the vehicle within this State without its registration in this State pursuant to the provisions of this chapter and without the payment of any registration fees to this State.

2. This section does not:

(a) Prohibit the use of manufacturers’, distributors’ or dealers’ license plates issued by any state or country by any nonresident in the operation of any vehicle on the public highways of this State.

(b) Require registration of vehicles of a type subject to registration pursuant to the provisions of this chapter operated by nonresident common motor carriers of persons or property, contract motor carriers of persons or property, or private motor carriers of property as stated in NRS 482.390.

(c) Require registration of a vehicle operated by a border state employee.

3. When a person, formerly a nonresident, becomes a resident of this State, he shall:

(a) Within 30 days after becoming a resident; or

(b) At the time he obtains his driver’s license,

whichever occurs earlier, apply for the registration of each vehicle he owns which is operated in this State. When a person, formerly a nonresident, applies for a driver’s license in this State, the Department shall inform the person of the requirements imposed by this subsection and of the penalties that may be imposed for failure to comply with the provisions of this subsection. *A citation may be issued pursuant to this subsection only if the violation is discovered when the vehicle is halted or its driver arrested for another alleged violation or offense. A person who violates the provisions of this subsection is guilty of a misdemeanor and shall be punished by a fine of not less than \$500 nor more than \$1,000 and such fine is in addition to any*

*fine or penalty imposed for the other alleged violation or offense for which the vehicle was halted or its driver arrested.* In addition, the Department shall maintain or cause to be maintained a list or other record of persons who fail to comply with the provisions of this subsection and shall, at least once each month, provide a copy of that list or record to the Department of Public Safety.

4. Any resident operating upon a highway of this State a motor vehicle which is owned by a nonresident and which is furnished to the resident operator for his continuous use within this State, shall cause that vehicle to be registered within 30 days after beginning its operation within this State.

5. A person registering a vehicle pursuant to the provisions of subsection 3, 4 or 6 or pursuant to NRS 482.390:

(a) Must be assessed the registration fees and governmental services tax, as required by the provisions of this chapter and chapter 371 of NRS; and

(b) Must not be allowed credit on those taxes and fees for the unused months of his previous registration.

6. If a vehicle is used in this State for a gainful purpose, the owner shall immediately apply to the Department for registration, except as otherwise provided in NRS 482.390, 482.395 and 706.801 to 706.861, inclusive.

7. An owner registering a vehicle pursuant to the provisions of this section shall surrender the existing nonresident license plates and registration certificates to the Department for cancellation.

8. A vehicle may be cited for a violation of this section regardless of whether it is in operation or is parked on a highway, in a public parking lot or on private property which is open to the public if, after communicating with the owner or operator of the vehicle, the peace officer issuing the citation determines that:

(a) The owner of the vehicle is a resident of this State; or

(b) The vehicle is used in this State for a gainful purpose.”.

Amend the title of the bill, fourth line, after “veterans;” by inserting: “providing a penalty;”.

Assemblywoman McClain moved the adoption of the amendment.

Remarks by Assemblywoman McClain.

Amendment adopted.

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

#### MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Ocegüera moved that Senate Bill No. 525 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

#### GENERAL FILE AND THIRD READING

Senate Bill No. 525.

Bill read third time.

Remarks by Assemblywoman Giunchigliani.

Assemblywoman Giunchigliani requested that her remarks be entered in the Journal.

I just want to note, for the record, contained within this legislation is an addition with the whole restructuring of the property tax and the reduction for our taxpayers. We also commensurately reduced how much goes into the Distributive School Account for the local districts. We just wanted to make sure that everybody knew that what we also added here, as a qualification, that, if because we reground those numbers it was not accurate, the districts would be held harmless and the State would be obligated to make up those dollars when they redid it. We made this be put on the record in the Ways and Means Committee, but we also wanted to do so here, as well. As they ran their numbers through their formula, some of the rural counties notified us that we might have a problem, and we wanted to make sure that, for the record, the state is obligated to make up that General Fund any property tax loss and if there was one, the districts would be made whole.

Secondly, I would also say that this is a good piece of legislation in that it helps get us home, and most importantly, it does take care of our school districts. We made some gains in the per-pupil funding and we tried to deal with textbook inflation, which was very good, as we have not had that in the past, some things that really are the core for our students and their parents. I commend my colleagues on Ways and Means for having worked on this manner. I urge your support.

Roll call on Senate Bill No. 525:

YEAS—42.

NAYS—None.

Senate Bill No. 525 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 95.

Bill read third time.

Roll call on Senate Bill No. 95:

YEAS—42.

NAYS—None.

Senate Bill No. 95 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 195.

Bill read third time.

Roll call on Senate Bill No. 195:

YEAS—42.

NAYS—None.

Senate Bill No. 195 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

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

Assembly in recess at 2:47 p.m.

## ASSEMBLY IN SESSION

At 2:49 p.m.

Mr. Speaker presiding.

Quorum present.

## MOTIONS, RESOLUTIONS, AND NOTICES

Assemblywoman Giunchigliani moved that Senate Bill No. 282 be taken from the Chief Clerk's desk and placed at the top of the General File.

Remarks by Assemblywoman Giunchigliani.

Motion carried.

## GENERAL FILE AND THIRD READING

Senate Bill No. 282.

Bill read third time.

The following amendment was proposed by Assemblywoman Giunchigliani:

Amendment No. 1223.

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

“Sec. 10. NRS 176A.850 is hereby amended to read as follows:

176A.850 1. A person who:

(a) Has fulfilled the conditions of his probation for the entire period thereof;

(b) Is recommended for earlier discharge by the Division; or

(c) Has demonstrated his fitness for honorable discharge but because of economic hardship, verified by a parole and probation officer, has been unable to make restitution as ordered by the court,

may be granted an honorable discharge from probation by order of the court.

2. Any amount of restitution remaining unpaid constitutes a civil liability arising upon the date of discharge.

3. Except as otherwise provided in subsection 4, a person who has been honorably discharged from probation:

(a) Is free from the terms and conditions of his probation.

(b) Is immediately restored to the following civil rights:

(1) The right to vote; and

(2) The right to serve as a juror in a civil action.

(c) Four years after the date of his honorable discharge from probation, is restored to the right to hold office.

(d) Six years after the date of his honorable discharge from probation, is restored to the right to serve as a juror in a criminal action.

(e) If he meets the requirements of NRS 179.245, may apply to the court for the sealing of records relating to his conviction.



(f) Must be informed of the provisions of this section and NRS 179.245 in his probation papers.

(g) Is exempt from the requirements of chapter 179C of NRS, but is not exempt from the requirements of chapter 179D of NRS.

(h) Shall disclose the conviction to a gaming establishment and to the State and its agencies, departments, boards, commissions and political subdivisions, if required in an application for employment, license or other permit. As used in this paragraph, "establishment" has the meaning ascribed to it in NRS 463.0148.

(i) Except as otherwise provided in paragraph (h), need not disclose the conviction to an employer or prospective employer.

4. Except as otherwise provided in this subsection, the civil rights set forth in subsection 3 are not restored to a person honorably discharged from probation if the person has previously been convicted in this State:

(a) Of a category A felony.

(b) Of an offense that would constitute a category A felony if committed as of the date of his honorable discharge from probation.

(c) Of a category B felony involving the use of force or violence that resulted in substantial bodily harm to the victim.

(d) Of an offense involving the use of force or violence that resulted in substantial bodily harm to the victim and that would constitute a category B felony if committed as of the date of his honorable discharge from probation.

(e) Two or more times of a felony, unless a felony for which the person has been convicted arose out of the same act, transaction or occurrence as another felony, in which case the convictions for those felonies shall be deemed to constitute a single conviction for the purposes of this paragraph.

A person described in this subsection may petition ~~the court in which the person was convicted~~ *a court of competent jurisdiction* for an order granting the restoration of his civil rights as set forth in subsection 3.

5. The prior conviction of a person who has been honorably discharged from probation may be used for purposes of impeachment. In any subsequent prosecution of the person, the prior conviction may be pleaded and proved if otherwise admissible.

6. Except for a person subject to the limitations set forth in subsection 4, upon his honorable discharge from probation, the person so discharged must be given an official document which provides:

(a) That he has received an honorable discharge from probation;

(b) That he has been restored to his civil rights to vote and to serve as a juror in a civil action as of the date of his honorable discharge from probation;

(c) The date on which his civil right to hold office will be restored to him pursuant to paragraph (c) of subsection 3; and

(d) The date on which his civil right to serve as a juror in a criminal action will be restored to him pursuant to paragraph (d) of subsection 3.

7. Subject to the limitations set forth in subsection 4, a person who has been honorably discharged from probation in this State or elsewhere and whose official documentation of his honorable discharge from probation is lost, damaged or destroyed may file a written request with a court of competent jurisdiction to restore his civil rights pursuant to this section. Upon verification that the person has been honorably discharged from probation and is eligible to be restored to the civil rights set forth in subsection 3, the court shall issue an order restoring the person to the civil rights set forth in subsection 3. A person must not be required to pay a fee to receive such an order.

8. A person who has been honorably discharged from probation in this State or elsewhere may present:

(a) Official documentation of his honorable discharge from probation, if it contains the provisions set forth in subsection 6; or

(b) A court order restoring his civil rights,  
as proof that he has been restored to the civil rights set forth in subsection 3.

Sec. 11. NRS 179.245 is hereby amended to read as follows:

179.245 1. Except as otherwise provided in subsection 5 and NRS 176A.265, 179.259 and 453.3365, a person may petition the court in which he was convicted for the sealing of all records relating to a conviction of:

(a) A category A or B felony after 15 years from the date of his release from actual custody or discharge from parole or probation, whichever occurs later;

(b) A category C or D felony after 12 years from the date of his release from actual custody or discharge from parole or probation, whichever occurs later;

(c) A category E felony after ~~{10}~~ 7 years from the date of his release from actual custody or discharge from parole or probation, whichever occurs later;

(d) Any gross misdemeanor after 7 years from the date of his release from actual custody or discharge from probation, whichever occurs later;

(e) A violation of NRS 484.379 other than a felony, or a battery which constitutes domestic violence pursuant to NRS 33.018 other than a felony, after 7 years from the date of his release from actual custody or from the date when he is no longer under a suspended sentence, whichever occurs later; or

(f) Any other misdemeanor after ~~{3}~~ 2 years from the date of his release from actual custody or from the date when he is no longer under a suspended sentence, whichever occurs later.

2. A petition filed pursuant to subsection 1 must:

(a) Be accompanied by current, verified records of the petitioner's criminal history received from:

(1) The Central Repository for Nevada Records of Criminal History;  
and

(2) The local law enforcement agency of the city or county in which the conviction was entered;

(b) Include a list of any other public or private agency, company, official or other custodian of records that is reasonably known to the petitioner to have possession of records of the conviction and to whom the order to seal records, if issued, will be directed; and

(c) Include information that, to the best knowledge and belief of the petitioner, accurately and completely identifies the records to be sealed.

3. Upon receiving a petition pursuant to this section, the court shall notify the law enforcement agency that arrested the petitioner for the crime and:

(a) If the person was convicted in a district court or justice's court, the prosecuting attorney for the county; or

(b) If the person was convicted in a municipal court, the prosecuting attorney for the city.

The prosecuting attorney and any person having relevant evidence may testify and present evidence at the hearing on the petition.

4. If, after the hearing, the court finds that, in the period prescribed in subsection 1, the petitioner has not been charged with any offense for which the charges are pending or convicted of any offense, except for minor moving or standing traffic violations, the court may order sealed all records of the conviction which are in the custody of the court, of another court in the State of Nevada or of a public or private agency, company or official in the State of Nevada, and may also order all such criminal identification records of the petitioner returned to the file of the court where the proceeding was commenced from, including, but not limited to, the Federal Bureau of Investigation, the California Bureau of Identification and Information, sheriffs' offices and all other law enforcement agencies reasonably known by either the petitioner or the court to have possession of such records.

5. A person may not petition the court to seal records relating to a conviction of a crime against a child or a sexual offense.

6. If the court grants a petition for the sealing of records pursuant to this section, upon the request of the person whose records are sealed, the court may order sealed all records of the civil proceeding in which the records were sealed.

7. As used in this section:

(a) "Crime against a child" has the meaning ascribed to it in NRS 179D.210.

(b) "Sexual offense" means:

(1) Murder of the first degree committed in the perpetration or attempted perpetration of sexual assault or of sexual abuse or sexual molestation of a child less than 14 years of age pursuant to paragraph (b) of subsection 1 of NRS 200.030.

(2) Sexual assault pursuant to NRS 200.366.

(3) Statutory sexual seduction pursuant to NRS 200.368, if punishable as a felony.

(4) Battery with intent to commit sexual assault pursuant to NRS 200.400.

(5) An offense involving the administration of a drug to another person with the intent to enable or assist the commission of a felony pursuant to NRS 200.405, if the felony is an offense listed in this paragraph.

(6) An offense involving the administration of a controlled substance to another person with the intent to enable or assist the commission of a crime of violence pursuant to NRS 200.408, if the crime of violence is an offense listed in this paragraph.

(7) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation.

(8) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive.

(9) Incest pursuant to NRS 201.180.

(10) Solicitation of a minor to engage in acts constituting the infamous crime against nature pursuant to NRS 201.195.

(11) Open or gross lewdness pursuant to NRS 201.210, if punishable as a felony.

(12) Indecent or obscene exposure pursuant to NRS 201.220, if punishable as a felony.

(13) Lewdness with a child pursuant to NRS 201.230.

(14) Sexual penetration of a dead human body pursuant to NRS 201.450.

(15) Luring a child or mentally ill person pursuant to NRS 201.560, if punishable as a felony.

(16) An attempt to commit an offense listed in subparagraphs (1) to (15), inclusive.”.

Amend the bill as a whole by deleting sections 11 and 12 and adding new sections designated sections 13 through 17, following sec. 10, to read as follows:

“Sec. 13. NRS 213.155 is hereby amended to read as follows:

213.155 1. Except as otherwise provided in subsection 2, a person who receives an honorable discharge from parole pursuant to NRS 213.154:

(a) Is immediately restored to the following civil rights:

(1) The right to vote; and

(2) The right to serve as a juror in a civil action.

(b) Four years after the date of his honorable discharge from parole, is restored to the right to hold office.

(c) Six years after the date of his honorable discharge from parole, is restored to the right to serve as a juror in a criminal action.

2. Except as otherwise provided in this subsection, the civil rights set forth in subsection 1 are not restored to a person who has received an honorable discharge from parole if the person has previously been convicted in this State:

(a) Of a category A felony.

(b) Of an offense that would constitute a category A felony if committed as of the date of his honorable discharge from parole.

(c) Of a category B felony involving the use of force or violence that resulted in substantial bodily harm to the victim.

(d) Of an offense involving the use of force or violence that resulted in substantial bodily harm to the victim and that would constitute a category B felony if committed as of the date of his honorable discharge from parole.

(e) Two or more times of a felony, unless a felony for which the person has been convicted arose out of the same act, transaction or occurrence as another felony, in which case the convictions for those felonies shall be deemed to constitute a single conviction for the purposes of this paragraph.

A person described in this subsection may petition ~~the court in which the person was convicted~~ *a court of competent jurisdiction* for an order granting the restoration of his civil rights as set forth in subsection 1.

3. Except for a person subject to the limitations set forth in subsection 2, upon his honorable discharge from parole, a person so discharged must be given an official document which provides:

(a) That he has received an honorable discharge from parole;

(b) That he has been restored to his civil rights to vote and to serve as a juror in a civil action as of the date of his honorable discharge from parole;

(c) The date on which his civil right to hold office will be restored to him pursuant to paragraph (b) of subsection 1; and

(d) The date on which his civil right to serve as a juror in a criminal action will be restored to him pursuant to paragraph (c) of subsection 1.

4. Subject to the limitations set forth in subsection 2, a person who has been honorably discharged from parole in this State or elsewhere and whose official documentation of his honorable discharge from parole is lost, damaged or destroyed may file a written request with a court of competent jurisdiction to restore his civil rights pursuant to this section. Upon verification that the person has been honorably discharged from parole and is eligible to be restored to the civil rights set forth in subsection 1, the court shall issue an order restoring the person to the civil rights set forth in subsection 1. A person must not be required to pay a fee to receive such an order.

5. A person who has been honorably discharged from parole in this State or elsewhere may present:

(a) Official documentation of his honorable discharge from parole, if it contains the provisions set forth in subsection 3; or

(b) A court order restoring his civil rights,  
as proof that he has been restored to the civil rights set forth in subsection 1.

6. The Board may adopt regulations necessary or convenient for the purposes of this section.

Sec. 14. NRS 213.157 is hereby amended to read as follows:

213.157 1. Except as otherwise provided in subsection 2, a person convicted of a felony in the State of Nevada who has served his sentence and has been released from prison:

(a) Is immediately restored to the following civil rights:

(1) The right to vote; and

(2) The right to serve as a juror in a civil action.

(b) Four years after the date of his release from prison, is restored to the right to hold office.

(c) Six years after the date of his release from prison, is restored to the right to serve as a juror in a criminal action.

2. Except as otherwise provided in this subsection, the civil rights set forth in subsection 1 are not restored to a person who has been released from prison if the person has previously been convicted in this State:

(a) Of a category A felony.

(b) Of an offense that would constitute a category A felony if committed as of the date of his release from prison.

(c) Of a category B felony involving the use of force or violence that resulted in substantial bodily harm to the victim.

(d) Of an offense involving the use of force or violence that resulted in substantial bodily harm to the victim and that would constitute a category B felony if committed as of the date of his release from prison.

(e) Two or more times of a felony, unless a felony for which the person has been convicted arose out of the same act, transaction or occurrence as another felony, in which case the convictions for those felonies shall be deemed to constitute a single conviction for the purposes of this paragraph.

A person described in this subsection may petition ~~the court in which the person was convicted~~ *a court of competent jurisdiction* for an order granting the restoration of his civil rights as set forth in subsection 1.

3. Except for a person subject to the limitations set forth in subsection 2, upon his release from prison, a person so released must be given an official document which provides:

(a) That he has been released from prison;

(b) That he has been restored to his civil rights to vote and to serve as a juror in a civil action as of the date of his release from prison;

(c) The date on which his civil right to hold office will be restored to him pursuant to paragraph (b) of subsection 1; and

(d) The date on which his civil right to serve as a juror in a criminal action will be restored to him pursuant to paragraph (c) of subsection 1.

4. Subject to the limitations set forth in subsection 2, a person who has been released from prison in this State or elsewhere and whose official documentation of his release from prison is lost, damaged or destroyed may file a written request with a court of competent jurisdiction to restore his civil rights pursuant to this section. Upon verification that the person has been released from prison and is eligible to be restored to the civil rights set forth in subsection 1, the court shall issue an order restoring the person to the civil

rights set forth in subsection 1. A person must not be required to pay a fee to receive such an order.

5. A person who has been released from prison in this State or elsewhere may present:

(a) Official documentation of his release from prison, if it contains the provisions set forth in subsection 3; or

(b) A court order restoring his civil rights,  
as proof that he has been restored to the civil rights set forth in subsection 1.

Sec. 15. Notwithstanding the provisions of sections 1 to 9, inclusive, and 12 of this act, a person is not required to possess a license issued by the State Board of Health to operate or maintain a facility for transitional living for released offenders in this State before January 1, 2006, unless the Board establishes, by regulation, an earlier date for compliance with the amendatory provisions of sections 1 to 9, inclusive, and 12 of this act.

Sec. 16. 1. Notwithstanding any other provision of law, except as otherwise provided in subsection 2, a person who was dishonorably discharged from probation or parole before the effective date of this section, until July 1, 2008, may apply to the Division of Parole and Probation of the Department of Public Safety, in accordance with the regulations adopted by the Division pursuant to the provisions of this section, to request that his dishonorable discharge from probation or parole be changed to an honorable discharge from probation or parole.

2. A person who was dishonorably discharged from probation or parole may not apply to change his discharge to an honorable discharge pursuant to this section if his dishonorable discharge was based, in whole or in part, upon:

(a) The fact that he committed a new crime, other than a violation of a traffic law for which he was issued a citation, during the period of his probation or parole;

(b) The fact that his whereabouts were unknown at the time of his discharge from probation or parole; or

(c) Any incident involving his commission of a violent act or an act that threatened public safety during the period of his probation or parole.

3. The Division shall adopt regulations establishing guidelines and procedures to be used to carry out the provisions of this section. The regulations must include, without limitation, provisions requiring that to be granted a change of discharge pursuant to this section, if an applicant failed to make full restitution as ordered by the court or failed to pay the fees to defray the cost of his supervision as required pursuant to NRS 213.1076, the applicant must have made or must be making an effort in good faith and satisfactory progress towards paying the restitution ordered or fees owed, as determined by the Division.

4. A person whose application for a change of discharge is granted by the Division and whose discharge from probation or parole is changed to an honorable discharge from probation or parole pursuant to this section:

(a) Shall be deemed to have been issued an honorable discharge from probation or parole effective as of the date of his original dishonorable discharge from probation or parole;

(b) Is subject to, and must be restored to his civil rights in accordance with, the provisions of NRS 176A.850 or 213.155, as amended by this act; and

(c) Must be given an official document which:

(1) Provides that he has received an honorable discharge from probation or parole; and

(2) States, as applicable, the dates on which his civil rights to vote, to serve as a juror in a civil action, to hold office and to serve as a juror in a criminal action will be restored to him.

5. The Division shall, on or before January 1, 2009, submit a written report to the Director of the Legislative Counsel Bureau that includes, without limitation, the following information:

(a) The number of persons who applied for a change of discharge pursuant to this section;

(b) The number of applications that were granted or denied and the general reasons for denial of the applications;

(c) The estimated amount of restitution and fees for supervision paid as the result of the enactment of this section;

(d) Any recommendations and conclusions concerning the desirability of extending the application of the provisions of this section; and

(e) Any other information deemed appropriate by the Division.

Sec. 17. 1. This section and sections 10, 11 and 13 to 16, inclusive, of this act become effective upon passage and approval.

2. Sections 1 to 9, inclusive, and 12 of this act become effective upon passage and approval for the purpose of adopting regulations and on October 1, 2005, for all other purposes.”.

Amend the title of the bill to read as follows:

“AN ACT relating to convicted persons; prohibiting a person other than a state or local government or agency thereof from operating or maintaining a facility for transitional living for released offenders without licensure by the State Board of Health; providing that each alcohol and drug abuse program operated by such a facility must be certified by the Health Division of the Department of Human Resources; providing that such facilities are facilities for the dependent; revising the definition of “halfway house for recovering alcohol and drug abusers”; requiring the Board to adopt standards and regulations governing the licensure and operation of such facilities; authorizing the Board to impose fees for the issuance and renewal of a license to operate such a facility; providing that the fact that a facility for transitional living for released offenders is located near real property which is



the subject of a sale, lease or rental is not material to the transaction and is not required to be disclosed by the seller, lessor or landlord; revising the provisions governing the sealing of records of convictions pertaining to certain crimes; making various changes concerning the restoration of civil rights of certain persons; allowing certain persons who have been dishonorably discharged from probation or parole to apply, for a limited period, to the Division of Parole and Probation of the Department of Public Safety to request that their dishonorable discharge be changed to an honorable discharge; providing a penalty; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Makes various changes concerning convicted persons. (BDR 40-622)”.

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. 369.

Bill read third time.

Roll call on Senate Bill No. 369:

YEAS—41.

NAYS—Angle.

Senate Bill No. 369 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 522.

Bill read third time.

Roll call on Senate Bill No. 522:

YEAS—42.

NAYS—None.

Senate Bill No. 522 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 579.

Bill read third time.

Remarks by Assemblywoman Gansert.

Potential conflict of interest declared by Assemblywoman Gansert.

Roll call on Assembly Bill No. 579:

YEAS—28.

NAYS—Allen, Angle, Christensen, Gansert, Goicoechea, Grady, Hardy, Hettrick, Holcomb, Marvel, Seale, Sherer, Sibley, Weber—14.

Assembly Bill No. 579 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 577.

Bill read third time.

Remarks by Assemblymen Giunchigliani, Arberry, Seale, and Parnell.

Roll call on Assembly Bill No. 577:

YEAS—42.

NAYS—None.

Assembly Bill No. 577 having received a constitutional majority,  
Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

#### UNFINISHED BUSINESS

#### REPORTS OF CONFERENCE COMMITTEES

*Mr. Speaker:*

The first Conference Committee concerning Senate Bill No. 394, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendment No. 1077 of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA15, which is attached to and hereby made a part of this report.

MARILYN KIRKPATRICK

CHRIS GIUNCHIGLIANI

SCOTT SIBLEY

*Assembly Conference Committee*

SANDRA J. TIFFANY

DEAN A. RHOADS

JOHN LEE

*Senate Conference Committee*

Conference Amendment No. CA15.

Amend sec. 32, page 21, by deleting lines 5 through 26 and inserting:

“Sec. 32. 1. *For the purposes of NRS 361A.220, the value for open-space use of real property used as a golf course in a fiscal year is equal to the sum of:*

*(a) The value of the land; and*

*(b) The value of the improvements made to the real property before that fiscal year as adjusted for obsolescence,*

*determined in accordance with the manual established pursuant to subsection 2.*

2. *The Nevada Tax Commission shall establish a manual for determining the value for open-space use of real property used as a golf course. The manual must:*

*(a) Require the use of such standards and modifiers, as published or furnished by the Marshall and Swift Publication Company, as the Nevada Tax Commission determines to be applicable.*

*(b) For the purpose of determining the value of the land, define various classifications of golf courses and provide for the valuation of each such classification in a manner that is consistent with the provisions of NRS 361.227, except that the value of the land must not be determined to exceed the product of \$2,860 per acre multiplied by 1 plus the percentage change in the Consumer Price Index (All Items) for July 1 of the current year as compared to July 1, 2004.*

*(c) For the purpose of determining the value of the improvements made to the real property, require the use of such factors as the Nevada Tax Commission determines to be appropriate. Those factors must include, for the purpose of determining obsolescence, a factor for golf courses that are not used on a consistently frequent basis each month of the year, which is based upon the actual number of rounds of golf played on the golf course in relation to the number of rounds that could have been played under optimum conditions.”.*

Amend the bill as a whole by adding new sections designated sections 52.1 through 52.8, following sec. 52, to read as follows:

“Sec. 52.1. Section 1 of Assembly Bill No. 312 of this session is hereby amended to read as follows:

Section 1. Chapter 321 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *Except as otherwise provided in subsection 5, NRS 322.063, 322.065 or 322.075, except as otherwise required by federal law and except for land that is sold or leased pursuant to an agreement entered into pursuant to NRS 277.080 to 277.170, inclusive, when offering any land for sale or lease, the State Land Registrar shall:*

*(a) Obtain two independent appraisals of the land before selling or leasing it. The appraisals must have been prepared not more than 6 months before the date on which the land is offered for sale or lease.*

*(b) Notwithstanding the provisions of chapter 333 of NRS, select the two independent appraisers from the list of appraisers established pursuant to subsection 2.*

*(c) Verify the qualifications of each appraiser selected pursuant to paragraph (b). The determination of the State Land Registrar as to the qualifications of an appraiser is conclusive.*

2. *The State Land Registrar shall adopt regulations for the procedures for creating or amending a list of appraisers qualified to conduct appraisals of land offered for sale or lease by the State Land Registrar. The list must:*

*(a) Contain the names of all persons qualified to act as a general appraiser in the same county as the land that may be appraised; and*

*(b) Be organized at random and rotated from time to time.*

3. *An appraiser chosen pursuant to subsection 1 must provide a disclosure statement which includes, without limitation, all sources of income of the appraiser that may constitute a conflict of interest and any relationship of the appraiser with the owner of the land or the owner of an adjoining property.*

4. *An appraiser shall not perform an appraisal on any land offered for sale or lease by the State Land Registrar if the appraiser or a person related to the appraiser within the first degree of consanguinity or affinity has an interest in the land or an adjoining property.*

5. *If a lease of land is for residential property and the term of the lease is 1 year or less, the State Land Registrar shall obtain an analysis of the market*

*value of similar rental properties prepared by a licensed real estate broker or salesman when offering such a property for lease.*

Sec. 52.2. Section 5 of Assembly Bill No. 312 of this session is hereby amended to read as follows:

Sec. 5. 1. *Except as otherwise provided in NRS 244.189, 244.276, 244.279, 244.2825, 244.284, 244.287, 244.290 and 278.479 to 278.4965, inclusive, except as otherwise required by federal law, except as otherwise required pursuant to a cooperative agreement entered into pursuant to NRS 277.050 or 277.053 or an interlocal agreement in existence on or before October 1, 2004, except if the board of county commissioners is entering into a joint development agreement for real property owned by the county to which the board of county commissioners is a party, except for a lease of residential property with a term of 1 year or less and except for the sale or lease of real property larger than 1 acre which is approved by the voters at a primary or general election or special election, the board of county commissioners shall, when offering any real property for sale or lease:*

*(a) Obtain two independent appraisals of the real property before selling or leasing it. The appraisals must have been prepared not more than 6 months before the date on which the real property is offered for sale or lease.*

*(b) Select the two independent appraisers from the list of appraisers established pursuant to subsection 2.*

*(c) Verify the qualifications of each appraiser selected pursuant to paragraph (b). The determination of the board of county commissioners as to the qualifications of the appraiser is conclusive.*

2. *The board of county commissioners shall adopt by ordinance the procedures for creating or amending a list of appraisers qualified to conduct appraisals of real property offered for sale or lease by the board. The list must:*

*(a) Contain the names of all persons qualified to act as a general appraiser in the same county as the real property that may be appraised; and*

*(b) Be organized at random and rotated from time to time.*

3. *An appraiser chosen pursuant to subsection 1 must provide a disclosure statement which includes, without limitation, all sources of income that may constitute a conflict of interest and any relationship with the real property owner or the owner of an adjoining real property.*

4. *An appraiser shall not perform an appraisal on any real property for sale or lease by the board of county commissioners if the appraiser or a person related to the appraiser within the first degree of consanguinity or affinity has an interest in the real property or an adjoining property.*

Sec. 52.3. Section 7 of Assembly Bill No. 312 of this session is hereby amended to read as follows:

Sec. 7. NRS 244.281 is hereby amended to read as follows:

244.281 *Except as otherwise provided in this section and section 5 of this act and NRS 244.189, 244.276, 244.279, 244.2825 [and 244.288:], 244.284, 244.287, 244.290, 278.479 to 278.4965, inclusive, except as otherwise*

*required by federal law, except as otherwise required pursuant to a cooperative agreement entered into pursuant to NRS 277.050 or 277.053 or an interlocal agreement in existence on or before October 1, 2004, except if the board of county commissioners is entering into a joint development agreement for real property owned by the county to which the board of county commissioners is a party, except for a lease of residential property with a term of 1 year or less and except for the sale or lease of real property larger than 1 acre which is approved by the voters at a primary or general election or special election:*

1. When a board of county commissioners has determined by resolution that the sale or ~~for exchange~~ lease of any real property owned by the county will be for purposes other than to establish, align, realign, change, vacate or otherwise adjust any street, alley, avenue or other thoroughfare, or portion thereof, or flood control facility within the county and will be in the best interest of the county, it may:

(a) Sell the property ~~at public auction,~~ in the manner prescribed for the sale of real property in NRS 244.282.

(b) ~~{Sell the property through a licensed real estate broker, or if there is no real estate broker resident of the county, the board of county commissioners may negotiate the sale of the property. No exclusive listing may be given. In all listings, the board of county commissioners shall specify the minimum price, the terms of sale and the commission to be allowed, which must not exceed the normal commissions prevailing in the community at the time.~~

(c) ~~Exchange the property for other real property of substantially equal value, or for other real property plus an amount of money equal to the difference in value, if it has also determined by resolution that the acquisition of the other real property will be in the best interest of the county.~~ *Lease the property in the manner prescribed for the lease of real property in NRS 244.283.*

2. Before the board of county commissioners may sell ~~for exchange~~ or lease any real property as provided in ~~{paragraphs (b) and (c) of}~~ subsection 1, it shall:

(a) Post copies of the resolution described in subsection 1 in three public places in the county; and

(b) Cause to be published at least once a week for 3 successive weeks, in a newspaper qualified under chapter 238 of NRS that is published in the county in which the real property is located, a notice setting forth:

(1) A description of the real property proposed to be sold or ~~exchanged~~ leased in such a manner as to identify it;

(2) The minimum price, if applicable, of the real property proposed to be sold or ~~exchanged~~ leased; and

(3) The places at which the resolution described in subsection 1 has been posted pursuant to paragraph (a), and any other places at which copies of that resolution may be obtained.

If no qualified newspaper is published within the county in which the real property is located, the required notice must be published in some qualified newspaper printed in the State of Nevada and having a general circulation within that county.

3. ~~[In addition to the requirements set forth in paragraph (b) of subsection 2, in case of:~~

~~(a) A sale, the notice must state the name of the licensed real estate broker handling the sale and invite interested persons to negotiate with him.~~

~~(b) An exchange, the notice must call for offers of cash or exchange. The commission shall accept the highest and best offer.~~

4.] If the board of county commissioners by its resolution further finds that the property to be sold *or leased* is worth more than \$1,000, the board shall appoint ~~one~~ two or more disinterested, competent real estate appraisers *pursuant to section 4 of this act* to appraise the property [.] and, except for property acquired pursuant to NRS 371.047, shall not sell or ~~[exchange]~~ lease it for less than the *highest* appraised value.

~~[5.]~~ 4. If the property is appraised at \$1,000 or more, the board of county commissioners may ~~[sell it]~~ :

(a) *Lease the property; or*

(b) *Sell the property* either for cash or for not less than 25 percent cash down and upon deferred payments over a period of not more than 10 years, secured by a mortgage or deed of trust, bearing such interest and upon such further terms as the board of county commissioners may specify.

5. A board of county commissioners may *sell or lease any real property owned by the county without complying with the provisions of NRS 244.282 or 244.283 to:*

(a) *A person who owns real property located adjacent to the real property to be sold or leased if the board has determined by resolution that:*

(1) *The real property is a:*

(I) *Remnant that was separated from its original parcel due to the construction of a street, alley, avenue or other thoroughfare, or portion thereof, flood control facility or other public facility;*

(II) *Parcel that, as a result of its size, is too small to establish an economically viable use by anyone other than the person who owns real property adjacent to the real property for sale or lease; or*

(III) *Parcel which is subject to a deed restriction prohibiting the use of the real property by anyone other than the person who owns real property adjacent to the real property for sale or lease; and*

(2) *The sale will be in the best interest of the county.*

(b) *Another governmental entity if:*

(1) *The sale or lease restricts the use of the real property to a public use; and*

(2) *The board adopts a resolution finding that the sale or lease will be in the best interest of the county.*

6. *A board of county commissioners that disposes of real property pursuant to subsection 4 is not required to offer to reconvey the real property to the person from whom the real property was received or acquired by donation or dedication.*

7. *If real property that is offered for sale or lease pursuant to this section is not sold or leased at the initial offering of the contract for the sale or lease of the real property, the board of county commissioners may offer the real property for sale or lease a second time pursuant to this section. If there is a material change relating to the title, zoning or an ordinance governing the use of the real property, the board of county commissioners must obtain a new appraisal of the real property pursuant to the provisions of section 4 of this act before offering the real property for sale or lease a second time. If real property that is offered for sale or lease pursuant to this section is not sold or leased at the second offering of the contract for the sale or lease of the real property, the board of county commissioners may list the real property for sale or lease at the appraised value with a licensed real estate broker, provided that the broker or a person related to the broker within the first degree of consanguinity or affinity does not have an interest in the real property or an adjoining property.*

8. As used in this section, “flood control facility” has the meaning ascribed to it in NRS 244.276.

Sec. 52.4. Assembly Bill No. 312 of this session is hereby amended by adding thereto a new section to be designated as sec. 7.5, immediately following sec. 7, to read as follows:

Sec. 7.5. NRS 244.283 is hereby amended to read as follows:

244.283 1. When the board of county commissioners determines that the lease of real property belonging to the county for industrial, commercial, residential or recreational purposes is necessary or desirable, the board may lease such real property, whether acquired by purchase, dedication or otherwise. Such a lease must not be in contravention of any condition in a gift or devise of real property to the county.

2. Except as otherwise provided in NRS 244.279, before ordering the lease of any property the board shall, in open meeting by a majority vote of the members, adopt a resolution declaring its intention to lease the property. The resolution must:

(a) Describe the property proposed to be leased in such manner as to identify it.

(b) Specify the minimum rental, and the terms upon which it will be leased.

(c) Fix a time, not less than 3 weeks thereafter, for a public meeting of the board to be held at its regular place of meeting, at which sealed proposals to lease will be received and considered.

3. Notice of the adoption of the resolution and of the time and place of holding the meeting must be given by:

(a) Posting copies of the resolution in three public places in the county not less than 15 days before the date of the meeting; and

(b) Publishing the resolution not less than once a week for 2 successive weeks before the meeting in a newspaper of general circulation published in the county, if any such newspaper is published therein.

4. At the time and place fixed in the resolution for the meeting of the board, all sealed proposals which have been received must, in public session, be opened, examined and declared by the board. Of the proposals submitted which conform to all terms and conditions specified in the resolution of intention to lease and which are made by responsible bidders, the proposal which is the highest must be finally accepted, unless a higher oral bid is accepted or the board rejects all bids.

5. Before accepting any written proposal, the board shall call for oral bids. If, upon the call for oral bidding, any responsible person offers to lease the property upon the terms and conditions specified in the resolution, for a rental exceeding by at least 5 percent the highest written proposal, then the highest oral bid which is made by a responsible person must be finally accepted.

6. A person may not make an oral bid unless, at least 5 days before the meeting held for receiving and considering bids, he submits to the board written notice of his intent to make an oral bid and a statement establishing his financial responsibility to the satisfaction of the board.

7. The final acceptance by the board may be made either at the same session or at any adjourned session of the same meeting held within the ~~{40}~~ 21 days next following.

8. The board may, either at the same session or at any adjourned session of the same meeting held within the ~~{40}~~ 21 days next following, if it deems such action to be for the best public interest, reject any and all bids, either written or oral, and withdraw the property from lease.

9. Any resolution of acceptance of any bid made by the board must authorize and direct the chairman to execute a lease and to deliver it upon performance and compliance by the lessee with all the terms or conditions of his contract which are to be performed concurrently therewith.

10. All money received from rentals of real property must be deposited forthwith with the county treasurer to be credited to the county general fund.

11. This section does not apply to leases of real property made pursuant to NRS 244.288, 334.070 or 338.177.

Sec. 52.5. Section 12 of Assembly Bill No. 312 of this session is hereby amended to read as follows:

Sec. 12. 1. *Except as otherwise provided in NRS 268.048 to 268.058, inclusive, and 278.479 to 278.4965, inclusive, except as otherwise required by federal law, except as otherwise required pursuant to a cooperative agreement entered into pursuant to NRS 277.050 or 277.053 or an interlocal agreement in existence on October 1, 2004, except if the governing body is entering into a joint development agreement for real property owned by the*



city to which the governing body is a party, except for a lease of residential property with a term of 1 year or less and except for the sale or lease of real property larger than 1 acre which is approved by the voters at a primary or general election, primary or general city election or special election, the governing body shall, when offering any real property for sale or lease:

(a) Obtain two independent appraisals of the real property before selling or leasing it. The appraisals must be based on the zoning of the real property as set forth in the master plan for the city and must have been prepared not more than 6 months before the date on which real property is offered for sale or lease.

(b) Select the two independent appraisers from the list of appraisers established pursuant to subsection 2.

(c) Verify the qualifications of each appraiser selected pursuant to paragraph (b). The determination of the governing body as to the qualifications of the appraiser is conclusive.

2. The governing body shall adopt by ordinance the procedures for creating or amending a list of appraisers qualified to conduct appraisals of real property offered for sale or lease by the governing body. The list must:

(a) Contain the names of all persons qualified to act as a general appraiser in the same county as the real property that may be appraised; and

(b) Be organized at random and rotated from time to time.

3. An appraiser chosen pursuant to subsection 1 must provide a disclosure statement which includes, without limitation, all sources of income of the appraiser that may constitute a conflict of interest and any relationship of the appraiser with the property owner or the owner of an adjoining property.

4. An appraiser shall not perform an appraisal on any real property offered for sale or lease by the governing body if the appraiser or a person related to the appraiser within the first degree of consanguinity or affinity has an interest in the real property or an adjoining property.

Sec. 52.6. Section 13 of Assembly Bill No. 312 of this session is hereby amended to read as follows:

Sec. 13. Except as otherwise provided in this section and section 15 of this act, NRS 268.048 to 268.058, inclusive, and 278.479 to 278.4965, inclusive, except as otherwise provided by federal law, except as otherwise required pursuant to a cooperative agreement entered into pursuant to NRS 277.050 or 277.053 or an interlocal agreement in existence on October 1, 2004, except if the governing body is entering into a joint development agreement for real property owned by the city to which the governing body is a party, except for a lease of residential property with a term of 1 year or less and except for the sale or lease of real property larger than 1 acre which is approved by the voters at a primary or general election, primary or general city election or special election:

1. If a governing body has determined by resolution that the sale or lease of any real property owned by the city will be in the best interest of the city, it

*may sell or lease the real property in the manner prescribed for the sale or lease of real property in section 14 of this act.*

*2. Before the governing body may sell or lease any real property as provided in subsection 1, it shall:*

*(a) Post copies of the resolution described in subsection 1 in three public places in the city; and*

*(b) Cause to be published at least once a week for 3 successive weeks, in a newspaper qualified under chapter 238 of NRS that is published in the county in which the real property is located, a notice setting forth:*

*(1) A description of the real property proposed to be sold or leased in such a manner as to identify it;*

*(2) The minimum price, if applicable, of the real property proposed to be sold or leased; and*

*(3) The places at which the resolution described in subsection 1 has been posted pursuant to paragraph (a), and any other places at which copies of that resolution may be obtained.*

*If no qualified newspaper is published within the county in which the real property is located, the required notice must be published in some qualified newspaper printed in the State of Nevada and having a general circulation within that county.*

*3. If the governing body by its resolution finds additionally that the real property to be sold is worth more than \$1,000, the board shall conduct an appraisal pursuant to section 12 of this act to determine the value of the real property and, except for real property acquired pursuant to NRS 371.047, shall not sell or lease it for less than the highest appraised value.*

*4. If the real property is appraised at \$1,000 or more, the governing body may:*

*(a) Lease the real property; or*

*(b) Sell the real property for:*

*(1) Cash; or*

*(2) Not less than 25 percent cash down and upon deferred payments over a period of not more than 10 years, secured by a mortgage or deed of trust bearing such interest and upon such further terms as the governing body may specify.*

*5. A governing body may sell or lease any real property owned by the city without complying with the provisions of sections 12, 13 and 14 of this act to:*

*(a) A person who owns real property located adjacent to the real property to be sold or leased if the governing body has determined by resolution that:*

*(1) The real property is a:*

*(I) Remnant that was separated from its original parcel due to the construction of a street, alley, avenue or other thoroughfare, or portion thereof, flood control facility or other public facility;*

*(II) Parcel that, as a result of its size, is too small to establish an economically viable use by anyone other than the person who owns real property adjacent to the real property offered for sale or lease; or*

*(III) Parcel which is subject to a deed restriction prohibiting the use of the real property by anyone other than the person who owns real property adjacent to the real property offered for sale or lease; and*

*(2) The sale or lease will be in the best interest of the city.*

*(b) Another governmental entity if:*

*(1) The sale or lease restricts the use of the real property to a public use; and*

*(2) The governing body adopts a resolution finding that the sale or lease will be in the best interest of the city.*

6. A governing body that disposes of real property pursuant to subsection 5 is not required to offer to reconvey the real property to the person from whom the real property was received or acquired by donation or dedication.

7. If real property that is offered for sale or lease pursuant to this section is not sold or leased at the initial offering of the contract for the sale or lease of the real property, the governing body may offer the real property for sale or lease a second time pursuant to this section. If there is a material change relating to the title, zoning or an ordinance governing the use of the real property, the governing body must obtain a new appraisal of the real property pursuant to the provisions of section 12 of this act before offering the real property for sale or lease a second time. If real property that is offered for sale or lease pursuant to this section is not sold or leased at the second offering of the contract for the sale or lease of the real property, the governing body may list the real property for sale or lease at the appraised value with a licensed real estate broker, provided that the broker or a person related to the broker within the first degree of consanguinity or affinity does not have an interest in the real property or an adjoining property.

Sec. 52.7. Section 14 of Assembly Bill No. 312 of this session is hereby amended to read as follows:

Sec. 14. 1. Except as otherwise provided in this section and section 15 of this act and NRS 268.048 to 268.058, inclusive, and 278.479 to 278.4965, inclusive, except as otherwise required by federal law, except as otherwise required pursuant to a cooperative agreement entered into pursuant to NRS 277.050 or 277.053 or an interlocal agreement in existence on October 1, 2004, except if the governing body is entering into a joint development agreement for real property owned by the city to which the governing body is a party, except for a lease of residential property with a term of 1 year or less and except for the sale or lease of real property larger than 1 acre which is approved by the voters at a primary or general election, the governing body shall, in open meeting by a majority vote of the members and before ordering the sale or lease at auction of any real property, adopt a resolution

*declaring its intention to sell or lease the property at auction. The resolution must:*

*(a) Describe the property proposed to be sold or leased in such a manner as to identify it;*

*(b) Specify the minimum price and the terms upon which the property will be sold or leased; and*

*(c) Fix a time, not less than 3 weeks thereafter, for a public meeting of the governing body to be held at its regular place of meeting, at which sealed bids will be received and considered.*

*2. Notice of the adoption of the resolution and of the time and place of holding the meeting must be given by:*

*(a) Posting copies of the resolution in three public places in the county not less than 15 days before the date of the meeting; and*

*(b) Causing to be published at least once a week for 3 successive weeks before the meeting, in a newspaper qualified under chapter 238 of NRS that is published in the county in which the real property is located, a notice setting forth:*

*(1) A description of the real property proposed to be sold or leased at auction in such a manner as to identify it;*

*(2) The minimum price of the real property proposed to be sold or leased at auction; and*

*(3) The places at which the resolution described in subsection 1 has been posted pursuant to paragraph (a), and any other places at which copies of that resolution may be obtained.*

*If no qualified newspaper is published within the county in which the real property is located, the required notice must be published in some qualified newspaper printed in the State of Nevada and having a general circulation within that county.*

*3. At the time and place fixed in the resolution for the meeting of the board, all sealed bids which have been received must, in public session, be opened, examined and declared by the governing body. Of the proposals submitted which conform to all terms and conditions specified in the resolution of intention to sell or lease and which are made by responsible bidders, the bid which is the highest must be finally accepted, unless a higher oral bid is accepted or the governing body rejects all bids.*

*4. Before accepting any written bid, the governing body shall call for oral bids. If, upon the call for oral bidding, any responsible person offers to buy or lease the property upon the terms and conditions specified in the resolution, for a price exceeding by at least 5 percent the highest written bid, then the highest oral bid which is made by a responsible person must be finally accepted.*

*5. The final acceptance by the governing body may be made either at the same session or at any adjourned session of the same meeting held within the 21 days next following.*

6. *The governing body may, either at the same session or at any adjourned session of the same meeting held within the 21 days next following, if it deems the action to be for the best public interest, reject any and all bids, either written or oral, and withdraw the property from sale or lease.*

7. *Any resolution of acceptance of any bid made by the governing body must authorize and direct the chairman to execute a deed or lease and to deliver it upon performance and compliance by the purchaser or lessor with all the terms or conditions of his contract which are to be performed concurrently therewith.*

Sec. 52.8. Section 25 of Assembly Bill No. 312 of this session is hereby amended to read as follows:

Sec. 25. This act becomes effective on ~~July~~ *October 1, 2005.*”.

Amend sec. 57, page 30, by deleting lines 10 through 13 and inserting:

“Sec. 57. 1. This section and sections 52.1 to 52.8, inclusive, of this act become effective upon passage and approval.

2. Sections 1 to 22, inclusive, 24 to 28, inclusive, 42 to 52, inclusive, and 53 to 56, inclusive, of this act become effective on July 1, 2005.”.

Amend the title of the bill, eighth line, after “citizen;”, by inserting:

“revising certain provisions relating to the sale, lease or other disposal of public property by a governmental entity;”.

Assemblywoman Kirkpatrick moved that the Assembly adopt the report of the first Conference Committee concerning Senate Bill No. 394.

Remarks by Assemblywoman Kirkpatrick.

Motion carried by a constitutional majority.

*Mr. Speaker:*

The first Conference Committee concerning Assembly Bill No. 39, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendment No. 1084 of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA33, which is attached to and hereby made a part of this report.

DAVID PARKS  
WILLIAM HORNE  
JOE HARDY

*Assembly Conference Committee*

SANDRA J. TIFFANY  
TERRY CARE  
JOHN LEE

*Senate Conference Committee*

Conference Amendment No. CA33.

Amend sec. 10, page 9, by deleting lines 13 through 20 and inserting:

“1. *If a request for an opinion is submitted to or initiated by the Commission concerning a present or former state officer or employee, unless the state officer or employee retains his own legal counsel or the Attorney General tenders the defense of the state officer or employee to an insurer who, pursuant to a contract of insurance, is authorized to defend the state officer or employee, the Attorney General shall defend the state officer or employee or employ special counsel to defend the state officer or employee in any proceeding relating to the request for the opinion if:*”.

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

“Sec. 12. The provisions of section 10 of this act do not apply to any present or former state officer or employee concerning to whom a request for an opinion was submitted or initiated by the Commission on Ethics pursuant to NRS 281.411 to 281.581, inclusive, before July 1, 2005.”.

Assemblyman Parks moved that the Assembly adopt the report of the first Conference Committee concerning Assembly Bill No. 39.

Remarks by Assemblyman Parks.

Motion carried by a constitutional majority.

*Mr. Speaker:*

The first Conference Committee concerning Senate Bill No. 325, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendments Nos. 884, 1032 of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA21, which is attached to and hereby made a part of this report.

WILLIAM HORNE

FRANCIS ALLEN

MARK MANENDO

*Assembly Conference Committee*

MICHAEL SCHNEIDER

JOHN LEE

MAGGIE CARLTON

*Senate Conference Committee*

Conference Amendment No. CA21.

Amend sec. 54, pages 19 and 20, by deleting lines 33 through 45 on page 19 and lines 1 through 7 on page 20, and inserting:

“2. This chapter does not apply to:

(a) ~~[Associations created for the limited purpose of maintaining;~~

~~(1) The landscape of the common elements of a common interest community;~~

~~(2) Facilities for flood control; or~~

~~(3) Except as otherwise provided in NRS 116.31075,] A limited-purpose association, except that a limited-purpose association:~~

~~(1) Shall pay the fees required pursuant to NRS 116.31155;~~

~~(2) Shall register with the Ombudsman pursuant to NRS 116.31158;~~

~~(3) Shall comply with the provisions of:~~

~~(I) NRS 116.31038, 116.31083 and 116.31152; and~~

~~(II) NRS 116.31075, if the limited-purpose association is created for a rural agricultural residential common-interest community;~~

~~(4) Shall comply with the provisions of NRS 116.4101 to 116.412, inclusive, as required by the regulations adopted by the Commission pursuant to paragraph (b) of subsection 5; and~~

~~(5) Shall not enforce any restrictions concerning the use of units by the units' owners, unless the limited-purpose association is created for a rural agricultural residential common-interest community.”.~~

Amend sec. 74.5, page 51, by deleting lines 1 through 31 and inserting:

“2. Notwithstanding the provisions of subsection 1, a member of an executive board, an officer of an association, a community manager or any person working for a community manager shall not accept, directly or indirectly, any gifts, incentives, gratuities, rewards or other items of value from:

(a) An attorney, law firm or vendor, or any person working directly or indirectly for the attorney, law firm or vendor, which total more than the amount established by the Commission by regulation, not to exceed \$100 per year per such attorney, law firm or vendor; or

(b) A declarant, an affiliate of a declarant or any person responsible for the construction of the applicable community or association which total more than the amount established by the Commission by regulation, not to exceed \$100 per year per such declarant, affiliate or person.

3. An attorney, law firm or vendor, or any person working directly or indirectly for the attorney, law firm or vendor, shall not provide, directly or indirectly, any gifts, incentives, gratuities, rewards or other items of value to a member of the executive board, an officer of the association, the community manager or any person working for the community manager which total more than the amount established by the Commission by regulation, not to exceed \$100 per year per such member, officer, community manager or person.

4. A declarant, an affiliate of a declarant or any person responsible for the construction of a community or association, shall not provide, directly or indirectly, any gifts, incentives, gratuities, rewards or other items of value to a member of the executive board, an officer of the association, the community manager or any person working for the community manager which total more than the amount established by the Commission by regulation, not to exceed \$100 per year per such member, officer, community manager or person.”.

Assemblyman Horne moved that the Assembly adopt the report of the first Conference Committee concerning Senate Bill No. 325.

Remarks by Assemblyman Horne.

Motion carried by a constitutional majority.

#### CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 504.

The following Senate amendment was read:

Amendment No. 954.

Amend section 1, page 2, line 1, after “customers,” by inserting: “guests, casino hosts, key employees,”.

Amend section 1, page 2, line 6, after “business” by inserting: “of the resort hotel”.

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

“Sec. 3. 1. Each owner or operator of a resort hotel shall:

(a) To the greatest extent practicable, meet and confer with all other owners and operators of resort hotels in this State; and

(b) Prepare a report concerning limousines and other motor vehicles to which the provisions of section 1 of this act apply.

2. The report must include, without limitation, a discussion of the following subjects:

(a) The employment practices used for employees who drive limousines and other motor vehicles, including, without limitation, conducting background investigations, policies concerning testing for the presence of drugs and reviewing of driving records;

(b) The training provided for drivers to ensure proficiency in the operation of limousines and other motor vehicles; and

(c) The procedures used for the maintenance of limousines and other motor vehicles.

3. The report must be submitted on or before February 1, 2007, to the Director of the Legislative Counsel Bureau for transmittal to the 74th Session of the Nevada Legislature.

4. As used in this section, "resort hotel" means any building or group of buildings that is maintained as and held out to the public to be a hotel where sleeping accommodations are furnished to the transient public and that has:

(a) More than 200 rooms available for sleeping accommodations;

(b) At least one bar with permanent seating capacity for more than 30 patrons that serves alcoholic beverages sold by the drink for consumption on the premises;

(c) At least one restaurant with permanent seating capacity for more than 60 patrons that is open to the public 24 hours each day and 7 days each week; and

(d) A gaming area within the building or group of buildings.

Sec. 4. This act becomes effective upon passage and approval."

Assemblyman Ocegüera moved that the Assembly concur in the Senate amendment to Assembly Bill No. 504.

Remarks by Assemblyman Ocegüera.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

#### REPORTS OF CONFERENCE COMMITTEES

*Mr. Speaker:*

The first Conference Committee concerning Senate Bill No. 302, consisting of the undersigned members, has met and reports that:

No decision was reached.

DEBBIE SMITH  
BERNIE ANDERSON  
HEIDI S. GANSERT

*Assembly Conference Committee*

SANDRA J. TIFFANY  
JOHN LEE  
TERRY CARE

*Senate Conference Committee*

Assemblywoman Smith moved that the Assembly adopt the report of the first Conference Committee concerning Senate Bill No. 302.



Remarks by Assemblywoman Smith.

Motion carried by a constitutional majority.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Joint Resolution No. 17.

The following Senate amendment was read:

Amendment No. 1158.

Amend the bill as a whole by adding the following Senators as joint sponsors: Senators Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Nolan, Raggio, Rhoads, Schneider, Tiffany, Titus, Townsend, Washington, and Wiener.

Assemblyman Arberry moved that the Assembly concur in the Senate amendment to Assembly Joint Resolution No. 17.

Remarks by Assemblyman Arberry.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Judiciary, to which was referred Assembly Bill No. 578, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chairman*

GENERAL FILE AND THIRD READING

Assembly Bill No. 578.

Bill read third time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1232.

Amend the bill as a whole by adding a new section designated sec. 21.5, following sec. 21, to read as follows:

“Sec. 21.5. Section 21 of Senate Bill No. 347 of this session is hereby amended to read as follows:

Sec. 21. *“Personal information” means a natural person’s first name or first initial and last name in combination with any one or more of the following data elements, when the name and data elements are not encrypted:*

- 1. Social security number.*
- 2. Driver’s license number or identification card number.*
- 3. Account number, credit card number or debit card number, in combination with any required security code, access code or password that would permit access to the person’s financial account.*

*The term does not include publicly available information that is lawfully made available to the general public.”.*

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

#### REPORTS OF CONFERENCE COMMITTEES

*Mr. Speaker:*

The first Conference Committee concerning Senate Bill No. 457, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendment No. 1087, 1108 of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA42, which is attached to and hereby made a part of this report.

JOHN OCEGUERA  
MARCUS CONKLIN  
FRANCIS ALLEN

*Assembly Conference Committee*

MIKE MCGINNESS  
MARK E. AMODEI  
TERRY CARE

*Senate Conference Committee*

Conference Amendment No. CA42.

Amend sec. 2, page 2, by deleting line 44 and inserting:

*“(c) “Liquor” does not include beer or malt-based beverages, but does include flavored malt beverages if the supplier and the wholesale dealer holding the franchise for such flavored malt beverages consent in writing. As used in this paragraph, “flavored malt beverages” means flavored malt beverages that are not marketed, merchandised or sold as beer.”.*

Amend sec. 3, page 3, by deleting lines 18 through 28 and inserting:

*“2. If any person knowingly violates any provision of NRS 369.180, 369.386, 369.388, 369.486, 369.487 or 369.488, a wholesale dealer, supplier, retailer or retail liquor dealer who is injured by the violation may bring an action in a court of competent jurisdiction against the person to recover:*

*(a) For the first violation, \$100 plus treble the actual damages sustained by him, together with such costs of the action and reasonable attorney’s fees as authorized by NRS 18.110.*

*(b) For the second violation, \$250 plus treble the actual damages sustained by him, together with such costs of the action and reasonable attorney’s fees as authorized by NRS 18.110.*

*(c) For the third and any subsequent violation, \$500 plus treble the actual damages sustained by him and punitive damages as the facts may warrant, together with such costs of the action and reasonable attorney’s fees as authorized by NRS 18.110.”.*

Amend the bill as a whole by deleting sections 8 through 10 and inserting new sections designated sections 8 through 10, following sec. 7, to read as follows:

*“Sec. 8. 1. “Establishment” includes:*

*(a) A business that sells alcoholic beverages by the drink for consumption on the premises; and*

(b) *In a county whose population is 400,000 or more, a business that sells alcoholic beverages in corked or sealed containers or receptacles for consumption off the premises.*

2. *The term includes, without limitation, a retail liquor store.*

3. *The term does not include:*

(a) *A wholesale dealer; or*

(b) *A private club or other facility not in fact open to the public.*

Sec. 9. 1. *Except as otherwise provided in subsection 5, on and after July 1, 2007, a person who owns or operates an establishment shall not:*

(a) *Hire a person to sell or serve alcoholic beverages or perform the duties of a security guard at the establishment unless:*

(1) *The person hired to sell or serve alcoholic beverages or perform the duties of a security guard at the establishment has already successfully completed a certified program and already holds a valid alcohol education card; or*

(2) *The person who owns or operates the establishment ensures that the person hired to sell or serve alcoholic beverages or perform the duties of a security guard at the establishment, within 30 days after the date on which he is hired, successfully completes a certified program and obtains a valid alcohol education card; or*

(b) *Continue to employ a person who was hired before that date to sell or serve alcoholic beverages or perform the duties of a security guard at the establishment unless:*

(1) *The person who continues to be employed to sell or serve alcoholic beverages or perform the duties of a security guard at the establishment has already successfully completed a certified program and already holds a valid alcohol education card; or*

(2) *The person who owns or operates the establishment ensures that the person who continues to be employed to sell or serve alcoholic beverages or perform the duties of a security guard at the establishment, not later than July 31, 2007, successfully completes a certified program and obtains a valid alcohol education card.*

2. *The Department shall impose upon an owner or operator of an establishment who violates any of the provisions of this section an administrative fine of not more than:*

(a) *For the first violation within a 24-month period, \$500.*

(b) *For the second violation within a 24-month period, \$1,000.*

(c) *For the third and any subsequent violation within a 24-month period, \$5,000.*

3. *Of the money collected by the Department from fines pursuant to subsection 2:*

(a) *Fifty percent must be deposited with the State Treasurer for credit to the Fund for the Compensation of Victims of Crime created by NRS 217.260.*

(b) *Fifty percent must be deposited in the Alcoholic Beverage Awareness Program Account, which is hereby created in the State General Fund. The*

*Account must be administered by the Commission. The interest and income earned on the money in the Account, after deducting any applicable charges, must be credited to the Account. The money in the Account must be used solely to reduce the costs for employees to complete programs certified by the Commission pursuant to subsection 3 of section 10 of this act.*

*4. Any law enforcement agency whose officer discovers a violation of this section shall report the violation to the Department.*

*5. The provisions of this section apply only in a jurisdiction that:*

- (a) Is located in a county whose population is 100,000 or more; or*
- (b) Is located in a county whose population is less than 100,000, if the governing body of the jurisdiction has, by the affirmative vote of a majority of its members, agreed to be bound by the provisions of this section.*

*6. As used in this section:*

*(a) "Certified program" means an alcoholic beverage awareness program certified by the Commission pursuant to section 10 of this act.*

*(b) "Valid alcohol education card" means a card issued by a certified program which has been obtained or renewed within the immediately preceding 4 years.*

*Sec. 10. 1. The Commission shall, in cooperation with state and local law enforcement agencies, develop a curriculum for an alcoholic beverage awareness program.*

*2. The curriculum described in subsection 1:*

- (a) Must consist of not fewer than 2 hours of instruction; and*
- (b) Must include, without limitation, instruction on the following topics:*
  - (1) The clinical effects of alcohol on the human body;*
  - (2) Methods of identifying intoxicated persons;*
  - (3) Relevant provisions of state and local laws concerning the selling and serving of alcoholic beverages;*
  - (4) Methods of preventing and halting fights, acts of affray and other disturbances of the peace; and*
  - (5) Methods of preventing:*
    - (I) The entry of minors into establishments in which minors are prohibited from loitering pursuant to NRS 202.030;*
    - (II) The purchase, consumption and possession of alcoholic beverages by minors as prohibited pursuant to NRS 202.020, including, without limitation, the recognition of altered or falsified forms of identification; and*
    - (III) The selling and furnishing of alcoholic beverages to minors as prohibited pursuant to NRS 202.055.*

*3. The Administrator of the Commission may certify an alcoholic beverage awareness program if the Administrator determines that:*

- (a) The program meets the curricular requirements set forth in subsection 2; and*

*(b) The persons who will serve as instructors for the program are competent and qualified to provide instruction in the curriculum of the program.*

*4. An alcoholic beverage awareness program certified by the Commission:*

*(a) Must not cost a person more than \$40 to complete; and*

*(b) May be presented through the use of audiovisual technology. As used in this paragraph, "audiovisual technology" includes, without limitation, the use of closed-circuit video, videoconferencing, videotapes, computers, television, the Internet or any other electronic means of communication, or any combination thereof.*

*5. The Commission shall adopt such regulations:*

*(a) As the Commission determines to be necessary or advisable to carry out the provisions of this section; and*

*(b) As are necessary to ensure that a person who successfully completes an alcoholic beverage awareness program certified pursuant to subsection 3 receives a card which verifies that the person has successfully completed that program. The regulations must provide additionally that a card described in this paragraph:*

*(1) Is valid for a period of 4 years from the date of issuance and may be renewed for like consecutive periods upon successful completion by the holder of the card of an alcoholic beverage awareness program certified by the Commission; and*

*(2) Must be honored, in any jurisdiction in which the provisions of section 9 of this act apply, as indicia of the successful completion of an alcoholic beverage awareness program certified by the Commission.*

*6. As used in this section, "minor" means a person who is under 21 years of age."*

Assemblyman Ocegüera moved that the Assembly adopt the report of the first Conference Committee concerning Senate Bill No. 457.

Remarks by Assemblyman Ocegüera.

Motion carried by a constitutional majority.

Assemblyman Ocegüera moved that the Assembly recess until 6:00 p.m.

Motion carried.

Assembly in recess at 3:19 p.m.

#### ASSEMBLY IN SESSION

At 6:15 p.m.

Mr. Speaker presiding.

Quorum present.

## REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Ways and Means, to which were referred Senate Bills Nos. 165, 203, 314, 518, 521, 523, 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. 56, 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 6, 2005

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolutions Nos. 26, 35; Assembly Concurrent Resolutions Nos. 11, 17.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly Amendment No. 1198 to Senate Bill No. 380.

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 Bill No. 17.

MARY JO MONGELLI

*Assistant Secretary of the Senate*

## MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Ocegüera moved that Assembly Bill No. 576 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

## GENERAL FILE AND THIRD READING

Assembly Bill No. 576.

Bill read third time.

Roll call on Assembly Bill No. 576:

YEAS—42.

NAYS—None.

Assembly Bill No. 576 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 307.

Bill read third time.

Roll call on Assembly Bill No. 307:

YEAS—42.

NAYS—None.

Assembly Bill No. 307 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 578.

Bill read third time.

Roll call on Assembly Bill No. 578:

YEAS—42.

NAYS—None.

Assembly Bill No. 578 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 282.

Bill read third time.

Roll call on Senate Bill No. 282:

YEAS—42.

NAYS—None.

Senate Bill No. 282 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 56.

Bill read third time.

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

Amendment No. 1219.

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

“Section 1. NRS 385.347 is hereby amended to read as follows:

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

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

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

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

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

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

(b) Pupil achievement for each school in the district and the district as a whole, including, without limitation, each charter school in the district. The board of trustees of the district shall base its report on the results of the

examinations administered pursuant to NRS 389.015 and 389.550 and shall compare the results of those examinations for the current school year with those of previous school years. The report must include, for each school in the district, including, without limitation, each charter school in the district, and each grade in which the examinations were administered:

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

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

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

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

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

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

(III) Pupils with disabilities;

(IV) Pupils who are limited English proficient; and

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

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

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

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

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

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

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



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

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

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

(1) The percentage of teachers who are:

(I) Providing instruction pursuant to NRS 391.125;

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

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

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

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

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

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

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

(5) *For each elementary school:*

(I) *On and after July 1, 2005, the number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or*

*assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level; and*

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

(e) The total expenditure per pupil for each school in the district and the district as a whole, including, without limitation, each charter school in the district. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, each school district shall use that statewide program in complying with this paragraph. If a statewide program is not available, each school district shall use its own financial analysis program in complying with this paragraph.

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

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

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

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

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

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

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

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

(3) Withdraw from school to attend another school.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) A standard high school diploma.

(2) An adjusted diploma.

(3) A certificate of attendance.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5. The Superintendent of Public Instruction shall:

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

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

(c) Consult with a representative of the:

(1) Nevada State Education Association;

(2) Nevada Association of School Boards;

(3) Nevada Association of School Administrators;

(4) Nevada Parent Teacher Association;

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

(6) Legislative Counsel Bureau,

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

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

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

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

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

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

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

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

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

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

10. As used in this section:

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

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

Amend the bill as a whole by deleting sec. 10 and adding:

“Sec. 10. (Deleted by amendment.)”.

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

“Sec. 12. NRS 386.580 is hereby amended to read as follows:

386.580 1. An application for enrollment in a charter school may be submitted to the governing body of the charter school by the parent or legal guardian of any child who resides in this State. Except as otherwise provided in this subsection and subsection 2, a charter school shall enroll pupils who are eligible for enrollment in the order in which the applications are received.

If the board of trustees of the school district in which the charter school is located has established zones of attendance pursuant to NRS 388.040, the charter school shall, if practicable, ensure that the racial composition of pupils enrolled in the charter school does not differ by more than 10 percent from the racial composition of pupils who attend public schools in the zone in which the charter school is located. *If a charter school is sponsored by the board of trustees of a school district located in a county whose population is 100,000 or more, except for a program of distance education provided by the charter school, the charter school shall enroll pupils who are eligible for enrollment who reside in the school district in which the charter school is located before enrolling pupils who reside outside the school district.* Except as otherwise provided in subsection 2, if more pupils who are eligible for enrollment apply for enrollment in the charter school than the number of spaces which are available, the charter school shall determine which applicants to enroll on the basis of a lottery system.

2. ~~{A}~~ *Before a charter school enrolls pupils who are eligible for enrollment, a charter school that is dedicated to providing educational programs and opportunities to pupils who are at risk may enroll a child who:*

- (a) Is a sibling of a pupil who is currently enrolled in the charter school; or
- (b) Resides *within the school district and* within 2 miles of the charter school if the charter school is located in an area that the sponsor of the charter school determines includes a high percentage of children who are at risk . ~~;~~

~~before the charter school enrolls other pupils who are eligible for enrollment.~~ *If space is available after the charter school enrolls pupils pursuant to this paragraph, the charter school may enroll children who reside outside the school district but within 2 miles of the charter school if the charter school is located within an area that the sponsor determines includes a high percentage of children who are at risk.*

If more pupils described in this subsection who are eligible apply for enrollment than the number of spaces available, the charter school shall determine which applicants to enroll pursuant to this subsection on the basis of a lottery system.

3. Except as otherwise provided in subsection 7, a charter school shall not accept applications for enrollment in the charter school or otherwise discriminate based on the:

- (a) Race;
- (b) Gender;
- (c) Religion;
- (d) Ethnicity; or
- (e) Disability,  
of a pupil.

4. If the governing body of a charter school determines that the charter school is unable to provide an appropriate special education program and related services for a particular disability of a pupil who is enrolled in the

charter school, the governing body may request that the board of trustees of the school district of the county in which the pupil resides transfer that pupil to an appropriate school.

5. Except as otherwise provided in this subsection, upon the request of a parent or legal guardian of a child who is enrolled in a public school of a school district or a private school, or a parent or legal guardian of a homeschooled child, the governing body of the charter school shall authorize the child to participate in a class that is not otherwise available to the child at his school or home school or participate in an extracurricular activity at the charter school if:

(a) Space for the child in the class or extracurricular activity is available; and

(b) The parent or legal guardian demonstrates to the satisfaction of the governing body that the child is qualified to participate in the class or extracurricular activity.

If the governing body of a charter school authorizes a child to participate in a class or extracurricular activity pursuant to this subsection, the governing body is not required to provide transportation for the child to attend the class or activity. A charter school shall not authorize such a child to participate in a class or activity through a program of distance education provided by the charter school pursuant to NRS 388.820 to 388.874, inclusive.

6. The governing body of a charter school may revoke its approval for a child to participate in a class or extracurricular activity at a charter school pursuant to subsection 4 if the governing body determines that the child has failed to comply with applicable statutes, or applicable rules and regulations. If the governing body so revokes its approval, neither the governing body nor the charter school is liable for any damages relating to the denial of services to the child.

7. This section does not preclude the formation of a charter school that is dedicated to provide educational services exclusively to pupils:

(a) With disabilities;

(b) Who pose such severe disciplinary problems that they warrant an educational program specifically designed to serve a single gender and emphasize personal responsibility and rehabilitation; or

(c) Who are at risk.

If more eligible pupils apply for enrollment in such a charter school than the number of spaces which are available, the charter school shall determine which applicants to enroll pursuant to this subsection on the basis of a lottery system.”.

Amend the bill as a whole by deleting sections 15 and 16 and adding new sections designated sections 15 and 16, following sec. 14, to read as follows:

“Sec. 15. NRS 386.605 is hereby amended to read as follows:

386.605 1. On or before July 15 of each year, the governing body of a charter school that is sponsored by the board of trustees of a school district shall submit the information concerning the charter school that is required



pursuant to subsection 2 of NRS 385.347 to the board of trustees that sponsors the charter school for inclusion in the report of the school district pursuant to that section. The information must be submitted by the charter school in a format prescribed by the board of trustees.

2. ~~{On or before July 15 of each year, the governing body of a charter school that is sponsored by the State Board shall submit the information described in subsection 2 of NRS 385.347 to the Department in a format prescribed by the Department. The Department shall forward the information to the school district in which the charter school is located for inclusion in the summary that is prepared by the school district pursuant to section 3 of Assembly Bill 154 of this session and the report that is prepared by the school district pursuant to NRS 385.347.}~~

3. The Legislative Bureau of Educational Accountability and Program Evaluation created pursuant to NRS 218.5356 may authorize a person or entity with whom it contracts pursuant to NRS 385.359 to review and analyze information submitted by charter schools pursuant to this section and NRS 385.357, consult with the governing bodies of charter schools and submit written reports concerning charter schools pursuant to NRS 385.359.

Sec. 16. NRS 386.610 is hereby amended to read as follows:

386.610 1. On or before July 1 of each year, if the board of trustees of a school district sponsors a charter school, the board of trustees shall submit a written report to the State Board. The written report must include ~~{an}~~ :

(a) An evaluation of the progress of each charter school sponsored by the board of trustees in achieving its educational goals and objectives.

(b) A description of all administrative support and services provided by the school district to the charter school.

2. The governing body of a charter school shall, after 3 years of operation under its initial charter, submit a written report to the sponsor of the charter school. The written report must include a description of the progress of the charter school in achieving its educational goals and objectives. If the charter school submits an application for renewal in accordance with the regulations of the Department, the sponsor may renew the written charter of the school pursuant to subsection 2 of NRS 386.530.”.

Amend the bill as a whole by deleting sec. 30 and adding a new section designated sec. 30, following sec. 29, to read as follows:

“Sec. 30. 1. This section and sections 1 to 14, inclusive, 16 to 26, inclusive, and 28 and 29 of this act become effective on July 1, 2005.

2. Section 15 of this act becomes effective at 12:01 a.m. on July 1, 2005.

3. Section 4 of this act expires by limitation on June 30, 2006.

4. Section 26 of this act expires by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children, are repealed by the Congress of the United States.

5. Section 27 of this act becomes effective on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children, are repealed by the Congress of the United States.”.

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. 165.

Bill read third time.

Roll call on Senate Bill No. 165:

YEAS—42.

NAYS—None.

Senate Bill No. 165 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 203.

Bill read third time.

Roll call on Senate Bill No. 203:

YEAS—42.

NAYS—None.

Senate Bill No. 203 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 314

Bill read third time.

#### MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Arberry moved that Senate Bill No. 314 be taken from the General File and placed on the Chief Clerk’s desk.

Motion carried.

## GENERAL FILE AND THIRD READING

Senate Bill No. 518.

Bill read third time.

Roll call on Senate Bill No. 518:

YEAS—42.

NAYS—None.

Senate Bill No. 518 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 521.

Bill read third time.

Roll call on Senate Bill No. 521:

YEAS—42.

NAYS—None.

Senate Bill No. 521 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

## UNFINISHED BUSINESS

## REPORTS OF CONFERENCE COMMITTEES

*Mr. Speaker:*

The first Conference Committee concerning Assembly Bill No. 180, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendments Nos. 765, 1105 of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA49, which is attached to and hereby made a part of this report.

BONNIE PARNELL

DEBBIE SMITH

JOE HARDY

*Assembly Conference Committee*

BARBARA CEGAVSKE

VALERIE WIENER

MAURICE E. WASHINGTON

*Senate Conference Committee*

Conference Amendment No. CA49.

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

“Section 1. NRS 385.347 is hereby amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

(III) Pupils with disabilities;

(IV) Pupils who are limited English proficient; and

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

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

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

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

~~{8}~~ (7) The most recent 3-year trend in pupil achievement in each subject area tested and each grade level tested pursuant to NRS 389.015 and

389.550, which may include information regarding the trend in the achievement of pupils for more than 3 years, if such information is available;

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

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

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

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

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

(1) The percentage of teachers who are:

(I) Providing instruction pursuant to NRS 391.125;

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

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

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

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

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

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

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

*(5) For each elementary school:*

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

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

(e) The total expenditure per pupil for each school in the district and the district as a whole, including, without limitation, each charter school in the district. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, each school district shall use that statewide program in complying with this paragraph. If a statewide program is not available, each school district shall use its own financial analysis program in complying with this paragraph.

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

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

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

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

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

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

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

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

(3) Withdraw from school to attend another school.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (1) A standard high school diploma.
- (2) An adjusted diploma.
- (3) A certificate of attendance.

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

5. The Superintendent of Public Instruction shall:

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

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

(c) Consult with a representative of the:

(1) Nevada State Education Association;

(2) Nevada Association of School Boards;

(3) Nevada Association of School Administrators;

- (4) Nevada Parent Teacher Association;
- (5) Budget Division of the Department of Administration; and
- (6) Legislative Counsel Bureau,

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

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

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

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

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

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

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

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

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

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

10. As used in this section:

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

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

Amend 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. NRS 386.580 is hereby amended to read as follows:

386.580 1. An application for enrollment in a charter school may be submitted to the governing body of the charter school by the parent or legal guardian of any child who resides in this State. Except as otherwise provided in this subsection and subsection 2, a charter school shall enroll pupils who are eligible for enrollment in the order in which the applications are received. If the board of trustees of the school district in which the charter school is located has established zones of attendance pursuant to NRS 388.040, the charter school shall, if practicable, ensure that the racial composition of pupils enrolled in the charter school does not differ by more than 10 percent from the racial composition of pupils who attend public schools in the zone in which the charter school is located. *If a charter school is sponsored by the board of trustees of a school district located in a county whose population is 100,000 or more, except for a program of distance education provided by the charter school, the charter school shall enroll pupils who are eligible for enrollment who reside in the school district in which the charter school is located before enrolling pupils who reside outside the school district.* Except as otherwise provided in subsection 2, if more pupils who are eligible for enrollment apply for enrollment in the charter school than the number of spaces which are available, the charter school shall determine which applicants to enroll pursuant to this subsection on the basis of a lottery system.

2. ~~{A}~~ *Before a charter school enrolls pupils who are eligible for enrollment, a charter school that is dedicated to providing educational programs and opportunities to pupils who are at risk may enroll a child who:*

(a) Is a sibling of a pupil who is currently enrolled in the charter school; or

(b) *Resides within the school district and within 2 miles of the charter school if the charter school is located in an area that the sponsor of the charter school determines includes a high percentage of children who are at risk.* ~~{~~

~~before the charter school enrolls other pupils who are eligible for enrollment.~~ *If space is available after the charter school enrolls pupils pursuant to this paragraph, the charter school may enroll children who reside outside the school district but within 2 miles of the charter school if the charter school is located within an area that the sponsor determines includes a high percentage of children who are at risk.*

If more pupils described in this subsection who are eligible apply for enrollment than the number of spaces available, the charter school shall

determine which applicants to enroll pursuant to this subsection on the basis of a lottery system.

3. Except as otherwise provided in subsection 7, a charter school shall not accept applications for enrollment in the charter school or otherwise discriminate based on the:

- (a) Race;
- (b) Gender;
- (c) Religion;
- (d) Ethnicity; or
- (e) Disability,  
of a pupil.

4. If the governing body of a charter school determines that the charter school is unable to provide an appropriate special education program and related services for a particular disability of a pupil who is enrolled in the charter school, the governing body may request that the board of trustees of the school district of the county in which the pupil resides transfer that pupil to an appropriate school.

5. Except as otherwise provided in this subsection, upon the request of a parent or legal guardian of a child who is enrolled in a public school of a school district or a private school, or a parent or legal guardian of a homeschooled child, the governing body of the charter school shall authorize the child to participate in a class that is not otherwise available to the child at his school or home school or participate in an extracurricular activity at the charter school if:

(a) Space for the child in the class or extracurricular activity is available; and

(b) The parent or legal guardian demonstrates to the satisfaction of the governing body that the child is qualified to participate in the class or extracurricular activity.

If the governing body of a charter school authorizes a child to participate in a class or extracurricular activity pursuant to this subsection, the governing body is not required to provide transportation for the child to attend the class or activity. A charter school shall not authorize such a child to participate in a class or activity through a program of distance education provided by the charter school pursuant to NRS 388.820 to 388.874, inclusive.

6. The governing body of a charter school may revoke its approval for a child to participate in a class or extracurricular activity at a charter school pursuant to subsection 5 if the governing body determines that the child has failed to comply with applicable statutes, or applicable rules and regulations. If the governing body so revokes its approval, neither the governing body nor the charter school is liable for any damages relating to the denial of services to the child.

7. This section does not preclude the formation of a charter school that is dedicated to provide educational services exclusively to pupils:

- (a) With disabilities;

(b) Who pose such severe disciplinary problems that they warrant an educational program specifically designed to serve a single gender and emphasize personal responsibility and rehabilitation; or

(c) Who are at risk.

If more eligible pupils apply for enrollment in such a charter school than the number of spaces which are available, the charter school shall determine which applicants to enroll pursuant to this subsection on the basis of a lottery system.”.

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. NRS 386.605 is hereby amended to read as follows:

386.605 1. On or before July 15 of each year, the governing body of ~~each~~ a charter school *that is sponsored by the board of trustees of a school district* shall submit the information concerning the charter school that is required pursuant to subsection 2 of NRS 385.347 to the board of trustees ~~of the school district in which~~ *that sponsors* the charter school ~~is located, regardless of the sponsor of the charter school,~~ for inclusion in the report of the school district pursuant to that section. The information must be submitted by the charter school in a format prescribed by the board of trustees.

2. On or before ~~August 15 of each year, the governing body of each charter school shall submit the information applicable to the charter school that is contained in the report pursuant to paragraph (t) of subsection 2 of NRS 385.347 to the Commission on Educational Technology created pursuant to NRS 388.790.~~ July 15 of each year, the governing body of a charter school *that is sponsored by the State Board shall submit the information described in subsection 2 of NRS 385.347 to the Department in a format prescribed by the Department. The Department shall forward the information to the school district in which the charter school is located for inclusion in the report that is prepared by the school district pursuant to NRS 385.347.*

3. The Legislative Bureau of Educational Accountability and Program Evaluation created pursuant to NRS 218.5356 may authorize a person or entity with whom it contracts pursuant to NRS 385.359 to review and analyze information submitted by charter schools pursuant to this section and NRS 385.357, consult with the governing bodies of charter schools and submit written reports concerning charter schools pursuant to NRS 385.359.”.

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

“Sec. 10. NRS 386.650 is hereby amended to read as follows:

386.650 1. The Department shall establish and maintain an automated system of accountability information for Nevada. The system must:

(a) Have the capacity to provide and report information, including, without limitation, the results of the achievement of pupils:

(1) In the manner required by 20 U.S.C. §§ 6301 et seq., and the regulations adopted pursuant thereto, and NRS 385.3469 and 385.347; and

(2) In a separate reporting for each subgroup of pupils identified in paragraph (b) of subsection 1 of NRS 385.361;

(b) Include a system of unique identification for each pupil:

(1) To ensure that individual pupils may be tracked over time throughout this State; and

(2) That, to the extent practicable, may be used for purposes of identifying a pupil for both the public schools and the University and Community College System of Nevada, if that pupil enrolls in the System after graduation from high school;

(c) Have the capacity to provide longitudinal comparisons of the academic achievement, rate of attendance and rate of graduation of pupils over time throughout this State;

(d) Have the capacity to perform a variety of longitudinal analyses of the results of individual pupils on assessments, including, without limitation, the results of pupils by classroom and by school;

(e) Have the capacity to identify which teachers are assigned to individual pupils and which paraprofessionals, if any, are assigned to provide services to individual pupils;

(f) Have the capacity to provide other information concerning schools and school districts that is not linked to individual pupils, including, without limitation, the designation of schools and school districts pursuant to NRS 385.3623 and 385.377, respectively, and an identification of which schools, if any, are persistently dangerous;

(g) Have the capacity to access financial accountability information for each public school, including, without limitation, each charter school, for each school district and for this State as a whole; and

(h) Be designed to improve the ability of the Department, school districts and the public schools in this State, including, without limitation, charter schools, to account for the pupils who are enrolled in the public schools, including, without limitation, charter schools.

The information maintained pursuant to paragraphs (c), (d) and (e) *must be used for the purpose of improving the achievement of pupils and improving classroom instruction but* must not be used for the purpose of evaluating an individual teacher or paraprofessional.

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

(a) Adopt and maintain the program prescribed by the Superintendent of Public Instruction pursuant to subsection 3 for the collection, maintenance and transfer of data from the records of individual pupils to the automated system of information, including, without limitation, the development of plans for the educational technology which is necessary to adopt and maintain the program;

(b) Provide to the Department electronic data concerning pupils as required by the Superintendent of Public Instruction pursuant to subsection 3; and

(c) Ensure that an electronic record is maintained in accordance with subsection 3 of NRS 386.655.

3. The Superintendent of Public Instruction shall:

(a) Prescribe a uniform program throughout this State for the collection, maintenance and transfer of data that each school district must adopt, which must include standardized software;

(b) Prescribe the data to be collected and reported to the Department by each school district *and each sponsor of a charter school* pursuant to subsection 2 ; ~~including, without limitation, data relating to each charter school located within a school district regardless of the sponsor of the charter school;~~

(c) Prescribe the format for the data;

(d) Prescribe the date by which each school district shall report the data;

(e) Prescribe the date by which each charter school ~~located within a school district~~ shall report the data to the ~~school district for incorporation into the report of the school district, regardless of the~~ sponsor of the charter school;

(f) Prescribe standardized codes for all data elements used within the automated system and all exchanges of data within the automated system, including, without limitation, data concerning:

(1) Individual pupils;

(2) Individual teachers and paraprofessionals;

(3) Individual schools and school districts; and

(4) Programs and financial information;

(g) Provide technical assistance to each school district to ensure that the data from each public school in the school district, including, without limitation, each charter school located within the school district, is compatible with the automated system of information and comparable to the data reported by other school districts; and

(h) Provide for the analysis and reporting of the data in the automated system of information.

4. The Department shall establish, to the extent authorized by the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and any regulations adopted pursuant thereto, a mechanism by which persons or entities, including, without limitation, state officers who are members of the Executive or Legislative Branch, administrators of public schools and school districts, teachers and other educational personnel, and parents and guardians, will have different types of access to the accountability information contained within the automated system to the extent that such information is necessary for the performance of a duty or to the extent that such information may be made available to the general public without posing a threat to the confidentiality of an individual pupil.

5. The Department may, to the extent authorized by the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and any regulations adopted pursuant thereto, enter into an agreement with the University and Community College System of Nevada to provide access to data contained within the automated system for research purposes.

Sec. 11. NRS 386.655 is hereby amended to read as follows:

386.655 1. The Department, the school districts and the public schools, including, without limitation, charter schools, shall, in operating the automated system of information established pursuant to NRS 386.650, comply with the provisions of:

(a) For all pupils, the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g, and any regulations adopted pursuant thereto; and

(b) For pupils with disabilities who are enrolled in programs of special education, the provisions governing access to education records and confidentiality of information prescribed in the Individuals with Disabilities Education Act, 20 U.S.C. § 1417(c), and the regulations adopted pursuant thereto.

2. Except as otherwise provided in 20 U.S.C. § 1232g(b) and any other applicable federal law, a public school, including, without limitation, a charter school, shall not release the education records of a pupil to a person or an agency of a federal, state or local government without the written consent of the parent or legal guardian of the pupil.

3. In addition to the record required pursuant to 20 U.S.C. § 1232g(b)(4)(A), each school district *and each sponsor of a charter school* shall maintain within the automated system of information an electronic record of all persons and agencies who have requested the education record of a pupil or obtained access to the education record of a pupil, or both, pursuant to 20 U.S.C. § 1232g. The electronic record must be maintained and may only be disclosed in accordance with the provisions of 20 U.S.C. § 1232g. A charter school shall provide to the *sponsor of the charter school* ~~{district in which the charter school is located}~~ such information as is necessary for the ~~{school district}~~ *sponsor* to carry out the provisions of this subsection. ~~{, regardless of the sponsor of the charter school.}~~

4. The right accorded to a parent or legal guardian of a pupil pursuant to subsection 2 devolves upon the pupil on the date on which he attains the age of 18 years.

5. As used in this section, unless the context otherwise requires, "education records" has the meaning ascribed to it in 20 U.S.C. § 1232g(a)(4)."

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

"Sec. 12. Section 1 of Assembly Bill No. 206 of this session is hereby amended to read as follows:

Section 1. NRS 391.019 is hereby amended to read as follows:



391.019 1. Except as otherwise provided in NRS 391.027, the Commission:

(a) Shall adopt regulations:

(1) Prescribing the qualifications for licensing teachers and other educational personnel, including, without limitation, the qualifications for a license to teach middle school or junior high school education, and the procedures for the issuance and renewal of such licenses.

(2) Identifying fields of specialization in teaching which require the specialized training of teachers.

(3) Except as otherwise provided in NRS 391.125, requiring teachers to obtain from the Department an endorsement in a field of specialization to be eligible to teach in that field of specialization.

(4) Setting forth the educational requirements a teacher must satisfy to qualify for an endorsement in each field of specialization.

(5) Setting forth the qualifications and requirements for obtaining a license or endorsement to teach American Sign Language, including, without limitation, being qualified to engage in the practice of interpreting pursuant to subsection 3 of NRS 656A.100.

(6) Except as otherwise authorized by subsection 4 of NRS 656A.100, requiring teachers and other educational personnel to satisfy the qualifications set forth in subsection 3 of NRS 656A.100 if they:

(I) Provide instruction or other educational services; and

(II) Concurrently engage in the practice of interpreting, as defined in NRS 656A.060.

(7) *Providing for the issuance and renewal of a special qualifications license to an applicant who holds a master's degree or a doctoral degree from an accredited degree-granting postsecondary educational institution in a field for which the applicant will provide instruction in a classroom and who has:*

*(I) At least 2 years of experience teaching at an accredited degree-granting postsecondary educational institution in a field for which the applicant will provide instruction in a classroom and at least 3 years of experience working in that field; or*

*(II) At least 5 years of experience working in a field for which the applicant will provide instruction in a classroom.*

(8) *Requiring an applicant for a special qualifications license to:*

*(I) Pass each examination required by NRS 391.021 for the specific subject or subjects in which the applicant will provide instruction; or*

*(II) Hold a valid license issued by a professional licensing board of any state that is directly related to the subject area of the master's degree or doctoral degree held by the applicant.*

(9) *Setting forth the subject areas that may be taught by a person who holds a special qualifications license, based upon the subject area of the master's degree or doctoral degree held by that person.*

(b) May adopt such other regulations as it deems necessary for its own government or to carry out its duties.

2. Any regulation which increases the amount of education, training or experience required for licensing:

(a) Must, in addition to the requirements for publication in chapter 233B of NRS, be publicized before its adoption in a manner reasonably calculated to inform those persons affected by the change.

(b) Must not become effective until at least 1 year after the date it is adopted by the Commission.

(c) Is not applicable to a license in effect on the date the regulation becomes effective.

3. *A person who is licensed pursuant to subparagraph (7) of paragraph (a) of subsection 1:*

*(a) Shall comply with all applicable statutes and regulations.*

*(b) Except as otherwise provided by specific statute, is entitled to all benefits, rights and privileges conferred by statutes and regulations on licensed teachers.*

*(c) Except as otherwise provided by specific statute, if he is employed as a teacher by the board of trustees of a school district or the governing body of a charter school, is entitled to all benefits, rights and privileges conferred by statutes and regulations on the licensed employees of a school district or charter school, as applicable.”.*

Amend sec. 14, page 24, by deleting lines 32 through 35 and inserting:

“Sec. 15. 1. This section and sections 2, 12 and 13 of this act become effective upon passage and approval.

2. Sections 1, 3 to 11, inclusive, and 14 of this act become effective on July 1, 2005.”.

Assemblywoman Parnell moved that the Assembly adopt the report of the first Conference Committee concerning Assembly Bill No. 180.

Remarks by Assemblywoman Parnell.

Motion carried by a constitutional majority.

*Mr. Speaker:*

The first Conference Committee concerning Senate Bill No. 17, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendments Nos. 753, 1051 of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA43, which is attached to and hereby made a part of this report.

PEGGY PIERCE  
BONNIE PARNELL  
TOM GRADY

*Assembly Conference Committee*

RANDOLPH J. TOWNSEND  
DINA TITUS  
DEAN A. RHOADS

*Senate Conference Committee*

Conference Amendment No. CA43.

Amend sec. 2, page 4, by deleting lines 1 through 39 and inserting:

“Sec. 2. NRS 233B.0675 is hereby amended to read as follows:

233B.0675 1. If the Legislative Commission *or the subcommittee to review regulations* has objected to a regulation, the agency ~~[may revise it]~~ shall revise the regulation to conform to the statutory authority pursuant to which it was adopted and to carry out the intent of the Legislature in granting that authority and return it to the Legislative Counsel ~~[ ]~~ within 60 days after the agency received the written notice of the objection to the regulation pursuant to NRS 233B.067. Upon receipt of the revised regulation, the Legislative Counsel shall resubmit the regulation to the Commission ~~[at its next regularly scheduled meeting. If the Commission does not object]~~ or subcommittee for review. If there is no objection to the revised regulation, the Legislative Counsel shall promptly file the revised regulation with the Secretary of State and notify the agency of the filing.

2. If the Legislative Commission *or subcommittee* objects to the revised regulation, the ~~[agency may]~~ Legislative Counsel shall attach to the revised regulation a written notice of the objection, including a statement of the reasons for the objection, and shall promptly return the revised regulation to the agency. The agency shall continue to revise it and resubmit it to the Commission ~~[ ]~~

~~3.— If the agency refuses to revise a regulation to which the Legislative Commission has objected, the Commission may suspend the filing of the regulation until the final day of the next regular session of the Legislature. Before the final day of the next regular session the Legislature may, by concurrent resolution or other appropriate legislative measure, declare that the regulation will not become effective. The Legislative Counsel shall thereupon notify the agency that the regulation will not be filed and must not be enforced. If the Legislature has not so declared by the final day of the session, the Legislative Counsel shall promptly file the regulation and notify the agency of the filing.] or subcommittee within 30 days after the agency received the written notice of the objection to the revised regulation.”.~~

Amend the bill as a whole by deleting sec. 3 and renumbering sec. 4 as sec. 3.

Assemblywoman Pierce moved that the Assembly adopt the report of the first Conference Committee concerning Senate Bill No. 17.

Remarks by Assemblywoman Pierce.

Motion carried by a constitutional majority.

Assemblywoman Buckley moved that the Assembly recess until 9:00 p.m.

Motion carried.

Assembly in recess at 6:38 p.m.

#### ASSEMBLY IN SESSION

At 9:07 p.m.

Mr. Speaker presiding.

Quorum present.

## REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Ways and Means, to which was referred Senate Bill No. 404, 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 Senate Bill No. 461, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chairman*

## INTRODUCTION, FIRST READING, AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 580—AN ACT relating to public administration; providing that a person who lawfully obtains custody of a child after an order for support for that child has been issued may enforce that order under certain circumstances; creating the Office of Minority Health within the Department of Human Resources; providing for the establishment of a statewide nonemergency telephone system that is accessible by dialing the digits 2-1-1; requiring the Governor to publish a Nevada Report to taxpayers on the status of the state finances; providing for the periodic review of school districts to determine whether the school districts are carrying out certain financial management principals under certain circumstances; requiring the boards of trustees of school districts to pay increased salaries to certain speech pathologists who are employed by those districts; providing various benefits for members of the Nevada National Guard who are called into active service; requiring the Director of the Department of Human Resources to include in the State Plan for Medicaid a requirement that young adults who have “aged out” of foster care are eligible for Medicaid; creating the Account for the Control of Weeds; making appropriations; and providing other matters properly relating thereto.

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

Motion carried.

## UNFINISHED BUSINESS

## RECEDE FROM ASSEMBLY AMENDMENTS

Assemblywoman Leslie moved that the Assembly do not recede from its action on Senate Bill No. 462, that a conference be requested, and that Mr. Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblywoman Leslie.

Motion carried.

## APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Leslie, Pierce, and Mabey as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 462.

## REPORTS OF CONFERENCE COMMITTEES

*Mr. Speaker:*

The first Conference Committee concerning Assembly Bill No. 44, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendment No. 859 of the Senate be receded from and a 2nd reprint be created in accordance with this action.

BOB MCCLEARY  
MARCUS CONKLIN  
JOE HARDY

*Assembly Conference Committee*

JOE HECK  
WARREN B. HARDY  
SANDRA J. TIFFANY

*Senate Conference Committee*

Assemblyman McCleary moved that the Assembly adopt the report of the first Conference Committee concerning Assembly Bill No. 44.

Remarks by Assemblyman McCleary.

Motion carried by a constitutional majority.

## MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Ocegüera moved that Senate Bill No. 523 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

## GENERAL FILE AND THIRD READING

Senate Bill No. 404.

Bill read third time.

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

Amendment No. 1215.

Amend the bill as a whole by deleting sections 3 through 9 and adding new sections designated sections 3 through 9, following sec. 2, to read as follows:

“Sec. 3. “Account” means the Account for Programs for Innovation and the Prevention of Remediation created by section 9 of this act.

Sec. 4. “Commission” means the Commission on Educational Excellence created by section 5 of this act.

Sec. 5. 1. The Commission on Educational Excellence, consisting of nine members is hereby created. The Superintendent of Public Instruction shall serve as an ex officio voting member of the Commission. The Governor shall appoint the following members to the Commission:

(a) Three teachers, two of whom have experience in providing instruction at public elementary schools and who have been successful in school improvement efforts and one of whom has experience in providing

*instruction at secondary schools and who has been successful in school improvement efforts;*

*(b) Two principals, one of whom has experience in administering successful school improvement efforts at an elementary school and one of whom has experience in administering successful school improvement efforts at a secondary school;*

*(c) Two school district administrators, one of whom is employed by a school district in a county whose population is less than 100,000 and one of whom is employed by a school district in a county whose population is 100,000 or more; and*

*(d) One parent or legal guardian of a pupil enrolled in a public school in this State.*

*One or more of the members appointed pursuant to subsection 1 may be retired from employment but those retired members that are appointed must have been employed with a public school in this State in the immediately preceding 5 years.*

*2. The Governor may solicit recommendations for appointments pursuant to this subsection from the Nevada State Education Association, the Nevada Association of School Administrators, a statewide organization for parents of pupils, the Statewide Council for the Coordination of the Regional Training Programs and other organizations and entities related to education in this State. The Governor may consider the recommendations submitted and may make appointments from those recommendations. The Governor shall appoint a Chairman from among the members he appoints.*

*3. After the initial terms, the term of each appointed member of the Commission is 2 years, commencing on January 1 of the year in which he is appointed and expiring on December 31 of the immediately following year. A member shall continue to serve on the Commission until his successor is appointed. Upon the expiration of a term of a member, he may be reappointed if he still possesses any requisite qualifications for appointment. There is no limit on the number of terms that a member may serve.*

*4. The Commission shall hold at least four regular meetings each year and may hold special meetings at the call of the Chairman.*

*5. Members of the Commission serve without compensation, except that for each day or portion of a day during which a member of the Commission attends a meeting of the Commission or is otherwise engaged in the business of the Commission, he is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally. The per diem allowances and travel expenses must be paid from the Account and accounted for separately in that Account. In addition, money in the Account may be used to pay compensation necessary for the employment of substitute teachers who are hired on those days when a member of the Commission attends a meeting of the Commission or is otherwise engaged in the business of the Commission.*

*6. The Department shall provide:*

- (a) *Administrative support;*
- (b) *Equipment; and*
- (c) *Office space,*  
*as is necessary for the Commission to carry out its duties.*

7. *The Legislative Counsel Bureau:*

- (a) *Must be provided with adequate notice of each meeting of the Commission; and*
- (b) *Shall provide, as requested by the Committee, technical expertise and assistance to the Commission.*

Sec. 6. 1. *The Commission shall:*

- (a) *Establish a program of educational excellence designed exclusively for pupils enrolled in kindergarten through grade 6 in public schools in this State based upon:*

- (1) *The plan to improve the achievement of pupils prepared by the State Board pursuant to NRS 385.34691;*

- (2) *The plan to improve the achievement of pupils prepared by the board of trustees of each school district pursuant to NRS 385.348;*

- (3) *The plan to improve the achievement of pupils prepared by the principal of each school pursuant to NRS 385.357, which may include a program of innovation; and*

- (4) *Any other information that the Commission considers relevant to the development of the program of educational excellence.*

- (b) *Identify programs, practices and strategies that have proven effective in improving the academic achievement and proficiency of pupils.*

- (c) *Develop a concise application and simple procedures for the submission of applications by school districts and public schools, including, without limitation, charter schools, for participation in a program of educational excellence and for grants of money from the Account. Grants of money must be made for programs designed for the achievement of pupils that are linked to the plan to improve the achievement of pupils or for innovative programs, or both. All school districts and public schools, including, without limitation, charter schools, are eligible to submit such an application, regardless of whether the school district or school has made adequate yearly progress or failed to make adequate yearly progress. A school district or public school selected for participation may be approved by the Commission for participation for a period not to exceed 2 years, but may reapply.*

- (d) *Prescribe a long-range timeline for the review, approval and evaluation of applications received from school districts and public schools that desire to participate in the program.*

- (e) *Prescribe accountability measures to be carried out by a school district or public school that participates in the program if that school district or public school does not meet the annual measurable objectives established by the State Board pursuant to NRS 385.361, including, without limitation:*

*(1) The specific levels of achievement expected of school districts and schools that participate; and*

*(2) Conditions for school districts and schools that do not meet the grant criteria but desire to continue participation in the program and receive money from the Account, including, without limitation, a review of the leadership at the school and recommendations regarding changes to the appropriate body.*

*(f) Determine the amount of money that is available from the Account for those school districts and public schools that are selected to participate in the program.*

*(g) Allocate money to school districts and public schools from the Account. Allocations must be distributed not later than August 15 of each year.*

*(h) Establish criteria for school districts and public schools that participate in the program and receive an allocation of money from the Account to evaluate the effectiveness of the allocation in improving the achievement of pupils, including, without limitation, a detailed analysis of:*

*(1) The achievement of pupils enrolled at each school that received money from the allocation based upon measurable criteria identified in the plan to improve the achievement of pupils for the school prepared pursuant to NRS 385.357;*

*(2) If applicable, the achievement of pupils enrolled in the school district as a whole, based upon measurable criteria identified in the plan to improve the achievement of pupils for the school district prepared pursuant to NRS 385.348;*

*(3) If applicable, the effectiveness of the program of innovation on the achievement of pupils and the overall effectiveness for pupils and staff;*

*(4) The implementation of the applicable plans for improvement, including, without limitation, an analysis of whether the school district or the school is meeting the measurable objectives identified in the plan; and*

*(5) The attainment of measurable progress on the annual list of adequate yearly progress of school districts and schools.*

*2. To the extent money is available, the Commission shall make allocations of money to school districts and public schools for effective programs for grades 7 through 12 that are designed to improve the achievement of pupils and effective programs of innovation for pupils. In making such allocations, the Commission shall comply with the requirements of subsection 1.*

*3. If a school district or public school that receives money pursuant to subsection 1 or 2 does not meet the criteria for effectiveness as prescribed in paragraph (h) of subsection 1 over a 2-year period, the Commission may consider not awarding future allocations of money to that school district or public school.*

*4. On or before July 1 of each year, the Department shall provide a list of priorities of schools based upon the adequate yearly progress status of*



*schools in the immediately preceding year for consideration by the Commission in its development of procedures for the applications.*

*5. In carrying out the requirements of this section, the Commission shall review and consider the programs of remedial study adopted by the Department pursuant to NRS 385.389, the list of approved providers of supplemental services maintained by the Department pursuant to NRS 385.384 and the recommendations submitted by the Committee pursuant to NRS 218.5354 concerning programs, practices and strategies that have proven effective in improving the academic achievement and proficiency of pupils.*

*Sec. 7. 1. A school district or public school that receives an allocation of money from the Account shall:*

*(a) Account for the money separately;*

*(b) Use the money to supplement and not replace the money that would otherwise be expended by the school district or public school for the achievement of pupils in kindergarten through grade 6 or pupils in grades 7 through 12, as applicable; and*

*(c) Submit an evaluation of the effectiveness of the allocation in improving the achievement of pupils in kindergarten through grade 6 or pupils in grades 7 through 12, as applicable, in accordance with the criteria for evaluation established by the Commission pursuant to section 6 of this act.*

*2. A school district or public school that receives an allocation of money from the Account shall not:*

*(a) Use the money to settle or arbitrate disputes or negotiate settlements between an organization that represents licensed employees of the school district or public school and the school district or public school, as applicable.*

*(b) Use the money to adjust the schedules of salaries and benefits of the employees of the school district or public school, as applicable.*

*Sec. 8. 1. The Commission shall prepare an annual report that describes the distribution of money to the school districts and public schools and the programs for which money was allocated from the Account. The report must be submitted on or before September 1 of each year to the entities identified in subsection 3.*

*2. The Commission shall:*

*(a) Prepare an annual report that describes:*

*(1) The activities of the Commission;*

*(2) An analysis of the progress of the school districts and public schools in carrying out the plans to improve the achievement of pupils; and*

*(3) An analysis of the progress of the school district and public schools that received an allocation of money from the Account in improving the achievement of pupils.*

*(b) Submit the report on or before January 31 of each year to the entities identified in subsection 3.*

3. *The Commission shall submit the reports required by this section to the:*

- (a) State Board;*
- (b) Governor;*
- (c) Committee;*
- (d) Bureau;*
- (e) Interim Finance Committee; and*
- (f) Board of trustees of each school district.*

Sec. 9. 1. *The Account for Programs for Innovation and the Prevention of Remediation is hereby created in the State General Fund, to be administered by the Superintendent of Public Instruction. The Superintendent of Public Instruction may accept gifts and grants of money from any source for deposit in the Account. Any money from gifts and grants may be expended in accordance with the terms and conditions of the gift or grant, or in accordance with subsection 2. The interest and income earned on the money in the Account must be credited to the Account. Any money remaining in the Account at the end of a fiscal year does not revert to the State General Fund, and the balance in the Account must be carried forward to the next fiscal year.*

2. *The money in the Account may only be used for the allocation of money to school districts and public schools whose applications are approved by the Commission pursuant to section 6 of this act.”.*

Amend the bill as a whole by adding new sections designated sections 16.3 and 16.7, following sec. 16, to read as follows:

“Sec. 16.3. 1. There is hereby appropriated from the State General Fund to the Account for Programs for Innovation and the Prevention of Remediation created by section 9 of this act the following sums:

For the Fiscal Year 2005–2006      \$50,000,000

For the Fiscal Year 2006–2007      \$28,000,000

2. Except as otherwise provided in this section, the money appropriated by subsection 1 must be used first for kindergarten through grade 6 for programs for the achievement of pupils linked to the plan to improve the achievement of pupils or for innovative programs, or both.

3. If money is remaining from the appropriation made by subsection 1 after allocations for kindergarten through sixth grades are complete, school districts and schools may apply for allocations from the remainder of the appropriation for programs for grades 7 through 12.

Sec. 16.7. 1. The Department of Education shall transfer the following sums to the Account for Programs for Innovation and the Prevention of Remediation apportioned for the State Distributive School Account in the State General Fund for the 2005–2007 biennium:

For the Fiscal Year 2005–2006      \$6,818,788

For the Fiscal Year 2006–2007      \$7,089,336

2. The sums transferred pursuant to subsection 1 must be used first for application to grades 7 through 12 for programs for the achievement of pupils

linked to the plan to improve the achievement of pupils or for innovative programs, or both. If money is remaining from the transfer after allocations for grades 7 through 12 are complete, school districts and public schools may apply for allocations for kindergarten through grade 6 for programs for the achievement of pupils linked to the plan to improve the achievement of pupils or for innovative programs, or both.”.

Amend sec. 18, page 17, by deleting lines 36 through 38 and inserting:

“1. Two teachers, one principal, one school district administrator to”.

Amend sec. 19, page 18, line 1, by deleting: “on July 1, 2005,” and inserting: “upon passage and approval”.

Amend the title of the bill to read as follows:

“AN ACT relating to education; creating the Commission on Educational Excellence; prescribing the membership and duties of the Commission; creating the Account for Programs for Innovation and the Prevention of Remediation; authorizing school districts and public schools to apply for grants of money from the Account; revising the provisions governing the statewide system of accountability; making appropriations; and providing other matters properly relating thereto.”.

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

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

Senate Bill No. 461.

Bill read third time.

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

Amendment No. 1226.

Amend the bill as a whole by deleting sections 1 through 9, renumbering sec. 10 as sec. 13 and adding new sections designated sections 1 through 12, following the enacting clause, to read as follows:

*“Section 1. Title 34 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 12, inclusive, of this act.*

*Sec. 2. 1. The Legislature declares that the primary consideration of the Legislature when enacting legislation regarding the appropriate instruction of profoundly gifted pupils in Nevada is to pursue all suitable means for the promotion of intellectual, literary and scientific improvements to the system of public instruction in a manner that will best serve the interests of all pupils, including profoundly gifted pupils.*

*2. The Legislature further declares that there are pupils enrolled in the public middle schools, junior high schools and high schools in this State who are so profoundly gifted that their educational needs are not being met by the schools in which they are enrolled, and by participating in an accelerated program of education, these pupils may obtain early admission to university*

*studies. These accelerated programs should be designed to address the different and distinct learning styles and needs of these profoundly gifted pupils.*

*3. It is the intent of the Legislature that participation in such accelerated programs of education for profoundly gifted pupils be open to all qualified applicants, regardless of race, culture, ethnicity or economic means, and that specific criteria for admission into those programs be designed to determine the potential for success of an applicant.*

*4. It is further the intent of the Legislature to support and encourage the ongoing development of innovative educational programs and tools to improve the educational opportunities of profoundly gifted pupils, regardless of race, culture, ethnicity or economic means and to increase the educational opportunities of pupils who are identified as profoundly gifted, gifted and talented, having special educational needs or being at risk for underachievement.*

*Sec. 3. As used in this chapter, unless the context otherwise provides, the words and terms defined in sections 4 and 5 of this act have the meanings ascribed to them in those sections.*

*Sec. 4. "Profoundly gifted pupil" means a person who is under the age of 18 years:*

*1. Whose intelligence quotient as determined by an individual administration of the Wechsler or Stanford-Binet Series tests or other test approved by the governing body of the university school for profoundly gifted pupils is at or above the 99.9th percentile; or*

*2. Who scores at or above the 99.9th percentile for his age on an aptitude or achievement test, including, without limitation, the Scholastic Aptitude Test or the American College Test.*

*Sec. 5. "University school for profoundly gifted pupils" means a school that:*

*1. Is located on the campus of a university within the University and Community College System of Nevada;*

*2. Is operated through a written agreement with the university;*

*3. Is operated by or is itself a nonprofit corporation that is recognized as exempt pursuant to 26 U.S.C. § 501(c)(3);*

*4. Demonstrates at least 5 years of successful experience providing educational services to profoundly gifted youth;*

*5. Provides a full-time alternative program of education for profoundly gifted pupils who have been identified as possessing the abilities and skills necessary for advanced academic work, including accelerated middle school, junior high school, high school and early university entrance; and*

*6. Does not charge tuition to pupils enrolled in the school.*

*Sec. 6. Notwithstanding the provisions of NRS 385.007 to the contrary, a university school for profoundly gifted pupils shall be deemed a public school.*

Sec. 7. 1. *Except as otherwise provided by specific statute, the provisions of title 34 of NRS do not apply to a university school for profoundly gifted pupils, except that a university school for profoundly gifted pupils is not entitled to receive any money from the State.*

2. *The employees of a university school for profoundly gifted pupils shall be deemed public employees.*

Sec. 8. 1. *A university school for profoundly gifted pupils shall comply with all applicable federal laws to prevent the loss of any federal money for education provided to the State of Nevada and the school districts in this State by the Federal Government.*

2. *A university school for profoundly gifted pupils may apply for and accept any gift, bequest, grant, appropriation or donation from any source, except that the acceptance of any gift, bequest, grant, appropriation or donation may not violate any state or federal law.*

Sec. 9. 1. *At least 70 percent of the teachers employed by a university school for profoundly gifted pupils must be licensed teachers.*

2. *A university school for profoundly gifted pupils shall administer to its pupils the achievement and proficiency examinations required by NRS 389.015 and 389.550.*

Sec. 10. *The Superintendent of Public Instruction shall:*

1. *Authorize any pupil who is admitted to a university school for profoundly gifted pupils to enroll in that school in lieu of enrolling in the middle school, junior high school or high school that the pupil is otherwise scheduled to attend.*

2. *Adopt regulations to carry out the provisions of this chapter with which each university school for profoundly gifted pupils must comply.*

Sec. 11. 1. *A university school for profoundly gifted pupils shall determine the eligibility of a pupil for admission to the school based upon a comprehensive assessment of the pupil's potential for academic and intellectual achievement at the school, including, without limitation, intellectual and academic ability, motivation, emotional maturity and readiness for the environment of an accelerated educational program. The assessment must be conducted by a broad-based committee of professionals in the field of education.*

2. *A person who wishes to apply for admission to a university school for profoundly gifted pupils must:*

(a) *Submit to the governing body of the school:*

(1) *A completed application;*

(2) *Evidence that he possesses advanced intellectual and academic ability, including, without limitation, proof that he scored in the 99.9th percentile or above on achievement and aptitude tests such as the Scholastic Aptitude Test and the American College Test;*

(3) *At least three letters of recommendation from teachers or mentors familiar with the academic and intellectual ability of the applicant; and*

(4) *A transcript from each school previously attended by the applicant.*

*(b) If requested by the governing body of the school, participate in an on-campus interview.*

*3. The curriculum developed for pupils in a university school for profoundly gifted pupils must provide exposure to the subject areas required of pupils enrolled in other public schools.*

*4. The Superintendent of Public Instruction shall, upon recommendation of the governing body, issue a high school diploma to a pupil who is enrolled in a university school for profoundly gifted pupils if that pupil successfully passes the high school proficiency examination and the courses in American government and American history as required by NRS 389.020 and 389.030, and successfully completes any requirements established by the State Board of Education for graduation from high school.*

*5. On or before March 1 of each odd-numbered year, the governing body of a university school for profoundly gifted pupils shall prepare and submit to the Superintendent of Public Instruction, the President of the university where the university school for profoundly gifted pupils is located, the State Board of Education and the Director of the Legislative Counsel Bureau a report that contains information regarding the school, including, without limitation, the process used by the school to identify and recruit profoundly gifted pupils from diverse backgrounds and with diverse talents, and data assessing the success of the school in meeting the educational needs of its pupils.*

*Sec. 12. 1. The governing body of a university school for profoundly gifted pupils must consist of nine members and must include the Superintendent of Public Instruction, the president of the university where the university school for profoundly gifted pupils is located, who serve ex-officio. The Governor shall appoint three members to serve 4-year terms. The members appointed by the Governor may not be employees of the State, a municipality of the State or the Board of Regents of the University and Community College System of Nevada. The remaining four members of the governing body shall be appointed by the entity that operates the university school for profoundly gifted pupils. A person may serve on a governing body pursuant to this subsection only if he submits an affidavit to the Department of Education indicating that the person has not been convicted of a felony or any crime involving moral turpitude.*

*2. The governing body of a university school for profoundly gifted pupils is a public body. It is hereby given such reasonable and necessary powers, not conflicting with the Constitution and the laws of the State of Nevada, as may be required to attain the ends for which the school is established and to promote the welfare of pupils who are enrolled in the school.*

*3. The governing body of a university school for profoundly gifted pupils shall, during each calendar quarter, hold at least one regularly scheduled public meeting in the county in which the school is located.”.*

*Amend the bill as a whole, by deleting sections 11 through 15 and renumbering sec. 16 as sec. 14.*

Amend the bill as a whole by deleting sections 17 through 37 and renumbering sections 38 and 39 as sections 15 and 16.

Amend sec. 38, page 30, by deleting lines 39 and 40 and inserting:

*“6. A university school for profoundly gifted pupils is a public school established pursuant to sections 2 to 12, inclusive, of this act.”.*

Amend the bill as a whole by deleting sections 40 and 41 and renumbering sections 42 through 44 as sections 17 through 19.

Amend sec. 42, page 32, line 2, by deleting “9” and inserting “11”.

Amend sec. 43, page 32, line 7, by deleting “9” and inserting “11”.

Amend sec. 44, page 32, line 26, by deleting “9” and inserting “11”.

Amend the bill as a whole by deleting sections 45 through 55 and renumbering sections 56 through 58 as sections 20 through 22.

Amend sec. 57, page 40, line 24, by deleting “9,” and inserting “12,”.

Amend sec. 58, page 41, lines 22 and 27, by deleting “9,” and inserting “12,”.

Amend the bill as a whole by deleting sec. 59, renumbering sec. 60 as sec. 24 and adding a new section designated sec. 23, following sec. 58, to read as follows:

*“Sec. 23. 1. On or before July 1, 2006, the governing body of each university school for profoundly gifted pupils shall provide a report to the Legislative Committee on Education.*

*2. On or before February 1, 2007, the governing body of each university school for profoundly gifted pupils shall provide a report to the Superintendent of Public Instruction, the State Board of Education and the Director of the Legislative Counsel Bureau for transmission to the 74th Session of the Nevada Legislature.*

*3. The reports required by subsections 1 and 2 must include, without limitation, the status of the university school for profoundly gifted pupils, the progress of the school, the effectiveness of the school in meeting its goals, any recommendations for legislation and any relevant fiscal information.”.*

Amend the title of the bill to read as follows:

*“AN ACT relating to education; providing for the enrollment of certain pupils in a university school for profoundly gifted pupils in lieu of enrolling in the schools that such pupils are otherwise scheduled to attend; and providing other matters properly relating thereto.”.*

Amend the summary of the bill to read as follows:

*“SUMMARY—Provides for enrollment of certain pupils in university school for profoundly gifted pupils. (BDR 34-1323)”.*

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

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

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

Assembly in recess at 9:17 p.m.

### ASSEMBLY IN SESSION

At 9:27 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. 580, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY JR., *Chairman*

### MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Ocegura moved that all rules be suspended and the reprinting of Senate Bill No. 404 be dispensed with, the Chief Clerk be authorized to insert Amendment No. 1215, and the bill be placed on third reading and final passage

Motion carried unanimously.

Assemblyman Ocegura moved that all rules be suspended and the reprinting of Senate Bill No. 461 be dispensed with, the Chief Clerk be authorized to insert Amendment No. 1226, and the bill be placed on third reading and final passage

Motion carried unanimously.

Assemblyman Arberry moved that Senate Bill No. 101 be taken from the Chief Clerk's desk and placed at the top of General File.

Motion carried.

### GENERAL FILE AND THIRD READING

Senate Bill No. 101.

Bill read third time.

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

Amendment No. 1220.

Amend section 1, page 1, by deleting lines 1 through 8 and inserting:

"Section 1. There is hereby appropriated from the State General Fund to the Legislative Counsel Bureau the sum of \$1,772,861 to be allocated as follows:

For the cost of reproducing out-of-print publications.....	\$130,842
For informational technology upgrades.....	\$1,091,235
For building improvements and an emergency generator.....	\$335,000



For a portion of the payments for the lease-purchase of a warehouse connected to the State Printing Office, resurfacing of the exterior of the State Printing Office and a parking lot:

For the Fiscal Year 2005–2006.....\$107,892

For the Fiscal Year 2006–2007.....\$107,892”.

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

“Sec. 3. The Legislative Counsel Bureau may enter into a lease-purchase agreement for the construction of a warehouse to be connected to the State Printing Office, the resurfacing of the exterior of the State Printing Office and the construction of a parking lot, to the extent that money, including the money appropriated by section 1 of this act, is available to make any payments required during the 2005-2007 biennium for such a lease-purchase agreement. The provisions of NRS 353.500 to 353.630, inclusive, are hereby made applicable to any lease-purchase agreement entered into pursuant to this act, with the Director of the Legislative Counsel Bureau being substituted for the Executive Branch officers in all provisions imposing powers and duties relating to the agreement.

Sec. 4. The Legislative Counsel Bureau shall solicit bids as appropriate for all contracts for construction that are funded in whole or in part by money appropriated by this act and shall comply with the provisions of NRS 338.010 to 338.090, inclusive, for all construction work performed under such contracts. All contracts entered into to carry out the provisions of this act must include a provision that prevailing wages must be paid on all work performed under the contracts in compliance with the provisions of NRS 338.010 to 339.090, inclusive. The remaining provisions of chapter 338 of NRS do not apply to such contracts.”.

Amend the title of the bill to read as follows:

“AN ACT relating to the Legislative Counsel Bureau; making an appropriation to the Legislative Counsel Bureau for the cost of reproducing out-of-print publications, informational technology upgrades, building improvements, an emergency generator for the State Printing Office and a portion of the payments for the lease-purchase of a warehouse connected to the State Printing Office, the resurfacing of the exterior of the State Printing Office and a parking lot; authorizing the Legislative Counsel Bureau to enter into a lease-purchase agreement; providing the requirements for such a lease-purchase agreement; and providing other matters properly relating thereto.”.

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

Assemblyman Oceguera moved that all rules be suspended and the reprinting of Senate Bill No. 101 be dispensed with, the Chief Clerk be authorized to insert Amendment No. 1220, and the bill be placed on third reading and final passage

Motion carried unanimously.

## GENERAL FILE AND THIRD READING

Senate Bill No. 523.

Bill read third time.

Roll call on Senate Bill No. 523:

YEAS—42.

NAYS—None.

Senate Bill No. 523 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 56.

Bill read third time.

Roll call on Senate Bill No. 56:

YEAS—42.

NAYS—None.

Senate Bill No. 56 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 580.

Bill read third time.

Roll call on Assembly Bill No. 580:

YEAS—42.

NAYS—None.

Assembly Bill No. 580 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 101.

Bill read third time.

Roll call on Senate Bill No. 101:

YEAS—42.

NAYS—None.

Senate Bill No. 101 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 404.

Bill read third time.

Roll call on Senate Bill No. 404:

YEAS—42.

NAYS—None.

Senate Bill No. 404 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 461.

Bill read third time.

Roll call on Senate Bill No. 461:

YEAS—41.

NAYS—Angle.

Senate Bill No. 461 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. 327, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendment No. 1072 of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA38, which is attached to and hereby made a part of this report.

SHEILA LESLIE  
WILLIAM HORNE  
GARN MABEY

*Assembly Conference Committee*

DENNIS NOLAN  
BERNICE MATHEWS  
JOE HECK

*Senate Conference Committee*

Conference Amendment No. CA38.

Amend sec. 2, page 2, by deleting lines 28 through 33 and inserting:

“(c) Professional fee billing; and

(d) The opportunity to rent office space in facilities owned”.

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

Amend sec. 5, page 7, line 2, by deleting: “sections 3 and 4” and inserting “section 3”.

Amend the title of the bill by deleting the seventh through ninth lines and inserting: “and providing other matters”.

Assemblywoman Leslie moved that the Assembly adopt the report of the first Conference Committee concerning Assembly Bill No. 327.

Remarks by Assemblywoman Leslie.

Motion carried by a constitutional majority.

*Mr. Speaker:*

The first Conference Committee concerning Senate Bill No. 224, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendment No. 1102 of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA45, which is attached to and hereby made a part of this report.

CHRIS GIUNCHIGLIANI

MO DENIS

SCOTT SIBLEY

*Assembly Conference Committee*

BOB BEERS

DINA TITUS

BARBARA CEGAVSKE

*Senate Conference Committee*

Conference Amendment No. CA45.

Amend section 1, pages 2 and 3, by deleting lines 28 and 29 on page 2 and lines 1 through 12 on page 3, and inserting:

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

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

Amend sec. 2, page 3, by deleting lines 28 through 37 and inserting:

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

293.12757 A person may sign a petition required under the election laws of this State on or after the date he is deemed to be registered to vote pursuant to subsection 5 of NRS 293.517 or subsection ~~5~~ 7 of NRS 293.5235.”.

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

“Sec. 2.5. NRS 293.5235 is hereby amended to read as follows:

293.5235 1. Except as otherwise provided in NRS 293.502, a person may register to vote by mailing an application to register to vote to the county clerk of the county in which he resides. The county clerk shall, upon request, mail an application to register to vote to an applicant. The county clerk shall make the applications available at various public places in the county. An application to register to vote may be used to correct information in the registrar of voters' register.

2. An application to register to vote which is mailed to an applicant by the county clerk or made available to the public at various locations or voter registration agencies in the county may be returned to the county clerk by mail or in person. For the purposes of this section, an application which is personally delivered to the county clerk shall be deemed to have been returned by mail.

3. The applicant must complete the application, including, without limitation, checking the boxes described in paragraphs (b) and (c) of subsection ~~{9}~~ 10 and signing the application.

4. The county clerk shall, upon receipt of an application, determine whether the application is complete.

5. If he determines that the application is complete, he shall, within 10 days after he receives the application, mail to the applicant:

(a) A notice informing him that he is registered to vote and a voter registration card as required by subsection 6 of NRS 293.517; or

(b) A notice informing him that the registrar of voters' register has been corrected to reflect any changes indicated on the application.

~~{ The applicant shall be deemed to be registered or to have corrected the information in the register as of the date the application is postmarked or personally delivered. }~~

6. Except as otherwise provided in subsection 5 of NRS 293.518, if the county clerk determines that the application is not complete, he shall, as soon as possible, mail a notice to the applicant informing him that additional information is required to complete the application. If the applicant provides the information requested by the county clerk within 15 days after the county clerk mails the notice, the county clerk shall, within 10 days after he receives the information, mail to the applicant:

(a) A notice informing him that he is registered to vote and a voter registration card as required by subsection 6 of NRS 293.517; or

(b) A notice informing him that the registrar of voters' register has been corrected to reflect any changes indicated on the application.

~~{ The applicant shall be deemed to be registered or to have corrected the information in the register as of the date the application is postmarked or personally delivered. }~~ If the applicant does not provide the additional information within the prescribed period, the application is void.

7. *The applicant shall be deemed to be registered or to have corrected the information in the register:*

*(a) If the application is received by the county clerk or postmarked not more than 3 working days after the applicant completed the application, on the date the applicant completed the application; or*

*(b) If the application is received by the county clerk or postmarked more than 3 working days after the applicant completed the application, on the date the application is received by the county clerk.*

8. If the applicant fails to check the box described in paragraph (b) of subsection ~~{9}~~ 10, the application shall not be considered invalid and the county clerk shall provide a means for the applicant to correct the omission at the time the applicant appears to vote in person at his assigned polling place.

~~{8}~~ 9. The Secretary of State shall prescribe the form for an application to register to vote by mail which must be used to register to vote by mail in this State.

~~{9}~~ 10. The application to register to vote by mail must include:

(a) A notice in at least 10-point type which states:

NOTICE: You are urged to return your application to register to vote to the County Clerk in person or by mail. If you choose to give your completed application to another person to return to the County Clerk on your behalf, and the person fails to deliver the application to the County Clerk, you will not be registered to vote. Please retain the duplicate copy or receipt from your application to register to vote.

(b) The question, "Are you a citizen of the United States?" and boxes for the applicant to check to indicate whether or not the applicant is a citizen of the United States.

(c) The question, "Will you be at least 18 years of age on or before election day?" and boxes for the applicant to check to indicate whether or not the applicant will be at least 18 years of age or older on election day.

(d) A statement instructing the applicant not to complete the application if the applicant checked "no" in response to the question set forth in paragraph (b) or (c).

(e) A statement informing the applicant that if the application is submitted by mail and the applicant is registering to vote for the first time, the applicant must submit the information set forth in paragraph (a) of subsection 2 of NRS 293.2725 to avoid the requirements of subsection 1 of NRS 293.2725 upon voting for the first time.

~~{10-}~~ 11. Except as otherwise provided in subsection 5 of NRS 293.518, the county clerk shall not register a person to vote pursuant to this section unless that person has provided all of the information required by the application.

~~{11-}~~ 12. The county clerk shall mail, by postcard, the notices required pursuant to subsections 5 and 6. If the postcard is returned to the county clerk by the United States Postal Service because the address is fictitious or the person does not live at that address, the county clerk shall attempt to determine whether the person's current residence is other than that indicated on his application to register to vote in the manner set forth in NRS 293.530.

~~{12-}~~ 13. A person who, by mail, registers to vote pursuant to this section may be assisted in completing the application to register to vote by any other person. The application must include the mailing address and signature of the person who assisted the applicant. The failure to provide the information required by this subsection will not result in the application being deemed incomplete.

~~{13-}~~ 14. An application to register to vote must be made available to all persons, regardless of political party affiliation.

~~{14-}~~ 15. An application must not be altered or otherwise defaced after the applicant has completed and signed it. An application must be mailed or delivered in person to the office of the county clerk within 10 days after it is completed.

~~{15-}~~ 16. A person who willfully violates any of the provisions of subsection ~~{12, 13 or}~~ 13, 14 or 15 is guilty of a category E felony and shall be punished as provided in NRS 193.130.

~~{16-}~~ 17. The Secretary of State shall adopt regulations to carry out the provisions of this section.”.

Amend the bill as a whole by deleting sections 3 and 4 and adding:

“Secs. 3 and 4. (Deleted by amendment.)”.

Amend sec. 5, page 4, by deleting lines 20 through 31 and inserting:

“Sec. 5. Chapter 294A of NRS is hereby amended by adding thereto a new section to read as follows:

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

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

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

(c) *Making expenditures,*

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

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

Amend the bill as a whole by deleting sections 6 through 11 and adding:

“Secs. 6–11. (Deleted by amendment.)”.

Amend sec. 12, pages 8 through 11, by deleting lines 11 through 45 on page 8, lines 1 through 44 on page 9, lines 1 through 45 on page 10 and lines 1 through 20 on page 11, and inserting:

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

294A.150 1. Every person or group of persons organized formally or informally who advocates the passage or defeat of a question or group of questions on the ballot at a primary election, primary city election, general election or general city election *and every person or group of persons who initiates or circulates a petition for a constitutional amendment or a petition for a statewide measure proposed by an initiative or a referendum and who receives or expends money in an amount in excess of \$10,000 to support such initiation or circulation* shall, not later than January 15 of each year that the provisions of this subsection apply to the person or group of persons, for the period from January 1 of the previous year through December 31 of the previous year, report each campaign contribution in excess of \$100 received during that period and contributions received during the period from a contributor which cumulatively exceed \$100. The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the group under penalty of perjury. The provisions of this subsection apply to the person or group of persons:

(a) Each year in which an election or city election is held for each question for which the person or group advocates passage or defeat ~~or~~ *or each year in which a person or group receives or expends money in excess of \$10,000 to support the initiation or circulation of a petition for a constitutional amendment or a petition for a statewide measure proposed by an initiative or a referendum;* and

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

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

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

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

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

report each campaign contribution in excess of \$100 received during the period and contributions received during the period from a contributor which cumulatively exceed \$100. The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373 and signed by the person or a representative of the group under penalty of perjury.

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

4. If a question is on the ballot at a primary election or primary city election and the general election or general city election immediately following that primary election or primary city election is held on or after July 1 and before the January 1 immediately following that July 1, every



person or group of persons organized formally or informally who advocates the passage or defeat of the question or a group of questions that includes the question shall comply with the requirements of this subsection. If a question is on the ballot at a general election or general city election held on or after July 1 and before the January 1 immediately following that July 1, every person or group of persons organized formally or informally who advocates the passage or defeat of the question or a group of questions that includes the question shall comply with the requirements of this subsection. *Every person or group of persons who initiates or circulates a petition for a constitutional amendment or a petition for a statewide measure proposed by an initiative or a referendum and who receives or expends money in an amount in excess of \$10,000 to support such initiation or circulation shall comply with the requirements of this subsection.* A person or group of persons described in this subsection shall, not later than:

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

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

report each campaign contribution in excess of \$100 received during the period and contributions received during the period from a contributor which cumulatively exceed \$100. The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the group under penalty of perjury.

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

(a) Seven days before the special election, for the period from the date that the question qualified for the ballot through 12 days before the special election; and

(b) Thirty days after the special election, for the remaining period through the special election,

report each campaign contribution in excess of \$100 received during the period and contributions received during the period from a contributor which cumulatively exceed \$100. The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the group under penalty of perjury.

6. Every person or group of persons organized formally or informally who advocates the passage or defeat of a question or group of questions on the ballot at a special election to determine whether a public officer will be

recalled shall report each of the contributions received on the form designed and provided by the Secretary of State pursuant to NRS 294A.373 and signed by the person or a representative of the group under penalty of perjury, 30 days after:

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

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

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

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

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

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

8. A person may mail or transmit his report to the appropriate officer by regular mail, certified mail, facsimile machine or electronic means. A report shall be deemed to be filed with the officer:

(a) On the date that it was mailed if it was sent by certified mail; or

(b) On the date that it was received by the officer if the report was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.

9. If the person or group of persons is advocating passage or defeat of a group of questions ~~or~~ *or is receiving or expending money to support a group of petitions for constitutional amendments, a group of petitions for statewide measures proposed by initiative or referendum or a group of petitions for both constitutional amendments and statewide measures proposed by initiative or referendum*, the reports must be itemized by question ~~or~~ *petition*.

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

Amend sec. 13, pages 11 through 14, by deleting lines 21 through 45 on page 11, lines 1 through 45 on page 12, lines 1 through 45 on page 13 and lines 1 through 28 on page 14, and inserting:

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

294A.220 1. Every person or group of persons organized formally or informally who advocates the passage or defeat of a question or group of questions on the ballot at a primary election, primary city election, general election or general city election *and every person or group of persons who initiates or circulates a petition for a constitutional amendment or a petition for a statewide measure proposed by an initiative or a referendum and who receives or expends money in an amount in excess of \$10,000 to support such*

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

(a) Each year in which an election or city election is held for a question for which the person or group advocates passage or defeat ~~for~~ *or each year in which a person or group of persons receives or expends money in excess of \$10,000 to support the initiation or circulation of a petition for a constitutional amendment or a petition for a statewide measure proposed by an initiative or a referendum*; and

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

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

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

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

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

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

3. If a question is on the ballot at a primary election or primary city election and the general election or general city election immediately following that primary election or primary city election is held on or after July 1 and before the January 1 immediately following that July 1, every person or group of persons organized formally or informally who advocates the passage or defeat of the question or a group of questions that includes the question shall comply with the requirements of this subsection. If a question is on the ballot at a general election or general city election held on or after July 1 and before the January 1 immediately following that July 1, every person or group of persons organized formally or informally who advocates the passage or defeat of the question or a group of questions that includes the question shall comply with the requirements of this subsection. *Every person or group of persons who initiates or circulates a petition for a constitutional amendment or a petition for a statewide measure proposed by an initiative or a referendum and who receives or expends money in an amount in excess of \$10,000 to support such initiation or circulation shall comply with the requirements of this subsection.* A person or group of persons described in this subsection shall, not later than:

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

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

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

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

(a) Seven days before the special election, for the period from the date the question qualified for the ballot through 12 days before the special election; and

(b) Thirty days after the special election, for the remaining period through the special election,

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

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

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

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

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

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

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

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

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

8. If an expenditure is made on behalf of a group of questions ~~or~~ *or a group of petitions for constitutional amendments, a group of petitions for statewide measures proposed by initiative or referendum or a group of petitions for both constitutional amendments and statewide measures proposed by initiative or referendum*, the reports must be itemized by question ~~or~~ *petition*. A person may mail or transmit his report to the appropriate filing officer by regular mail, certified mail, facsimile machine or electronic means. A report shall be deemed to be filed with the filing officer:

(a) On the date that it was mailed if it was sent by certified mail; or

(b) On the date that it was received by the filing officer if the report was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.

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

Amend the bill as a whole by deleting sections 15 through 19 and adding: "Secs. 15–19. (Deleted by amendment.)".

Amend sec. 20, page 18, by deleting lines 10 and 11 and inserting:

“Sec. 20. Chapter 295 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *Each petition for initiative or referendum must:*

(a) *Embrace but one subject and matters necessarily connected therewith and pertaining thereto; and*

(b) *Set forth, in not more than 200 words, a description of the effect of the initiative or referendum if the initiative or referendum is approved by the voters. The description must appear on each signature page of the petition.*

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

Amend the bill as a whole by deleting sections 21 and 22 and adding:

“Secs. 21 and 22. (Deleted by amendment.)”.

Amend sec. 23, pages 19 and 20, by deleting lines 8 through 45 on page 19 and lines 1 through 6 on page 20, and inserting:

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

295.015 ~~{A copy of}~~

1. ~~Before a petition for initiative {must be placed on file in the Office of the Secretary of State before it}~~ or referendum may be presented to the registered voters for their signatures ~~{}~~, *a copy of the petition for initiative or referendum, including the description required pursuant to section 20 of this act, must be placed on file with the Secretary of State.*

2. *Upon receipt of a petition for initiative or referendum placed on file pursuant to subsection 1, the Secretary of State shall consult with the Fiscal Analysis Division of the Legislative Counsel Bureau to determine if the initiative or referendum may have any anticipated financial effect on the State or local governments if the initiative or referendum is approved by the voters. If the Fiscal Analysis Division determines that the initiative or referendum may have an anticipated financial effect on the State or local governments if the initiative or referendum is approved by the voters, the Division must prepare a fiscal note that includes an explanation of any such effect.*

3. *Not later than 10 business days after the Secretary of State receives a petition for initiative or referendum filed pursuant to subsection 1, the Secretary of State shall post a copy of the petition, including the description required pursuant to section 20 of this act and any fiscal note prepared pursuant to subsection 2, on his Internet website.”.*

Amend sec. 25, pages 20 and 21, by deleting lines 29 through 45 on page 20 and lines 1 through 5 on page 21, and inserting:

“Sec. 25. NRS 295.061 is hereby amended to read as follows:

295.061 1. *The description of the effect of an initiative or referendum required pursuant to section 20 of this act may be challenged by filing a*

*complaint in the First Judicial District Court not later than 30 days, Saturdays, Sundays and holidays excluded, after a copy of the petition is initially placed on file with the Secretary of State pursuant to NRS 295.015. All affidavits and documents in support of the challenge must be filed with the complaint. The court shall set the matter for hearing not later than 30 days after the complaint is filed and shall give priority to such a complaint over all criminal proceedings.*

2. The legal sufficiency of a petition ~~[filed pursuant to NRS 295.015 to 295.061, inclusive.]~~ for initiative or referendum may be challenged by filing a complaint in district court not later than ~~[5]~~ 7 days, Saturdays, Sundays and holidays excluded, after the petition is ~~[filed with]~~ certified as sufficient by the Secretary of State. All affidavits and documents in support of the challenge must be filed with the complaint. The court shall set the matter for hearing not later than 30 days after the complaint is filed and shall give priority to such a complaint over all other matters pending with the court, except for criminal proceedings.”

Amend the bill as a whole by deleting sec. 27 and adding:

“Sec. 27. (Deleted by amendment.)”

Amend the bill as a whole by deleting sec. 34 and adding:

“Sec. 34. (Deleted by amendment.)”

Amend sec. 37, page 31, by deleting lines 33 through 44 and inserting:

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

Amend the title of the bill to read as follows:

“AN ACT relating to elections; revising the provision governing eligibility to sign a petition required under the election laws of this State; revising the provision governing the designation of an area at a public building for the gathering of signatures on a petition; requiring nonprofit corporations to submit the names, telephone numbers and addresses of their officers to the Secretary of State under certain circumstances; requiring certain persons or groups of persons initiating or circulating a petition for a constitutional amendment or a petition for a statewide measure proposed by initiative or referendum to submit reports to the Secretary of State on campaign contributions and expenditures and expenses; requiring a petition for initiative or referendum to embrace a single subject; providing that the subject of a petition for initiative or referendum must be indicated in the title; requiring a petition for initiative or referendum to have a description of the

effect of the initiative or referendum if approved by the voters; requiring the Secretary of State to obtain under certain circumstances a fiscal note from the Fiscal Analysis Division of the Legislative Counsel Bureau; requiring the Secretary of State to post a copy of the initiative petition, the description of the effect if the initiative is approved by the voters and any fiscal note on his Internet website; requiring a challenge to the description of the effect of an initiative to be filed not later than 7 days after the petition is certified as sufficient by the Secretary of State; revising the provisions relating to a petition for initiative or referendum by registered voters of a city or county; providing for the appeal of certain final decisions relating to a petition for an initiative or referendum by filing a complaint in court; and providing other matters properly relating thereto.”.

Assemblywoman Giunchigliani moved that the Assembly adopt the report of the first Conference Committee concerning Senate Bill No. 224.

Remarks by Assemblywoman Giunchigliani.

Motion carried by a constitutional majority.

*Mr. Speaker:*

The first Conference Committee concerning Senate Bill No. 460, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendment No. 970 of the Assembly be concurred in.

CHRIS GIUNCHIGLIANI  
DEBBIE SMITH  
BOB SEALE

*Assembly Conference Committee*

MAURICE E. WASHINGTON  
BARBARA CEGAVSKE  
BERNICE MATHEWS

*Senate Conference Committee*

Assemblywoman Giunchigliani moved that the Assembly adopt the report of the first Conference Committee concerning Senate Bill No. 460.

Remarks by Assemblywoman Giunchigliani.

Motion carried by a constitutional majority.

*Mr. Speaker:*

The first Conference Committee concerning Assembly Bill No. 208, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendment No. 925 of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA47, which is attached to and hereby made a part of this report.

WILLIAM HORNE  
BARBARA BUCKLEY  
FRANCIS ALLEN

*Assembly Conference Committee*

JOE HECK  
SANDRA J. TIFFANY  
MAGGIE CARLTON

*Senate Conference Committee*

Conference Amendment No. CA47.

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

“Sec. 5. Chapter 630A of NRS is hereby amended by adding thereto the provisions set forth as sections 5.2 to 10, inclusive, of this act.



Sec. 5.2. *As used in sections 5.2 to 10, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 5.4, 5.5 and 5.6 of this act have the meanings ascribed to them in those sections.*

Sec. 5.4. *“Practitioner” means:*

- 1. A homeopathic physician licensed pursuant to this chapter;*
- 2. A physician licensed pursuant to chapter 630 of NRS; or*
- 3. An osteopathic physician licensed pursuant to chapter 633 of NRS.*

Sec. 5.5. *1. “Researcher” means a practitioner who intends to undertake or is undertaking a research study.*

*2. The term does not include a practitioner who intends to undertake or is undertaking any research, study or trial described in section 5.8 of this act.*

Sec. 5.6. *1. “Research study” means any research, study or trial using devices, therapies or substances regulated by the Board of Homeopathic Medical Examiners, or any combination of those devices, therapies or substances, in a manner that is considered to be a form of alternative or complementary integrative medicine.*

*2. The term does not include any research, study or trial described in section 5.8 of this act.*

Sec. 5.8. *The provisions of sections 5.2 to 10, inclusive, of this act do not apply to any research, study or trial that is conducted under the auspices of a federally qualified institutional review board and in accordance with applicable federal statutes.*

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

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

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

*(a) After consultation with organizations in Nevada representing medical disciplines, the Board of Homeopathic Medical Examiners shall appoint four members who represent various medical disciplines in Nevada.*

*(b) Three members who are lay members of the general public and residents of Nevada and who are not licensed in any medical discipline must be appointed as follows:*

- (1) One member appointed by the Governor;*
- (2) One member appointed by the Majority Leader of the Senate; and*
- (3) One member appointed by the Speaker of the Assembly.*

*4. The members of the Nevada Institutional Review Board serve at the pleasure of the appointing authority. A vacancy on the Nevada Institutional Review Board must be filled by the appointing authority in the same manner as the original appointment.*

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

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

7. *The Nevada Institutional Review Board shall elect officers from within its membership, fix the time and place of its meetings and adopt rules of procedure as it deems necessary to carry out its duties.*

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

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

Sec. 7.3. 1. *The Nevada Institutional Review Board shall adopt regulations to carry out the provisions of sections 5.2 to 10, inclusive, of this act.*

2. *All regulations adopted by the Nevada Institutional Review Board must be approved by the Board of Homeopathic Medical Examiners.*

Sec. 7.7. 1. *A researcher who intends to undertake a research study must submit a proposal for the research study to the Nevada Institutional Review Board for its review and approval.*

2. *A researcher shall not undertake a research study unless the proposal for the research study has been approved by the Nevada Institutional Review Board.*

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

(a) *Review proposals for research studies and oversee, review and control all research studies it has approved;*

(b) *Evaluate, determine and act upon the safety, efficacy, reimbursement and availability of diagnostic devices, substances, other modalities, therapies and methods of treatment used in such research studies; and*

(c) *Analyze, coordinate and integrate the diagnostic techniques and treatments related to alternative and complementary integrative medicine with the diagnostic techniques and treatments of other health care practices.*

2. *The Nevada Institutional Review Board shall oversee, review and control any research studies which it has approved and which involve the use of human research subjects and any related issues, including, without limitation:*

(a) *The qualifications required for conducting such research studies;*

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

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

3. *The Nevada Institutional Review Board shall evaluate:*

(a) *The social and economic impact of the research studies it has approved; and*

*(b) The relationship between alternative and complementary integrative medicine and other health care practices.*

*4. The Nevada Institutional Review Board shall:*

*(a) Keep a record of all transactions and provide the Board of Homeopathic Medical Examiners, the Board of Medical Examiners and the State Board of Osteopathic Medicine with quarterly reports of all transactions; and*

*(b) Make any additional reports or recommendations to the Board of Homeopathic Medical Examiners as the Board of Homeopathic Medical Examiners requires.*

*5. The Nevada Institutional Review Board is accountable to the Board of Homeopathic Medical Examiners for all the activities of the Nevada Institutional Review Board.*

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

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

*Sec. 10. 1. Except as otherwise provided in subsection 3, the Nevada Institutional Review Board may be funded by:*

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

*(b) Grants, gifts, appropriations or donations to assist the Nevada Institutional Review Board in carrying out its duties pursuant to the provisions of sections 5.2 to 10, inclusive, of this act.*

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

*3. The Nevada Institutional Review Board may not be funded by any money from:*

*(a) The sponsor of any research study; or*

*(b) The manufacturer of any device, drug or other substance regulated by the Board of Homeopathic Medical Examiners.*

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

*630A.090 1. ~~[This]~~ Except as otherwise provided in sections 5.2 to 10, inclusive, of this act, this chapter does not apply to:*

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

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

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

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

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

3. This chapter does not prohibit:

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

(b) The domestic administration of family remedies.

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

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

630A.155 The Board shall:

1. Regulate the practice of homeopathic medicine in this State and any activities that are within the scope of such practice, to protect the public health and safety and the general welfare of the people of this State.

2. Determine the qualifications of, and examine, applicants for licensure or certification pursuant to this chapter, and specify by regulation the methods to be used to check the background of such applicants.

3. License or certify those applicants it finds to be qualified.

4. Investigate, hear and decide all complaints made against any homeopathic physician, advanced practitioner of homeopathy, homeopathic assistant or any agent or employee of any of them, or any facility where the primary practice is homeopathic medicine. If a complaint concerns a practice which is within the jurisdiction of another licensing board ~~[, including, without limitation, spinal manipulation, surgery, nursing or allopathic medicine,]~~ or any other possible violation of state law, the Board shall refer the complaint to the other licensing board.

5. *Supervise the Nevada Institutional Review Board created by section 6 of this act, including, without limitation, approving or denying the regulations adopted by the Nevada Institutional Review Board.*

6. *Submit an annual report to the Legislature and make recommendations to the Legislature concerning the enactment of legislation relating to alternative and complementary integrative medicine, including, without limitation, homeopathic medicine.”.*

Amend the bill as a whole by deleting sec. 17 and adding a new section designated sec. 17, following sec. 16, to read as follows:

“Sec. 17. 1. As soon as practicable, each appointing authority responsible for the appointment of members to the Nevada Institutional Review Board shall make its initial appointments to the Nevada Institutional Review Board.

2. The Nevada Institutional Review Board shall adopt regulations pursuant to section 7.3 of this act on or before October 1, 2005.”.

Amend the title of the bill by deleting the twelfth through seventeenth lines and inserting: “defining its powers and duties; requiring the Board of Homeopathic Medical Examiners to make recommendations to the Legislature regarding alternative and complementary integrative medicine; and”.

Assemblyman Horne moved that the Assembly adopt the report of the first Conference Committee concerning Assembly Bill No. 208.

Remarks by Assemblyman Horne.

Motion carried by a constitutional majority.

*Mr. Speaker:*

The first Conference Committee concerning Senate Bill No. 62, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendments Nos. 892, 1079 of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA44, which is attached to and hereby made a part of this report.

PEGGY PIERCE

BONNIE PARNELL

PETE GOICOECHEA

*Assembly Conference Committee*

DEAN A. RHOADS

MARK E. AMODEI

MAGGIE CARLTON

*Senate Conference Committee*

Conference Amendment No. CA44.

Amend sec. 3, page 4, by deleting lines 12 through 32 and inserting:

“Sec. 3. Chapter 534 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *There is hereby created in the State Treasury a fund to be designated as the Water Rights Technical Support Fund to be administered by the Board for Financing Water Projects.*

2. *The Water Rights Technical Support Fund is a continuing fund without reversion. Money in the Fund must be invested as the money in other funds is invested. The interest and income earned on the money in the Fund, after deducting any applicable charges, must be credited to the Fund. Claims against the Fund must be paid as other claims against the State are paid.*

3. *The Board for Financing Water Projects may accept gifts, grants and donations from any source for deposit in the Water Rights Technical Support Fund.*

4. *Except as otherwise provided in subsection 5, money in the Water Rights Technical Support Fund must be used by the Board for Financing Water Projects only to make grants to a local government to:*

(a) *Obtain and provide expert and technical assistance to gather data to protect its existing water rights; or*

(b) *Fund projects to enhance or protect its existing water rights.*

5. *Any grant of money from the Water Rights Technical Support Fund must not be used by a local government to pay for any assistance or projects as set forth in subsection 4 if the only purpose of the assistance or project is to obtain evidence, including, without limitation, technical evidence and oral*

*testimony or to pay for expert witnesses or attorney's fees for or in anticipation of any administrative or judicial proceeding, including, without limitation, hearings before the State Engineer or in any state or federal court."*

Amend the bill as a whole by renumbering sections 4 and 5 as sections 18 and 19 and adding new sections designated sections 4 through 17, following sec. 3, to read as follows:

"Sec. 4. Chapter 540 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The Section consists of the Chief and any other necessary personnel.*
2. *The Chief is appointed by the State Engineer and is in the unclassified service of the State.*

Sec. 5. NRS 540.021 is hereby amended to read as follows:

540.021 As used in this chapter:

1. ~~["Administrator"]~~ *"Chief"* means the ~~[Administrator]~~ *Chief* of the ~~[Division.]~~ *Section*.
2. *"Department"* means the State Department of Conservation and Natural Resources.
3. *"Division"* means the Division of Water ~~[Planning in the State Department of Conservation and Natural Resources.]~~ *Resources of the Department*.
4. *"Section"* means the Water Planning Section of the Division.

Sec. 6. NRS 540.031 is hereby amended to read as follows:

540.031 The ~~[Division of]~~ Water Planning *Section* of the ~~[State Department of Conservation and Natural Resources]~~ *Division* is hereby created.

Sec. 7. NRS 540.041 is hereby amended to read as follows:

540.041 1. The ~~[Administrator.]~~ *Chief*:

- (a) Must be selected with special reference to his training, experience, capability and interest in the field of water resource planning.
- (b) ~~[Except as otherwise provided in NRS 284.143, shall devote his entire time and attention to the business of his office and shall not pursue any other business or occupation or hold any other office of profit.~~

~~(c)~~ Shall coordinate the activities of the ~~[Division.]~~ *Section*.

2. The ~~[Administrator]~~ *Chief* is responsible for the administration of all provisions of law relating to the functions of the ~~[Division.]~~ *Section*.

3. The ~~[Administrator]~~ *Chief*, with the approval of the State Engineer, may employ, within the limits of legislative appropriations, such staff as is necessary to the performance of his duties.

4. The ~~[Administrator]~~ *Chief*, through the State Engineer, shall, not later than the fifth calendar day of each regular session of the Legislature, submit to the Director of the Legislative Counsel Bureau for distribution to the Legislature a written report summarizing the actions of the ~~[Division]~~ *Section* taken pursuant to the provisions of NRS 540.051 ~~and 540.101~~ during the preceding biennium.

Sec. 8. NRS 540.051 is hereby amended to read as follows:

540.051 The ~~{Division}~~ *Section* shall:

1. ~~{Provide political subdivisions and private enterprises in arid regions with information, alternatives and recommendations bearing upon regional shortages of water including feasible selections or courses of planning and action for acquiring additional water or for conserving water now available, or both.~~

2.} Include in its planning:

(a) ~~{The investigation of new sources of water such as desalinization, importation and conservation, and means of transporting existing water;~~

~~{(b)}~~ Recognition and protection of existing water rights consistent with chapters 533 and 534 of NRS; and

~~{(c)}~~ (b) Consideration of the factors relating to the quality of water in this State and the importance of considering the issues of quantity and quality simultaneously, but the State Environmental Commission and Division of Environmental Protection of the ~~{State Department of Conservation and Natural Resources}~~ *Department* retain full responsibility for the management of water quality.

~~{3. Evaluate previous studies and compile existing information to assist in determining the suitability of potential sites as facilities for the storage of water upstream.~~

4. ~~Develop forecasts of supply and demand for future needs.~~

5. ~~Advise the State Department of Conservation and Natural Resources and the Legislature concerning economic and social effects of water policy.~~

6.}2. Suggest to the Legislature changes in water policy which may be necessary to meet new requirements of law or of the people of the State.

~~{7. Cooperate with}~~

3. Assist the State Engineer in dealings with the Federal Government and other states, but the State Engineer is solely responsible for the allocation of water resources and litigation.

~~{8. Provide the Board for Financing Water Projects and the Director of the Department of Business and Industry with necessary technical and clerical assistance in financing water projects.}~~

4. Review local and federal documents regarding water planning that are relevant to the use of water in Nevada, including, without limitation, local water and resource plans. Reviews conducted pursuant to this subsection must consider, without limitation:

(a) The accuracy of information relating to water use and water planning;

(b) Compliance with the water law of this State; and

(c) General advice relating to water planning.

5. Compile and update summarized data relating to hydrographic basins to support decisions that the State Engineer makes regarding such basins, and provide summarized information regarding such basins to the public. The Section shall cause to be generated and updated a summary for each

*hydrographic basin to show critical information regarding that basin, including, without limitation:*

- (a) Whether the basin is designated;*
- (b) All appurtenant or associated studies related to the availability of water;*
- (c) Rulings and orders affecting new appropriations of water;*
- (d) The availability of crop and pumpage inventories;*
- (e) The availability of data regarding water levels; and*
- (f) Current commitments of water from the basin that are attributable to existing water rights.*

*The information described in this subsection must, insofar as practicable, be provided in an electronic format and made available on the website of the State Engineer on the Internet or its successor.*

6. *Upon request, provide technical assistance to the Board for Financing Water Projects created by NRS 349.957, including, without limitation, the review of letters of intent and applications for grants.*

7. *Promote water conservation by:*

- (a) Consulting with suppliers of water concerning:*
  - (1) Community water conservation plans; and*
  - (2) The content and scope of water plans; and*
- (b) Reviewing plans for compliance with the applicable provisions of NRS 540.121 to 540.151, inclusive.*

8. *Assist federal, state and local governments and the general public in obtaining information regarding water planning, the availability of water and issues relating to water rights.*

9. *Support activities in response to drought as provided for under the drought plan established for the State.*

10. *Administer the statewide program established for the management of floodplains.*

11. *Upon request, provide updates to local governments on water issues relevant to this State, changes in policy and the availability of new information concerning water resources.*

Sec. 9. NRS 540.061 is hereby amended to read as follows:

540.061 It is the intent of the Legislature, in accordance with the state policy set forth in NRS 540.011, to provide for the reporting of all projects to the ~~{Administrator}~~ Chief to ensure effective coordination by the State in its effort to plan water use.

Sec. 10. NRS 540.091 is hereby amended to read as follows:

540.091 1. A local governmental officer or agency that is required to approve a project shall file a report of each project the officer or agency approves on a form provided by the ~~{Administrator}~~ Chief.

2. Each report of an approved project must include:

- (a) The name and mailing address of the owner or developer of the project;
- (b) A legal description of the location of the project;



(c) A description of the project, including a summary of the amount of water required annually for the project;

(d) A statement concerning how the water will be supplied; and

(e) If the water is self-supplied, the source of the water and identification of the water rights.

3. A local governmental officer or agency may require the owner or developer of an approved project to fill out the report.

4. The local governmental officer or agency shall file all reports for projects approved during a quarter of a calendar year on or before 15 days after the last day of the quarter. The local governmental officer or agency shall submit a fee with each report in the amount of \$75 plus 50 cents per acre-foot of water, or fraction thereof, required by the project. The local governmental officer or agency shall collect the fee from the owner or developer of the project, plus an additional administrative fee of \$10 which may be retained by the local government.

5. The ~~Administrator~~ Chief shall deposit all fees he receives pursuant to this section with the State Treasurer for credit to the State General Fund.

Sec. 11. NRS 540.111 is hereby amended to read as follows:

540.111 1. The Advisory Board on Water Resources Planning and Development, consisting of 15 members appointed by the Governor, is hereby created within the Division.

2. The Governor shall appoint to the Advisory Board:

(a) ~~Six~~ Five members who are representatives of the governing bodies of the county with the largest population in the State and the cities in that county;

(b) One member who is a representative of the largest water utility in the county with the largest population in the State;

(c) Two members who are representatives of the county with the second largest population in the State and the cities in that county;

(d) One member who is a representative of the largest water utility in the county with the second largest population in the State;

(e) *One member who is a representative of the governing body of a county whose population is less than 50,000;*

(f) One member who is representative of the general public; and

~~{(f)}~~-(g) Four members, each of whom represents a different one of the following interests:

(1) Farming;

(2) Mining;

(3) Ranching; and

(4) Wildlife.

The Governor shall make the appointments required by this subsection so that at least ~~seven~~ six members of the Advisory Board are residents of the county with the largest population in the State, at least three members are residents of the county with the second largest population in the State and at

least ~~three~~ four members are residents of a county whose population is less than 100,000.

3. The members of the Advisory Board serve at the pleasure of the Governor.

4. All vacancies on the Advisory Board must be filled in the same manner of appointment as the member who created the vacancy.

5. The members of the Advisory Board are entitled to receive a salary of \$60 for each day's attendance at a meeting of the Advisory Board and the travel and subsistence allowances provided by law for state officers and employees generally.

6. The Advisory Board shall, at its first meeting and annually thereafter, elect a Chairman from among its members.

7. The Advisory Board may meet at least once in each calendar quarter and at other times upon the call of the Chairman or a majority of the members.

8. A majority of the members of the Advisory Board constitutes a quorum. A quorum may exercise all of the powers and duties of the Advisory Board.

9. The Advisory Board shall:

(a) Advise the ~~{Administrator}~~ Chief on matters relating to the planning and development of water resources;

(b) Be informed on and interested in the administrative duties of the ~~{Division}~~ Section and any legislation recommended by the ~~{Division};~~ Section;

(c) Advise and make recommendations through the Section and the Division ~~{and the State Department of Conservation and Natural Resources}~~ to the Governor and the Legislature concerning policies for water planning ; and ~~{the development of water resources in this State;}~~

(d) Advise the ~~{Administrator}~~ Chief concerning the policies of the ~~{Division}~~ Section and areas of emphasis for the planning of water resources . ~~{; and}~~

~~(e) Review, and provide written recommendations to the Division regarding, the plan developed pursuant to NRS 540.101.}~~

Sec. 12. NRS 540.131 is hereby amended to read as follows:

540.131 1. Except as otherwise provided in subsection 5, each supplier of water which supplies water for municipal, industrial or domestic purposes shall, on or before July 1, 1992, adopt a plan of water conservation based on the climate and the living conditions of its service area in accordance with the provisions of NRS 540.141 ~~{;}~~ , and shall update the plan pursuant to paragraph (c) of subsection 4. The provisions of the plan must apply only to the supplier's property and its customers. The supplier of water ~~{may request assistance from the Division to develop the plan.}~~ shall submit the plan to the Section for review by the Section pursuant to subsection 3.

2. As part of the procedure of adopting a plan, the supplier of water shall provide an opportunity for any interested person, including, but not limited

to, any private or public entity that supplies water for municipal, industrial or domestic purposes, to submit written views and recommendations on the plan.

3. The plan must be reviewed by the ~~{Division}~~ Section within 30 days after its submission and approved for compliance with this section before it is adopted by the supplier of water.

4. The plan:

(a) Must be available for inspection by members of the public during office hours at the offices of the supplier of water; ~~{and}~~

(b) May be revised from time to time to reflect the changing needs and conditions of the service area. Each such revision must be made available for inspection by members of the public ~~{+}~~; and

(c) *Must be updated every 5 years and comply with the requirements of this section and NRS 540.141.*

5. Suppliers of water:

(a) Who are required to adopt a plan of water conservation pursuant to this section; and

(b) Whose service areas are located in a common geographical area, may adopt joint plans of water conservation based on the climate and living conditions of that common geographical area. Such a plan must comply with the requirements of this section and NRS 540.141.

6. The board of county commissioners of a county, the governing body of a city and the town board or board of county commissioners having jurisdiction of the affairs of a town shall:

(a) Adopt any ordinances necessary to carry out a plan of conservation adopted pursuant to this section which applies to property within its jurisdiction;

(b) Establish a schedule of fines for the violation of any ordinances adopted pursuant to this subsection; and

(c) Hire such employees as it deems necessary to enforce the provisions of any ordinances it adopts pursuant to this subsection.

Sec. 13. NRS 540.141 is hereby amended to read as follows:

540.141 1. A plan or joint plan of water conservation submitted to the ~~{Division}~~ Section for review must include provisions relating to:

(a) Methods of public education to:

(1) Increase public awareness of the limited supply of water in this State and the need to conserve water.

(2) Encourage reduction in the size of lawns and encourage the use of plants that are adapted to arid and semiarid climates.

(b) Specific conservation measures required to meet the needs of the service area, including, but not limited to, any conservation measures required by law.

(c) The management of water to:

(1) Identify and reduce leakage in water supplies, inaccuracies in water meters and high pressure in water supplies; and

(2) ~~[Increase]~~ *Where applicable, increase* the reuse of effluent.

(d) A contingency plan for drought conditions that ensures a supply of potable water.

(e) A schedule for carrying out the plan.

(f) Measures to evaluate the effectiveness of the plan.

2. A plan or joint plan submitted for review must be accompanied by an analysis of the feasibility of charging variable rates for the use of water to encourage the conservation of water.

3. The ~~[Division]~~ *Section* shall review any plan or joint plan submitted to it within 30 days after its submission and approve the plan if it is based on the climate and living conditions of the service area and complies with the requirements of this section.

4. The ~~[Administrator]~~ *Chief* may exempt wholesale water purveyors from the provisions of this section which do not reasonably apply to wholesale supply.

Sec. 14. NRS 540.151 is hereby amended to read as follows:

540.151 1. Except as otherwise provided in subsection 5, each supplier of water which supplies water for municipal, industrial or domestic purposes shall adopt a plan to provide incentives:

(a) To encourage water conservation in its service area;

(b) To retrofit existing structures with plumbing fixtures designed to conserve the use of water; and

(c) For the installation of landscaping that uses a minimal amount of water.

The supplier of water may request assistance from the ~~[Division]~~ *Section* to develop ~~[the]~~ *its* plan.

2. As part of the procedure of adopting a plan, the supplier of water shall provide an opportunity for any interested person to submit written views and recommendations on the plan.

3. The supplier of water shall file a copy of the plan with the ~~[Division]~~ *Section* for informational purposes.

4. The plan:

(a) Must be available for inspection by members of the public during office hours at the offices of the supplier of water; and

(b) May be revised from time to time to reflect the changing needs and conditions of the service area. Each such revision must be made available for inspection by members of the public.

5. Suppliers of water:

(a) Who are required to adopt a plan for incentives pursuant to this section; and

(b) Whose service areas are located in a common geographical area, may adopt joint plans.

Sec. 15. NRS 540A.090 is hereby amended to read as follows:

540A.090 In addition to the voting members, the commission includes the following nonvoting members:

1. One member appointed by the Public Utilities Commission of Nevada;
2. One member appointed by the *Consumer's Advocate* ~~for Customers of Public Utilities~~ *of the Bureau of Consumer Protection* in the Office of the Attorney General;
3. One member appointed by the Administrator of the Division of Environmental Protection of the State Department of Conservation and Natural Resources;
4. One member appointed by the State Engineer;
5. One member appointed by the ~~Administrator~~ *Chief* of the ~~Division of Water Planning~~ *Section of the Division of Water Resources* of the State Department of Conservation and Natural Resources;
6. One member appointed by the board of directors of the water conservancy district which is largest in area which includes any part of the region;
7. One member appointed by the county or district board of health;
8. One member of the public at large appointed by the affirmative vote of a majority of the voting members; and
9. Additional members with expertise in an area that the majority of the voting members determines is necessary, appointed by the affirmative vote of a majority of the voting members.

Sec. 16. NRS 232.090 is hereby amended to read as follows:

232.090 1. The Department consists of the Director and the following divisions:

- (a) The Division of Water Resources.
- (b) The Division of State Lands.
- (c) The Division of Forestry.
- (d) The Division of State Parks.
- (e) The Division of Conservation Districts.
- (f) The Division of Environmental Protection.
- (g) ~~The Division of Water Planning.~~
- ~~(h)~~ Such other divisions as the Director may from time to time establish.

2. The State Environmental Commission, the State Conservation Commission, the Commission for the Preservation of Wild Horses, the Nevada Natural Heritage Program and the Board to Review Claims are within the Department.

Sec. 17. NRS 232.137 and 540.101 are hereby repealed.”.

Amend sec. 4, page 4, by deleting lines 33 through 35 and inserting:

“Sec. 18. There is hereby appropriated from the State General Fund to the Water Rights Technical Support Fund, created by section 3 of this act, the sum of \$1,000,000.”.

Amend sec. 5, page 4, by deleting lines 36 through 38 and inserting:

“Sec. 19. The Legislature declares that it intends by sections 1 and 2 of this act to clarify rather than change the operation of chapter 533 of NRS with respect to the ownership of water rights.”.

Amend the bill as a whole by renumbering sec. 6 as sec. 22 and adding new sections designated sections 20 and 21, following sec. 5, to read as follows:

“Sec. 20. As soon as practicable after July 1, 2005, the Governor shall:

1. Terminate the appointment of one of the six persons whom the Governor appointed to the Advisory Board on Water Resources Planning and Development pursuant to paragraph (a) of subsection 2 of NRS 540.111. The six existing members of the Board who were appointed pursuant to that paragraph shall draw lots to determine which member’s appointment will be terminated.

2. Appoint to the Advisory Board on Water Resources Planning and Development a new member of the Board who is a representative of the governing body of a county whose population is less than 50,000, as described in paragraph (e) of subsection 2 of NRS 540.111, as amended by this act.

Sec. 21. The Legislative Counsel shall:

1. In preparing the reprint and supplements to the Nevada Revised Statutes, appropriately change any references to an officer, agency or other entity whose name is changed or whose responsibilities are transferred pursuant to the provisions of this act to refer to the appropriate officer, agency or other entity.

2. In preparing supplements to the Nevada Administrative Code, appropriately change any references to an officer, agency or other entity whose name is changed or whose responsibilities are transferred pursuant to the provisions of this act to refer to the appropriate officer, agency or other entity.”.

Amend sec. 6, pages 4 and 5, by deleting lines 39 through 41 on page 4 and lines 1 and 2 on page 5, and inserting:

“Sec. 22. 1. This section and sections 1, 2 and 19 of this act become effective upon passage and approval and apply retroactively.

2. Sections 3 to 18, inclusive, 20 and 21 of this act become effective on July 1, 2005.”.

Amend the bill as a whole by adding the text of repealed sections, following sec. 6, to read as follows:

“

#### TEXT OF REPEALED SECTIONS

232.137 Division of Water Planning: Composition; appointment of Administrator.

1. The Division of Water Planning consists of the Administrator and any other necessary personnel.

2. The Administrator is appointed by the Director and is in the unclassified service of the State.

540.101 Plan to provide guidance and coordination for development, management, conservation and use of water resources: Development; contents; no effect upon law of State; not binding upon certain state and local agencies; submission to Legislature.

1. The Division shall develop a plan to provide guidance and coordination for the development, management, conservation and use of water resources within the State.

2. The Division shall coordinate with local governments in developing the plan pursuant to subsection 1. Upon request of the Division, each local government shall cooperate with and assist the Division in the development of the plan.

3. The water plan developed pursuant to subsection 1 must include provisions designed to protect the identified needs for water for current and future development in the rural areas of the State, giving consideration to relevant factors, including, but not limited to, the economy of the affected areas and the quality of life in the affected areas.

4. The provisions of the plan developed pursuant to subsection 1 must not be construed to supersede, replace, amend or add to the law of the State of Nevada.

5. A state or local governmental agency:

(a) Shall consider the plan developed pursuant to subsection 1 when developing or implementing its mission, programs, plans and responsibilities regarding water resources; and

(b) Is not bound by a recommendation or provision of the plan developed pursuant to subsection 1 unless it formally adopts the recommendation or provision.

6. The Division shall submit to the Legislature for its review and consideration:

(a) The plan developed pursuant to subsection 1; and

(b) The recommendations regarding the plan provided to the Division by the advisory board on water resources planning and development pursuant to NRS 540.111.

7. As used in this section, "local government" means a political subdivision of this State, including, without limitation, a city, county, irrigation district, water district or water conservancy district."

Amend the title of the bill, third line, after "rights;" by inserting: "eliminating the Division of Water Planning of the State Department of Conservation and Natural Resources; creating the Water Planning Section of the Division of Water Resources of the Department; transferring the former duties of the Division of Water Planning to the Water Planning Section;".

Amend the summary of the bill to read as follows:

"SUMMARY—Makes various changes concerning provisions governing water. (BDR 48-681)".

Assemblywoman Pierce moved that the Assembly adopt the report of the first Conference Committee concerning Senate Bill No. 62.

Remarks by Assemblywoman Pierce.

Motion carried by a constitutional majority.

*Mr. Speaker:*

The first Conference Committee concerning Senate Bill No. 426, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendment No. 889 of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA50, which is attached to and hereby made a part of this report.

CHRIS GIUNCHIGLIANI  
MARILYN KIRKPATRICK  
JOE HARDY

*Assembly Conference Committee*

WARREN B. HARDY

TERRY CARE

*Senate Conference Committee*

Conference Amendment No. CA50.

Amend section 1, page 2, by deleting lines 3 through 11 and inserting:

*“The provisions of this section and NRS 338.013 to 338.090, inclusive, apply to any contract for construction work of the Nevada System of Higher Education for which the estimated cost exceeds \$100,000 even if the construction work does not qualify as a public work, as defined in subsection 15 of NRS 338.010.”.*

Amend the bill as a whole by deleting sec. 2 and adding:

“Sec. 2. (Deleted by amendment.)”.

Amend the bill as a whole by renumbering sec. 28 as sec. 32 and adding new sections designated sections 28 through 31, following sec. 27, to read as follows:

“Sec. 28. NRS 353.540 is hereby amended to read as follows:

353.540 “State agency” means an agency, bureau, board, commission, department, division or any other unit of the government of this State that is required to submit information to the Chief pursuant to subsection 1 or 6 of NRS 353.210 . ~~[-except for the University and Community College System of Nevada.]~~ “State agency” does not include the Nevada System of Higher Education unless it is anticipated that payments under the agreement will be made with state appropriations.

Sec. 29. NRS 353.590 is hereby amended to read as follows:

353.590 If an agreement pursuant to NRS 353.500 to 353.630, inclusive, involves the construction , alteration, repair or remodeling of an improvement ~~[-the]~~ :

1. The construction , alteration, repair or remodeling of the improvement may be conducted as specified in the agreement without complying with the provisions of:

~~{1-}~~ (a) Any law requiring competitive bidding; or

~~{2-}~~ (b) Chapter 341 of NRS.



2. *The provisions of NRS 338.013 to 338.090, inclusive, and section 1 of this act, apply to the construction, alteration, repair or remodeling of the improvement.*

Sec. 30. 1. During Fiscal Year 2005–2006 and Fiscal Year 2006–2007, the Nevada System of Higher Education may not enter into more than three agreements pursuant to NRS 353.500 to 353.630, inclusive, as amended by this act, with respect to which it is anticipated that payments under the agreement will be made with state appropriations.

2. The Nevada System of Higher Education shall include with a proposed agreement submitted for approval pursuant to NRS 353.550 an analysis of the fiscal impact of the proposed agreement, including, without limitation, the sources of funding for the ongoing costs relating to the agreement and a method to obtain appropriations to pay for the agreement.

Sec. 31. 1. An advisory group is hereby created to conduct an interim study concerning lease-purchase and installment-purchase agreements by public entities. The advisory group must consist of:

(a) One representative from each of the following fields, appointed by the Legislative Commission:

- (1) Public purchasing;
- (2) Labor;
- (3) Public works;
- (4) Construction project management;
- (5) State governmental financing; and
- (6) Local governmental financing.

(b) One Assemblyman who has knowledge in one or more of the fields described in subparagraphs (1) to (6), inclusive, of paragraph (a), appointed by the Speaker of the Assembly.

(c) One Senator who has knowledge in one or more of the fields described in subparagraphs (1) to (6), inclusive, of paragraph (a), appointed by the Majority Leader of the Senate.

2. The study must include, without limitation:

(a) A review of existing laws relating to lease-purchase and installment-purchase agreements;

(b) An evaluation of the applicability of existing laws relating to public works and public purchasing to existing laws relating to lease-purchase and installment-purchase agreements; and

(c) Consideration of changes to existing provisions of law relating to lease-purchase and installment-purchase agreements to better serve the needs of the State and local governments and to promote and protect the interests of Nevada's workforce.

3. In conducting the study required pursuant to this section, the advisory group shall consult with the Commission to Study Governmental Purchasing, the Committee on Local Government Finance, the Office of the State Treasurer, the State Public Works Board and experts in the fields of contracting, labor and purchasing.

4. The advisory group shall submit a report of the results of the study and any recommendations for legislation to the Director of the Legislative Counsel Bureau not later than September 1, 2006, for transmission to the 74th Session of the Nevada Legislature.”.

Amend sec. 28, page 23, by deleting lines 40 through 42 and inserting:

“Sec. 32. 1. This act becomes effective on July 1, 2005.

2. Section 28 of this act expires by limitation on June 30, 2007.

3. Sections 5 and 6 of this act expire by limitation on May 1, 2013.”.

Amend the title of the bill to read as follows:

“AN ACT relating to public financial administration; revising the provisions regarding the payment of prevailing wages on projects of the Nevada System of Higher Education; providing that certain documents furnished to a public body may be transmitted and stored electronically; requiring that annual energy savings resulting from energy retrofit projects meet or exceed the total annual contract payments; revising the provisions governing performance contracts for operating cost-savings measures in buildings occupied by state agencies; authorizing the issuance of refunding obligations relating to such performance contracts; authorizing the Nevada System of Higher Education for a temporary period to enter into installment-purchase and lease-purchase agreements under certain circumstances; clarifying the applicability of the provisions concerning prevailing wages to installment-purchase and lease-purchase agreements that involve improvements; creating an advisory group to conduct an interim study concerning installment-purchase and lease-purchase agreements; and providing other matters properly relating thereto.”.

Assemblywoman Giunchigliani moved that the Assembly adopt the report of the first Conference Committee concerning Senate Bill No. 426.

Remarks by Assemblywoman Giunchigliani.

Motion carried by a constitutional majority.

*Mr. Speaker:*

The first Conference Committee concerning Senate Bill No. 174, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendment No. 751 of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA46, which is attached to and hereby made a part of this report.

DAVID PARKS  
MARCUS CONKLIN  
SCOTT SIBLEY

*Assembly Conference Committee*

MAGGIE CARLTON  
SANDRA J. TIFFANY  
JOE HECK

*Senate Conference Committee*

Conference Amendment No. CA46.

Amend section 1, page 2, by deleting lines 1 through 7 and inserting:

“Section 1. Chapter 634 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *If a person practices chiropractic in this State without maintaining professional liability insurance, the person shall:*

(a) *Post in a conspicuous place in each location at which the person practices chiropractic under his license a written disclosure which discloses to patients that the person does not maintain professional liability insurance; or*

(b) *Before providing any chiropractic treatment or care to a patient, give the patient a written disclosure which discloses to the patient that the person does not maintain professional liability insurance. The written disclosure may be included with other written information given to the patient.*

2. *The Board:*

(a) *Shall adopt regulations prescribing the form, size, contents and placement of the written disclosures required by this section; and*

(b) *May adopt any other regulations that are necessary to carry out the provisions of this section.”.*

Amend the bill as a whole by adding a new section designated sec. 3.5, following sec. 3, to read as follows:

“Sec. 3.5. NRS 634.135 is hereby amended to read as follows:

634.135 1. The Board may charge and collect fees not to exceed:

For an application for a license to practice chiropractic.....	\$200.00
For an examination for a license to practice chiropractic.....	200.00
For an application for, and the issuance of, a certificate as a chiropractor’s assistant.....	100.00
For an examination for a certificate as a chiropractor’s assistant.....	100.00
For the issuance of a license to practice chiropractic.....	300.00
For the annual renewal of a license to practice chiropractic... <del>300.00</del>	500.00
For the annual renewal of an inactive license to practice chiropractic..... <del>100.00</del>	150.00
For the annual renewal of a certificate as a chiropractor’s assistant..... <del>50.00</del>	100.00
For the restoration to active status of an inactive license to practice chiropractic.....	300.00
For reinstating a license to practice chiropractic which has been suspended or revoked.....	500.00
For reinstating a certificate as a chiropractor’s assistant which has been suspended pursuant to NRS 634.130.....	100.00
For a review of any subject on the examination.....	25.00
For the issuance of a duplicate license or for changing the name on a license.....	35.00
For written certification of licensure.....	25.00
For providing a list of persons who are licensed to practice chiropractic to a person who is not licensed to practice chiropractic.....	25.00
For providing a list of persons who were licensed to practice chiropractic following the most recent examination of the Board to a person who is not licensed to practice chiropractic.....	10.00

For a set of mailing labels containing the names and addresses of the persons who are licensed to practice chiropractic in this State.....35.00  
 For providing a copy of the statutes, regulations and other rules governing the practice of chiropractic in this State to a person who is not licensed to practice chiropractic.....25.00  
 For each page of a list of continuing education courses that have been approved by the Board..... .50  
 For an application to a preceptor program offered by the Board to graduates of chiropractic schools or colleges.....35.00  
 For a review by the Board of a course offered by a chiropractic school or college or a course of continuing education in chiropractic.....~~10.00~~ 25.00

2. In addition to the fees set forth in subsection 1, the Board may charge and collect reasonable and necessary fees for any other service it provides.

3. For a check made payable to the Board that is dishonored upon presentation for payment, the Board shall assess and collect a fee in the amount established by the State Controller pursuant to NRS 353C.115.”.

Amend the title of the bill to read as follows:

“AN ACT relating to chiropractic; increasing the number of members of the Chiropractic Physicians’ Board of Nevada; requiring any person who practices chiropractic and who does not maintain professional liability insurance to provide notice to patients that the person does not maintain such insurance; revising provisions governing disclosure by the Board of certain information related to investigations and disciplinary actions; increasing certain fees that may be charged by the Board; and providing other matters properly relating thereto.”.

Assemblyman Parks moved that the Assembly adopt the report of the first Conference Committee concerning Senate Bill No. 174.

Remarks by Assemblyman Parks.

Motion carried by a constitutional majority.

*Mr. Speaker:*

The first Conference Committee concerning Senate Bill No. 20, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendments Nos. 903 and 1093 of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA12, which is attached to and hereby made a part of this report.

KELVIN ATKINSON  
 MARILYN KIRKPATRICK  
 SCOTT SIBLEY

*Assembly Conference Committee*

WARREN B. HARDY  
 JOHN LEE  
 RANDOLPH J. TOWNSEND

*Senate Conference Committee*

Conference Amendment No. CA12.

Amend sec. 6, page 6, by deleting lines 28 through 31 and inserting:

“Sec. 6. The City Councilmen of the City of North Las Vegas who are in office on December 1, 2006, shall be deemed to represent only the wards in

which they respectively reside for the remainder of their respective terms of office.”.

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

“Sec. 7. The City Council of the City of North Las Vegas shall submit the question of whether the City Councilmen of the City of North Las Vegas must be voted for and elected only by the registered voters of the ward that the Councilman will represent to the registered voters of the City of North Las Vegas at the general election to be held on November 7, 2006.”.

Amend sec. 7, page 6, by deleting lines 32 through 42 and inserting:

“Sec. 8. 1. This section and section 7 of this act become effective upon passage and approval.

2. Section 1 of this act becomes effective upon passage and approval for the purpose of appointing the member of the county fair and recreation board pursuant to paragraph (e) of subsection 1 of NRS 244A.603, as amended by this act, and on July 1, 2005, for all other purposes.

3. Sections 2 to 6, inclusive, of this act become effective on December 1, 2006, if the registered voters of the City of North Las Vegas approve the question submitted pursuant to section 7 of this act at the general election held on November 7, 2006.”.

Amend the title of the bill to read as follows:

“AN ACT relating to local government; increasing the membership of certain county fair and recreation boards; requiring that, contingent on the approval of the registered voters of the City of North Las Vegas at the November 2006 general election, the City Councilmen of the City of North Las Vegas must be voted for and elected only by the registered voters of the ward that the Councilman will represent; and providing other matters properly relating thereto.”.

Assemblyman Atkinson moved that the Assembly adopt the report of the first Conference Committee concerning Senate Bill No. 20.

Remarks by Assemblyman Atkinson.

Motion carried by a constitutional majority.

#### CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 338.

The following Senate amendment was read:

Amendment No. 1120.

Amend sec. 2, page 2, line 5, by deleting: “3 and 4” and inserting: “2.3 to 4, inclusive,”.

Amend the bill as a whole by adding new sections designated sections 2.3 through 2.7, following sec. 2, to read as follows:

“Sec. 2.3. *“Administrator” means a person authorized pursuant to NRS 683A.0805 to 683A.0893, inclusive, to conduct business in this State as an administrator.*

Sec. 2.5. *“Affiliate of an insurer” means a person who directly, or indirectly through one or more intermediaries, controls, is controlled by or is under common control with an insurer.*

Sec. 2.7. *“Insurer” means any insurer, fraternal benefit society, nonprofit corporation for hospital, medical and dental services, organization for dental care, health maintenance organization or prepaid limited health service organization authorized pursuant to this title to conduct business in this State.”.*

Amend sec. 3, page 2, by deleting lines 7 through 13 and inserting:

*“Sec. 3. “Medical discount plan” means a business arrangement or program evidenced by a membership agreement, contract, card, certificate, device or mechanism in which a person, in exchange for fees, dues, charges or any other form of consideration, offers to provide or provides health care or medical services at a discount from providers of health care who are participating in the business arrangement or program or whom the person advertises as or claims to be participating in the business arrangement or program.”.*

Amend sec. 5, page 2, lines 17 and 18, by deleting “discount health” and inserting “medical discount”.

Amend sec. 6, page 2, by deleting lines 19 through 25 and inserting:

*“Sec. 6. 1. Except as otherwise provided in this section, it is unlawful for any person to offer, market, sell or engage in business as a medical discount plan in this State without first registering the medical discount plan pursuant to the provisions of this chapter.*

*2. An insurer is not required to register any medical discount plan pursuant to the provisions of this chapter unless the insurer offers, markets or sells the medical discount plan in this State for separate consideration.*

*3. If an affiliate of an insurer offers, markets, sells or engages in business as a medical discount plan in this State, the affiliate is required to register the medical discount plan pursuant to the provisions of this chapter.*

*4. The provisions of this chapter do not apply to any medical discount plan that offers or provides discounts only on prescriptions.”.*

Amend sec. 7, page 2, line 27, by deleting “discount health” and inserting “medical discount”.

Amend sec. 7, page 2, line 30, by deleting “subsection 2,” and inserting “this section,”.

Amend sec. 7, page 2, line 37, by deleting “discount health” and inserting “medical discount”.

Amend sec. 7, page 3, line 1, by deleting “discount health” and inserting “medical discount”.

Amend sec. 7, page 3, line 8, before “medical” by inserting: “health care or”.

Amend sec. 7, page 3, by deleting lines 16 through 28 and inserting:

*“2. Each person who registers a medical discount plan must renew the registration annually before the registration expires. Except as otherwise*

*provided in this section, an application to renew the registration must include:*

*(a) An annual renewal fee of \$500; and*

*(b) Any information set forth in subsection 1 that the Commissioner requires to be included in the application.*

*3. An administrator or insurer that registers a medical discount plan is not required to pay the fees for registering or renewing the registration of the medical discount plan pursuant to this section.*

*4. The Commissioner shall, by regulation, designate the provisions of subsection 1 that shall be deemed satisfied by an administrator, insurer or affiliate of an insurer that has complied with substantially similar requirements pursuant to other provisions of this title.”.*

Amend sec. 8, page 3, line 30, by deleting “*discount health*” and inserting “*medical discount*”.

Amend sec. 8, page 3, line 31, after ““*insurance*”” by inserting “*or enrollment*””.

Amend sec. 8, page 3, lines 32 and 35, by deleting “*discount health*” and inserting “*medical discount*”.

Amend sec. 8, page 3, line 37, by deleting ““*enrollment,*””.

Amend sec. 8, page 3, line 39, by deleting “*discount health*” and inserting “*medical discount*”.

Amend sec. 8, pages 3 and 4, by deleting lines 40 through 45 on page 3 and lines 1 through 3 on page 4, and inserting:

*“3. Pay a provider of health care any fee for providing any health care or medical services; or*

*4. Collect or accept money from a member of the medical discount plan for payment to a provider of health care for specific health care or medical services that the provider has provided or will provide to the member unless the registration for the medical discount plan is held by an administrator or insurer.”.*

Amend sec. 9, page 4, by deleting lines 5 through 18 and inserting: “*writing to any prospective member of a medical discount plan and must be in clear language and prominently displayed in any advertisements, marketing materials and brochures relating to a medical discount plan:*

*(a) That the medical discount plan is not a policy of health insurance;*

*(b) That the medical discount plan provides discounts from providers of health care who provide health care or medical services to members;*

*(c) That the medical discount plan does not make payments directly to the providers of health care;*

*(d) That the member will be required to pay for all health care or medical services but will receive a discount from those providers of health care who have contracted with the medical discount plan;*

*(e) The corporate name of the person offering the medical discount plan and the location and address of each office for the medical discount plan; and”.*

Amend sec. 9, page 4, line 24, after “*Ten*” by inserting “*business*”.

Amend sec. 9, page 4, lines 25 and 27, by deleting “*discount health*” and inserting “*medical discount*”.

Amend sec. 10, page 4, by deleting lines 29 and 30 and inserting: “*printed in type that is not smaller than 12-point type.*”.

Amend sec. 11, page 4, line 31, by deleting “*discount health*” and inserting “*medical discount*”.

Amend sec. 11, page 4, by deleting lines 34 and 35 and inserting: “*of a registration for a medical discount plan unless the person registering or renewing the registration certifies that the medical discount plan has a net worth of at least \$100,000.*”.

Amend sec. 12, page 4, line 40, by deleting “*discount health*” and inserting “*medical discount*”.

Amend sec. 12, page 4, by deleting line 41 and inserting: “*with a medical discount plan unless the medical discount plan is*”.

Amend sec. 12, page 5, by deleting line 4 and inserting: “*all participating providers of health care who have contracted with the medical discount plan and who are located in the applicant’s or*”.

Amend sec. 12, page 5, line 6, before “*services*” by inserting: “*health care or medical*”.

Amend sec. 12, page 5, by deleting line 7 and inserting: “*be made available, upon the request of the applicant, at the time the applicant purchases a membership*”.

Amend sec. 12, page 5, by deleting lines 12 through 21 and inserting:

“5. *Offers discounted products or services to the applicant or member that are not authorized by a contract with each provider of health care listed in conjunction with the medical discount plan.*

6. *Fails to allow the applicant or member to cancel the membership in the medical discount plan.*

7. *If appropriate, fails to refund any required portion of membership fees paid to the medical discount plan by the applicant or member within 30 days after the applicant or member provides timely notification of the cancellation of the membership to the person administering the medical discount plan.*”.

Amend sec. 14, page 5, line 39, by deleting “*discount health*” and inserting “*medical discount*”.

Amend sec. 14, page 5, by deleting lines 41 through 44 and inserting: “*any accounts, books and records concerning the medical discount plan which are reasonably necessary to enable the Commissioner to determine whether the medical discount plan is in compliance with the provisions of*”.

Amend sec. 15, page 6, lines 1 and 4, by deleting “*discount health*” and inserting “*medical discount*”.

Amend sec. 15, page 6, by deleting lines 6 through 10 and inserting:

“(b) *The name and address of each member of the medical discount plan;*



*(c) A copy of each contract that the medical discount plan enters into with providers of health care for purposes of providing members with health care or medical services at a discount; and”.*

Amend sec. 15, page 6, lines 14 and 15, by deleting “discount health” and inserting “medical discount”.

Amend sec. 49, page 12, line 32, by deleting “All” and inserting: “Except as otherwise provided in sections 50 and 51 of this act, all”.

Amend the bill as a whole by deleting sections 50 and 51 and adding new sections designated sections 50 through 51.5, following sec. 49, to read as follows:

“Sec. 50. 1. *The Commissioner may adopt by regulation forms for use in the issuance of credit personal property insurance, including applications, policies, forms for claims and any other forms required for the sale, issuance and administration of credit personal property insurance. An insurer may elect to use those forms in lieu of any other forms.*

2. *If an officer of the insurer submits, in the manner prescribed by the Commissioner, a written certification to the Commissioner that the forms used by the insurer are identical to those adopted by the Commissioner, the insurer is not required to file those forms with the Commissioner for approval pursuant to section 49 of this act.*

Sec. 51. 1. *The Commissioner shall, by regulation, establish reasonable rates as described in this chapter and in accordance with the standards established in NRS 686B.050 and 686B.060. The rates must be reasonable in relation to the benefits provided and must not be excessive, inadequate or unfairly discriminatory.*

2. *The Commissioner may, by regulation, establish rates that an insurer may use without filing pursuant to section 49 of this act. In establishing such rates, the Commissioner shall consider and apply the following factors:*

- (a) Actual and expected loss experience;*
- (b) General and administrative expenses;*
- (c) Loss settlement and adjustment expenses;*
- (d) Reasonable creditor compensation;*
- (e) The manner in which premiums are charged;*
- (f) Other acquisition costs;*
- (g) Reserves;*
- (h) Taxes;*
- (i) Regulatory license fees and fund assessments;*
- (j) Reasonable insurer profit; and*
- (k) Other relevant data consistent with generally accepted actuarial standards.*

Sec. 51.5. *Except as otherwise provided in section 51 of this act:*

1. *A rate that has been filed and approved pursuant to section 49 of this act is effective for a period not to exceed 3 years after the date of approval. The insurer shall file a rate for approval before the expiration of the 3-year*

*period. The insurer may file a rate for approval at any time before the expiration of the 3-year period.*

*2. If an insurer revises its schedule of premium rates, the insurer shall file the revised schedule with the Commissioner pursuant to section 49 of this act. An insurer shall not issue credit personal property insurance for which the premium rates exceed the rates determined by the schedule approved by the Commissioner.”.*

Amend the bill as a whole by deleting sec. 55 and adding:

“Sec. 55. (Deleted by amendment.)”.

Amend sec. 56, page 14, by deleting lines 7 through 11 and inserting:

“Sec. 56. 1. *Each individual policy or certificate of insurance must provide for a refund of unearned premiums if the credit personal property insurance is cancelled before the scheduled date of termination of the insurance.*

*2. Except as otherwise provided in this section, any refund must be provided to the person to whom it is entitled as soon as practicable after the date of cancellation of the insurance.*

*3. The Commissioner shall, by regulation, establish the minimum amount of unearned premiums that must remain outstanding at the time of cancellation in order for a person to be entitled to a refund. If the amount of unearned premiums that remains outstanding at the time of cancellation is less than the minimum amount established by regulation, the person is not entitled to a refund.*

*4. The formula that an insurer uses to determine the amount of a refund must be submitted to and approved by the Commissioner before it is used.”.*

Amend sec. 60, pages 14 and 15, by deleting lines 41 through 44 on page 14 and lines 1 and 2 on page 15, and inserting:

“Sec. 60. *The Commissioner may adopt regulations to carry out the provisions of this chapter.”.*

Amend the bill as a whole by deleting sections 62 and 63 and adding new sections designated sections 62 and 63, following sec. 61, to read as follows:

“Sec. 62. Chapter 680B of NRS is hereby amended by adding thereto a new section to read as follows:

*Each risk retention group which is chartered in a state other than this State and which is registered in this State pursuant to NRS 695E.140 to 695E.200, inclusive, shall pay the tax imposed by NRS 680B.027 at a rate of 2 percent.*

Sec. 63. NRS 680B.010 is hereby amended to read as follows:

680B.010 The Commissioner shall collect in advance and receipt for, and persons so served must pay to the Commissioner, fees and miscellaneous charges as follows:

1. Insurer’s certificate of authority:

(a) Filing initial application.....\$2,450

(b) Issuance of certificate:

(1) For any one kind of insurance as defined in NRS 681A.010 to 681A.080, inclusive.....	283
(2) For two or more kinds of insurance as so defined.....	578
(3) For a reinsurer.....	2,450
(c) Each annual continuation of a certificate.....	2,450
(d) Reinstatement pursuant to NRS 680A.180, 50 percent of the annual continuation fee otherwise required.	
(e) Registration of additional title pursuant to NRS 680A.240.....	50
(f) Annual renewal of the registration of additional title pursuant to NRS 680A.240.....	25
2. Charter documents, other than those filed with an application for a certificate of authority. Filing amendments to articles of incorporation, charter, bylaws, power of attorney and other constituent documents of the insurer, each document.....	\$10
3. Annual statement or report. For filing annual statement or report...	\$25
4. Service of process:	
(a) Filing of power of attorney.....	\$5
(b) Acceptance of service of process.....	30
5. Licenses, appointments and renewals for producers of insurance:	
(a) Application and license.....	\$125
(b) Appointment fee for each insurer.....	15
(c) Triennial renewal of each license.....	125
(d) Temporary license.....	10
(e) Modification of an existing license.....	50
6. Surplus lines brokers:	
(a) Application and license.....	\$125
(b) Triennial renewal of each license.....	125
7. Managing general agents' licenses, appointments and renewals:	
(a) Application and license.....	\$125
(b) Appointment fee for each insurer.....	15
(c) Triennial renewal of each license.....	125
8. Adjusters' licenses and renewals:	
(a) Independent and public adjusters:	
(1) Application and license.....	\$125
(2) Triennial renewal of each license.....	125
(b) Associate adjusters:	
(1) Application and license.....	125
(2) Triennial renewal of each license.....	125
9. Licenses and renewals for appraisers of physical damage to motor vehicles:	
(a) Application and license.....	\$125
(b) Triennial renewal of each license.....	125
10. Additional title and property insurers pursuant to NRS 680A.240:	
(a) Original registration.....	\$50
(b) Annual renewal.....	25

11. Insurance vending machines:	
(a) Application and license, for each machine.....	\$125
(b) Triennial renewal of each license.....	125
12. Permit for solicitation for securities:	
(a) Application for permit.....	\$100
(b) Extension of permit.....	50
13. Securities salesmen for domestic insurers:	
(a) Application and license.....	\$25
(b) Annual renewal of license.....	15
14. Rating organizations:	
(a) Application and license.....	\$500
(b) Annual renewal.....	500
15. Certificates and renewals for administrators licensed pursuant to chapter 683A of NRS:	
(a) Application and certificate of registration.....	\$125
(b) Triennial renewal.....	125
16. For copies of the insurance laws of Nevada, a fee which is not less than the cost of producing the copies.	
17. Certified copies of certificates of authority and licenses issued pursuant to the <del>Insurance</del> Code.....	\$10
18. For copies and amendments of documents on file in the Division, a reasonable charge fixed by the Commissioner, including charges for duplicating or amending the forms and for certifying the copies and affixing the official seal.	
19. Letter of clearance for a producer of insurance or other licensee if requested by someone other than the licensee.....	\$10
20. Certificate of status as a producer of insurance or other licensee if requested by someone other than the licensee.....	\$10
21. Licenses, appointments and renewals for bail agents:	
(a) Application and license.....	\$125
(b) Appointment for each surety insurer.....	15
(c) Triennial renewal of each license.....	125
22. Licenses and renewals for bail enforcement agents:	
(a) Application and license.....	\$125
(b) Triennial renewal of each license.....	125
23. Licenses, appointments and renewals for general agents for bail:	
(a) Application and license.....	\$125
(b) Initial appointment by each insurer.....	15
(c) Triennial renewal of each license.....	125
24. Licenses and renewals for bail solicitors:	
(a) Application and license.....	\$125
(b) Triennial renewal of each license.....	125
25. Licenses and renewals for title agents and escrow officers:	
(a) Application and license.....	\$125
(b) Triennial renewal of each license.....	125

(c) Appointment fee for each title insurer.....	15
(d) Change in name or location of business or in association.....	10
26. Certificate of authority and renewal for a seller of prepaid funeral contracts.....	\$125
27. Licenses and renewals for agents for prepaid funeral contracts:	
(a) Application and license.....	\$125
(b) Triennial renewal of each license.....	125
28. Licenses, appointments and renewals for agents for fraternal benefit societies:	
(a) Application and license.....	\$125
(b) Appointment for each insurer.....	15
(c) Triennial renewal of each license.....	125
29. Reinsurance intermediary broker or manager:	
(a) Application and license.....	\$125
(b) Triennial renewal of each license.....	125
30. Agents for and sellers of prepaid burial contracts:	
(a) Application and certificate or license.....	\$125
(b) Triennial renewal	125
31. Risk retention groups:	
(a) Initial registration <del>and review of an application</del> .....	<del>\$2,450</del> \$250
(b) Each annual continuation of a certificate of registration.....	<del>[2,450]</del> 250
32. Required filing of forms:	
(a) For rates and policies.....	\$25
(b) For riders and endorsements.....	10
33. Viatical settlements:	
(a) Provider of viatical settlements:	
(1) Application and license.....	\$1,000
(2) Annual renewal.....	1,000
(b) Broker of viatical settlements:	
(1) Application and license.....	500
(2) Annual renewal.....	500
34. Insurance consultants:	
(a) Application and license.....	\$125
(b) Triennial renewal.....	125
35. Licensee's association with or appointment or sponsorship by an organization:	
(a) Initial appointment, association or sponsorship, for each organization.....	\$50
(b) Renewal of each association or sponsorship.....	50
(c) Annual renewal of appointment.....	15
36. Purchasing groups:	
(a) Initial registration and review of an application.....	\$100
(b) Each annual continuation of registration.....	100".

Amend sec. 64, page 17, line 2, by deleting "~~Insurance~~".

Amend sec. 64, page 18, by deleting line 11 and inserting:

“(a) Initial registration.....\$250”.

Amend sec. 64, page 18, line 13, by deleting “2,450” and inserting “250”.

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. NRS 680B.027 is hereby amended to read as follows:

680B.027 1. Except as otherwise provided in NRS 680B.033, 680B.050 and 690C.110, *and section 62 of this act*, for the privilege of transacting business in this State, each insurer shall pay to the Department of Taxation a tax upon his net direct premiums and net direct considerations written at the rate of 3.5 percent.

2. The tax must be paid in the manner required by NRS 680B.030 and 680B.032.

3. The Commissioner or the Executive Director of the Department of Taxation may require at any time verified supplemental statements with reference to any matter pertinent to the proper assessment of the tax.”.

Amend the bill as a whole by deleting sections 80 and 81 and adding:

“Secs. 80 and 81. (Deleted by amendment.)”.

Amend the bill as a whole by deleting sec. 92 and adding:

“Sec. 92. (Deleted by amendment.)”.

Amend sec. 101, page 44, by deleting line 9 and inserting:

“8. *Other kinds of insurance may be used if those kinds are not*”.

Amend sec. 108, page 48, line 6, by deleting “All” and inserting: “*Except as otherwise provided in sections 109 and 110 of this act, all*”.

Amend the bill as a whole by deleting sections 109 and 110 and adding new sections designated sections 109 through 110.7, following sec. 108, to read as follows:

“Sec. 109. 1. *The Commissioner may adopt by regulation forms for use in the issuance of consumer credit insurance, including applications, policies, forms for claims and any other forms required for the sale, issuance and administration of consumer credit insurance. An insurer may elect to use those forms in lieu of any other forms.*

2. *If an officer of the insurer submits, in the manner prescribed by the Commissioner, a written certification to the Commissioner that the forms used by the insurer are identical to those adopted by the Commissioner, the insurer is not required to file those forms with the Commissioner for approval pursuant to section 108 of this act.*

Sec. 110. 1. *The Commissioner shall, by regulation, establish reasonable rates as described in this chapter and in accordance with the standards established in NRS 686B.050 and 686B.060. The rates must be reasonable in relation to the benefits provided and must not be excessive, inadequate or unfairly discriminatory.*

2. *The Commissioner may, by regulation, establish rates that an insurer may use without filing pursuant to section 108 of this act. In establishing such rates, the Commissioner shall consider and apply the following factors:*

- (a) *Actual and expected loss experience;*
- (b) *General and administrative expenses;*
- (c) *Loss settlement and adjustment expenses;*
- (d) *Reasonable creditor compensation;*
- (e) *The manner in which premiums are charged;*
- (f) *Other acquisition costs;*
- (g) *Reserves;*
- (h) *Taxes;*
- (i) *Regulatory license fees and fund assessments;*
- (j) *Reasonable insurer profit; and*
- (k) *Other relevant data consistent with generally accepted actuarial standards.*

Sec. 110.3. *Except as otherwise provided in section 110 of this act, if an insurer revises its schedule of premium rates, the insurer shall file the revised schedule with the Commissioner pursuant to section 108 of this act. An insurer shall not issue consumer credit insurance for which the premium rates differ from the rates determined by the schedule approved by the Commissioner.*

Sec. 110.7. 1. *Each individual policy or group certificate must provide for a refund of unearned premiums if the consumer credit insurance is cancelled before the scheduled date of termination of the insurance.*

2. *Except as otherwise provided in this section, any refund must be provided to the person to whom it is entitled as soon as practicable after the date of cancellation of the insurance.*

3. *The Commissioner shall, by regulation, establish the minimum amount of unearned premiums that must remain outstanding at the time of cancellation in order for a person to be entitled to a refund. If the amount of unearned premiums that remains outstanding at the time of cancellation is less than the minimum amount established by regulation, the person is not entitled to a refund.*

4. *The formula that an insurer uses to determine the amount of a refund must be submitted to and approved by the Commissioner before it is used.”.*

Amend sec. 114, page 49, by deleting lines 22 through 27 and inserting:

“Sec. 114. *The Commissioner may adopt regulations to carry out the provisions of this chapter.”.*

Amend sec. 116, page 50, by deleting lines 5 and 6 and inserting:

“requires, the words and terms defined in NRS 690A.012 to ~~{690A.028,}~~ 690A.018, inclusive, and sections 92 to 99,”.

Amend the bill as a whole by adding a new section designated sec. 116.5, following sec. 116, to read as follows:

“Sec. 116.5. NRS 690A.012 is hereby amended to read as follows:

690A.012 “Compensation” means any valuable consideration, direct or indirect, paid by or on behalf of the insurer, or by any subsidiary or parent, or subsidiary of the parent of the insurer, or by any other person to or on behalf

of any group policyholder or producer or withheld from an insurer by any group policyholder or producer, and includes:

1. Paid or credited commissions or contingent commissions.
2. Fees for services, consulting fees or any other fee paid or credited within or outside this State in direct relation to the volume of premiums produced or written in this State.
3. The use of electronic data processing equipment or services, except for devices provided in lieu of books and charts of rates and refunds usable only for that purpose.
4. The furnishing of supplies, except forms approved by the Commissioner, the usual forms for claims and reports, envelopes for transmitting claims and brochures, and books and charts of rates and refunds.
5. Providing rental equipment of any type.
6. Advertising.
7. Providing telephone service without charge or at a charge less than the usual cost.
8. Participation in a profit-sharing plan.
9. Dividends and refunds or credits based on experience ratings.
10. An allowance for expenses.
11. Participation in stock plans or bonuses.
12. Any form of credit, including the use of money.
13. Commissions for reinsurance, ceded or assumed.
14. Reinsurance with a nonauthorized insurer owned or controlled by a creditor or producer or with a nonauthorized insurer in which a creditor or producer is a stockholder.
15. Any commission or fee, inducement or intention to induce, or any other consideration arising from the sale of insurance or other product or service, except *consumer* credit insurance as part of the transaction in which the indebtedness is arranged or the application for the *consumer* credit insurance is made.”.

Amend the bill as a whole by adding a new section designated sec. 122.5, following sec. 122, to read as follows:

“Sec. 122.5. NRS 690A.260 is hereby amended to read as follows:

690A.260 1. Except as otherwise provided in subsection 2, an authorized insurer issuing *consumer* credit insurance may not enter into any agreement whereby the authorized insurer transfers, by reinsurance or otherwise, to an unauthorized insurer, as they relate to *consumer* credit insurance written or issued in this State:

(a) A substantial portion of the risk of loss under the *consumer* credit insurance written by the authorized insurer in this State;

(b) All of one or more kinds, lines, types or classes of *consumer* credit insurance;

(c) All of the *consumer* credit insurance produced through one or more agents, agencies or creditors;



(d) All of the *consumer* credit insurance written or issued in a designated geographical area; or

(e) All of the *consumer* credit insurance under a policy of group insurance.

2. An authorized insurer may make the transfers listed in subsection 1 to an unauthorized insurer if the unauthorized insurer:

(a) Maintains security on deposit with the Commissioner in an amount which when added to the actual capital and surplus of the insurer is equal to the capital and surplus required of an authorized stock insurer pursuant to NRS 680A.120. The security may consist only of the following:

(1) Cash.

(2) General obligations of, or obligations guaranteed by, the Federal Government, this State or any of its political subdivisions. These obligations must be valued at the lower of market value or par value.

(3) Any other type of security that would be acceptable if posted by a domestic or foreign insurer.

(b) Files an annual statement with the Commissioner pursuant to NRS 680A.270.

(c) Maintains reserves on its *consumer* credit insurance business pursuant to NRS 681B.050.

(d) Values its assets and liabilities pursuant to NRS 681B.010 to 681B.040, inclusive.

(e) Agrees to examinations conducted by the Commissioner pursuant to NRS 679B.230.

(f) Complies with the standards adopted by the Commissioner pursuant to NRS 679A.150.

(g) Does not hold, issue or have an arrangement for holding or issuing any of its stock for which dividends are paid based on:

(1) The experience of a specific risk of all of one or more kinds, lines, types or classes of insurance;

(2) All of the business produced through one or more agents, agencies or creditors;

(3) All of the business written in a designated geographical area; or

(4) All of the business written for one or more forms of insurance.”.

Amend sec. 164, page 68, line 30, by deleting “690A.012,”.

Amend sec. 164, page 68, line 35, by deleting “690A.260,”.

Amend the leadlines of repealed sections by deleting the leadlines of NRS 690A.012 and 690A.260.

Amend the title of the bill by deleting the second through fourth lines and inserting: “medical discount plans; providing the tax rate on premiums for risk retention groups; providing for the regulation of credit personal property insurance; decreasing certain fees for risk retention groups; authorizing an insurer”.

Assemblyman Arberry moved that the Assembly concur in the Senate Amendment No. 1120 to Assembly Bill No. 338.

Remarks by Assemblyman Arberry.

Motion carried.

The following Senate amendment was read:

Amendment No. 1135.

Amend sec. 21, page 7, by deleting lines 25 through 30 and inserting:

*“Sec. 21. “Compensation” means any valuable consideration, direct or indirect, paid by or on behalf of the insurer, or by any subsidiary or parent, or subsidiary of the parent of the insurer, or by any other person to or on behalf of any group policyholder or producer or withheld from an insurer by any group policyholder or producer, and includes:*

- 1. Paid or credited commissions or contingent commissions.*
- 2. Fees for services, consulting fees or any other fee paid or credited within or outside this State in direct relation to the volume of premiums produced or written in this State.*
- 3. The use of electronic data processing equipment or services, except for devices provided in lieu of books and charts of rates and refunds usable only for that purpose.*
- 4. The furnishing of supplies, except forms approved by the Commissioner, the usual forms for claims and reports, envelopes for transmitting claims and brochures, and books and charts of rates and refunds.*
- 5. Providing rental equipment of any type.*
- 6. Advertising.*
- 7. Providing telephone service without charge or at a charge less than the usual cost.*
- 8. Participation in a profit-sharing plan.*
- 9. Dividends and refunds or credits based on experience ratings.*
- 10. An allowance for expenses.*
- 11. Participation in stock plans or bonuses.*
- 12. Any form of credit, including the use of money.*
- 13. Commissions for reinsurance, ceded or assumed.*
- 14. Reinsurance with a nonauthorized insurer owned or controlled by a creditor or producer or with a nonauthorized insurer in which a creditor or producer is a stockholder.*
- 15. Any commission or fee, inducement or intention to induce, or any other consideration arising from the sale of insurance or other product or service, except credit personal property insurance as part of the transaction in which the indebtedness is arranged or the application for the credit personal property insurance is made.”.*

Amend the bill as a whole by deleting sec. 55 and adding a new section designated sec. 55, following sec. 54, to read as follows:

*“Sec. 55. 1. Except as otherwise provided in subsection 2, an authorized insurer issuing credit personal property insurance may not enter into any agreement whereby the authorized insurer transfers, by reinsurance*

*or otherwise, to an unauthorized insurer, as they relate to credit personal property insurance written or issued in this State:*

*(a) A substantial portion of the risk of loss under the credit personal property insurance written by the authorized insurer in this State;*

*(b) All of one or more kinds, lines, types or classes of credit personal property insurance;*

*(c) All of the credit personal property insurance produced through one or more agents, agencies or creditors;*

*(d) All of the credit personal property insurance written or issued in a designated geographical area; or*

*(e) All of the credit personal property insurance under a policy of group insurance.*

*2. An authorized insurer may make the transfers listed in subsection 1 to an unauthorized insurer if the unauthorized insurer:*

*(a) Maintains security on deposit with the Commissioner in an amount which when added to the actual capital and surplus of the insurer is equal to the capital and surplus required of an authorized stock insurer pursuant to NRS 680A.120. The security may consist only of the following:*

*(1) Cash.*

*(2) General obligations of, or obligations guaranteed by, the Federal Government, this State or any of its political subdivisions. These obligations must be valued at the lower of market value or par value.*

*(3) Any other type of security that would be acceptable if posted by a domestic or foreign insurer.*

*(b) Files an annual statement with the Commissioner pursuant to NRS 680A.270.*

*(c) Maintains reserves on its credit personal property insurance business pursuant to NRS 681B.050.*

*(d) Values its assets and liabilities pursuant to NRS 681B.010 to 681B.040, inclusive.*

*(e) Agrees to examinations conducted by the Commissioner pursuant to NRS 679B.230.*

*(f) Complies with the standards adopted by the Commissioner pursuant to NRS 679A.150.*

*(g) Does not hold, issue or have an arrangement for holding or issuing any of its stock for which dividends are paid based on:*

*(1) The experience of a specific risk of all of one or more kinds, lines, types or classes of insurance;*

*(2) All of the business produced through one or more agents, agencies or creditors;*

*(3) All of the business written in a designated geographical area; or*

*(4) All of the business written for one or more forms of insurance.”.*

Assemblyman Arberry moved that the Assembly concur in the Senate Amendment No. 1135 to Assembly Bill No. 338.

Remarks by Assemblyman Arberry.

Motion carried.

The following Senate amendment was read:

Amendment No. 1147.

Amend the bill as a whole by adding a new section designated sec. 87.5, following sec. 87, to read as follows:

“Sec. 87.5. Chapter 689A of NRS is hereby amended by adding thereto the provisions set forth as sections 88 and 88.5 of this act.”.

Amend sec. 88, page 46, by deleting lines 29 through 31 and inserting:

“Sec. 88. *“Exclusion for a preexisting condition” means:“.*

Amend the bill as a whole by adding a new section designated sec. 88.5, following sec. 88, to read as follows:

“Sec. 88.5. *An insurer may, subject to regulation by the Commissioner, offer a policy of health insurance that has a high deductible and is in compliance with 26 U.S.C. § 223 for the purposes of establishing a health savings account.”.*

Amend the bill as a whole by adding a new section designated sec. 89.5, following sec. 89, to read as follows:

“Sec. 89.5. Chapter 689B of NRS is hereby amended by adding thereto the provisions set forth as sections 90 and 90.3 of this act.”.

Amend sec. 90, page 47, by deleting lines 7 through 9 and inserting:

“Sec. 90. *Coverage provided under a conversion health benefit plan must”.*

Amend the bill as a whole by adding new sections designated sections 90.3 and 90.7, following sec. 90, to read as follows:

“Sec. 90.3. *An insurer may, subject to regulation by the Commissioner, offer a policy of health insurance that has a high deductible and is in compliance with 26 U.S.C. § 223 for the purposes of establishing a health savings account.*

Sec. 90.7. Chapter 689C of NRS is hereby amended by adding thereto a new section to read as follows:

*A carrier may, subject to regulation by the Commissioner, offer a policy of health insurance that has a high deductible and is in compliance with 26 U.S.C. § 223 for the purposes of establishing a health savings account.”.*

Amend the bill as a whole by adding new sections designated sections 159.3 and 159.7, following sec. 159, to read as follows:

“Sec. 159.3. Chapter 695A of NRS is hereby amended by adding thereto a new section to read as follows:

*A society may, subject to regulation by the Commissioner, offer a policy of health insurance that has a high deductible and is in compliance with 26 U.S.C. § 223 for the purposes of establishing a health savings account.*

Sec. 159.7. Chapter 695B of NRS is hereby amended by adding thereto a new section to read as follows:

*A corporation may, subject to regulation by the Commissioner, offer a policy of health insurance that has a high deductible and is in compliance*

*with 26 U.S.C. § 223 for the purposes of establishing a health savings account.”.*

Amend the bill as a whole by adding a new section designated sec. 160.5, following sec. 160, to read as follows:

“Sec. 160.5. Chapter 695C of NRS is hereby amended by adding thereto a new section to read as follows:

*A health maintenance organization may, subject to regulation by the Commissioner, offer a policy of health insurance that has a high deductible and is in compliance with 26 U.S.C. § 223 for the purposes of establishing a health savings account.”.*

Amend the bill as a whole by adding a new section designated sec. 161.5, following sec. 161, to read as follows:

“Sec. 161.5. Chapter 695G of NRS is hereby amended by adding thereto a new section to read as follows:

*A managed care organization may, subject to regulation by the Commissioner, offer a policy of health insurance that has a high deductible and is in compliance with 26 U.S.C. § 223 for the purposes of establishing a health savings account.”.*

Amend sec. 165, page 77, by deleting line 37 and inserting:

“75.3, 75.5, 76, 84 to 87.5, inclusive, 88.5, 89.5, 90.3, 90.7, 123.5, 159.3, 159.7, 160, 160.5, 161.5, 162 and 164 of this”.

Amend the title of the bill, fourth line, after “insurance;” by inserting: “allowing certain health insurers to offer, subject to regulation by the Commissioner of Insurance, policies of health insurance that have high deductibles and are in compliance with certain federal requirements for establishing health savings accounts;”.

Assemblyman Arberry moved that the Assembly concur in the Senate Amendment No. 1147 to Assembly Bill No. 338.

Remarks by Assemblyman Arberry.

Motion carried by a two-thirds majority.

Bill ordered to enrollment.

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

Assembly in recess at 9:48 p.m.

#### ASSEMBLY IN SESSION

At 11:14 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. 548, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was re-referred Senate Bill No. 28, 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 6, 2005

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 127, 176, 289; Senate Bill No. 526.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 175, Amendment No. 1225, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 500, Amendment No. 1231; Assembly Bill No. 554, Amendment No. 1216, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in Assembly Amendments Nos. 1006 and 1204 to Senate Bill No. 341 and did not concur in Assembly Amendment No. 1214 to Senate Bill No. 341 .

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 189, Senate Amendment No. 1186, and requests a conference, and appointed Senators Hardy, Townsend, and Less as a first Conference Committee to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 560, Senate Amendment No. 1174, and requests a conference, and appointed Senators Raggio, Beers and Titus as a first Conference Committee to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Assembly Bills Nos. 39, 180; Senate Bills Nos. 98, 163, 174, 224, 426, 460.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day adopted, as amended, Senate Concurrent Resolution No. 8.

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 Bill No. 290.

MARY JO MONGELLI

*Assistant Secretary of the Senate*

## MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Ocegüera moved that Senate Bill No. 314 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

## INTRODUCTION, FIRST READING, AND REFERENCE

Senate Bill No. 526.

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

Motion carried.

## GENERAL FILE AND THIRD READING

Senate Bill No. 314.

Bill read third time.

Roll call on Senate Bill No. 314:

YEAS—41.

NAYS—None.

EXCUSED—Gansert.

Senate Bill No. 314 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

## MOTIONS, RESOLUTIONS, AND NOTICES

Assemblywoman Buckley moved that Senate Bill No. 28 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

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

Assembly in recess at 11:22 p.m.

## ASSEMBLY IN SESSION

At 11:31 p.m.

Mr. Speaker presiding.

Quorum present.

## REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Ways and Means, to which was referred Senate Bill No. 526, 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. 274, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chairman*

## GENERAL FILE AND THIRD READING

Assembly Bill No. 548.

Bill read third time.

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

Amendment No. 1246.

Amend section 1, page 1, by deleting lines 1 through 13 and inserting:

“Section 1. 1. There is hereby appropriated from the State General Fund to the Nevada Commission on Sports the sum of \$100,000 to fund the operational expenses of the Nevada Commission on Sports.

2. Upon acceptance of the money appropriated by subsection 1, the Nevada Commission on Sports shall:

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

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

3. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2007, and must be reverted to the State General Fund on or before September 21, 2007.”

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

“Sec. 2. 1. There is hereby appropriated from the State General Fund to Big Brothers Big Sisters of Northern Nevada, Inc., the sum of \$25,000 to be used toward the payment of the cost of a facility for use by the organization.

2. Upon acceptance of the money appropriated by subsection 1, the Big Brothers Big Sisters of Northern Nevada, Inc., shall:

(a) Prepare and transmit a report to the Interim Finance Committee on or before December 15, 2006, that describes each expenditure made from the money appropriated by subsection 1 from the date on which the money was received by the Big Brothers Big Sisters of Northern Nevada, Inc., through December 1, 2006; and

(b) Upon request of the Legislative Commission, make available to the Legislative Auditor any of the books, accounts, claims, reports, vouchers or other records of information, confidential or otherwise, of the Big Brothers Big Sisters of Northern Nevada, Inc., regardless of their form or location, that the Legislative Auditor deems necessary to conduct an audit of the use of the money appropriated pursuant to subsection 1.

3. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2007, and must be reverted to the State General Fund on or before September 21, 2007.”

Amend sec. 2, page 1, by deleting line 14 and inserting:

“Sec. 3. This act becomes effective on July 1, 2005.”

Amend the title of the bill to read as follows:

“AN ACT making appropriations to the Nevada Commission on Sports to fund operational expenses and to Big Brothers Big Sisters of Northern Nevada, Inc., for costs relating to the purchase of a facility; and providing other matters properly relating thereto.”

Amend the summary of the bill to read as follows:



“SUMMARY—Makes appropriations to Nevada Commission on Sports to fund operational expenses and to Big Brothers Big Sisters of Northern Nevada, Inc., for costs relating to purchase of facility. (BDR S-1412)”.

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

#### MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Ocegueda moved that all rules be suspended and the reprinting of Assembly Bill No. 548 be dispensed with, the Chief Clerk be authorized to insert Amendment No. 1246, and the bill be placed on third reading and final passage

Motion carried unanimously.

#### GENERAL FILE AND THIRD READING

Senate Bill No. 274.

Bill read third time.

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

Amendment No. 1247.

Amend the bill as a whole by deleting sections 5 and 6, renumbering sec. 7 as sec. 10 and adding new sections designated sections 5 through 9, following sec. 4, to read as follows:

“Sec. 5. NRS 244.286 is hereby amended to read as follows:

244.286 1. The board of county commissioners of any county may enter into an agreement with a person whereby the person agrees to construct or remodel a building or facility according to specifications adopted by the board of county commissioners and thereupon enter into a lease or a lease-purchase agreement with the board of county commissioners for that building or facility.

2. The board of county commissioners may convey property to a person where the purpose of the conveyance is the entering into of an agreement contemplated by subsection 1.

3. The provisions of NRS ~~338.010~~ 338.013 to 338.090, inclusive, apply to any agreement for the construction or remodeling of a building or facility entered into pursuant to subsection 1.

Sec. 6. NRS 244A.763 is hereby amended to read as follows:

244A.763 1. NRS 244A.669 to 244A.763, inclusive, without reference to other statutes of this State, constitute full authority for the exercise of powers granted in those sections, including, but not limited to, the authorization and issuance of bonds.

2. No other act or law with regard to the authorization or issuance of bonds that provides for an election, requires an approval, or in any way impedes or restricts the carrying out of the acts authorized in NRS 244A.669

to 244A.763, inclusive, to be done, applies to any proceedings taken or acts done pursuant to those sections, except for laws to which reference is expressly made in those sections or by necessary implication of those sections.

3. The provisions of no other law, either general or local, except as provided in NRS 244A.669 to 244A.763, inclusive, apply to the doing of the things authorized in those sections to be done, and no board, agency, bureau, commission or official not designated in those sections has any authority or jurisdiction over the doing of any of the acts authorized in those sections to be done, except:

(a) As otherwise provided in those sections.

(b) That a project for the generation and transmission of electricity is subject to review and approval by the state regulatory agencies which have jurisdiction of the matters involved, including, without limitation, the Public Utilities Commission of Nevada, the State Environmental Commission and the State Department of Conservation and Natural Resources.

4. No notice, consent or approval by any public body or officer thereof may be required as a prerequisite to the sale or issuance of any bonds, the making of any contract or lease, or the exercise of any other power under NRS 244A.669 to 244A.763, inclusive, except as provided in those sections.

5. A project is not subject to any requirements relating to public buildings, structures, ground works or improvements imposed by the statutes of this State or any other similar requirements which may be lawfully waived by this section, and any requirement of competitive bidding or other restriction imposed on the procedure for award of contracts for such purpose or the lease, sale or other disposition of property of the counties is not applicable to any action taken pursuant to NRS 244A.669 to 244A.763, inclusive, except that the provisions of NRS ~~338.010~~ 338.013 to 338.090, inclusive, apply to any contract for new construction, repair or reconstruction for which tentative approval for financing is granted on or after January 1, 1992, by the county for work to be done in a project.

6. Any bank or trust company located within or without this State may be appointed and act as a trustee with respect to bonds issued and projects financed pursuant to NRS 244A.669 to 244A.763, inclusive, without the necessity of associating with any other person or entity as cofiduciary except that such association is not prohibited.

7. The powers conferred by NRS 244A.669 to 244A.763, inclusive, are in addition and supplemental to, and not in substitution for, and the limitations imposed by those sections do not affect the powers conferred by any other law.

8. No part of NRS 244A.669 to 244A.763, inclusive, repeals or affects any other law or part thereof, except to the extent that those sections are inconsistent with any other law, it being intended that those sections provide a separate method of accomplishing its objectives, and not an exclusive one.

Sec. 7. NRS 268.568 is hereby amended to read as follows:

268.568 1. NRS 268.512 to 268.568, inclusive, without reference to other statutes of the State, constitute full authority for the exercise of powers granted in those sections, including, but not limited to, the authorization and issuance of bonds.

2. No other act or law with regard to the authorization or issuance of bonds that provides for an election, requires an approval, or in any way impedes or restricts the carrying out of the acts authorized in NRS 268.512 to 268.568, inclusive, to be done, including, without limitation, the charter of any city, applies to any proceedings taken or acts done pursuant to those sections, except for laws to which reference is expressly made in those sections.

3. The provisions of no other law, either general or local, except as provided in NRS 268.512 to 268.568, inclusive, apply to the doing of the things authorized in NRS 268.512 to 268.568, inclusive, to be done, and no board, agency, bureau, commission or official not designated in those sections has any authority or jurisdiction over the doing of any of the acts authorized in those sections to be done, except as otherwise provided in those sections.

4. No notice, consent or approval by any public body or officer thereof may be required as a prerequisite to the sale or issuance of any bonds, the making of any contract or lease, or the exercise of any other power under NRS 268.512 to 268.568, inclusive, except as provided in those sections.

5. A project is not subject to any requirements relating to public buildings, structures, ground works or improvements imposed by the statutes of this state or any other similar requirements which may be lawfully waived by this section, and any requirement of competitive bidding or other restriction imposed on the procedure for award of contracts for such purpose or the lease, sale or other disposition of property of the cities is not applicable to any action taken pursuant to NRS 268.512 to 268.568, inclusive, except that the provisions of NRS ~~338.010~~ 338.013 to 338.090, inclusive, apply to any contract for new construction, repair or reconstruction for which tentative approval for financing is granted on or after January 1, 1992, by the city for work to be done in a project.

6. Notwithstanding the provisions of NRS 662.245 or any other specific statute to the contrary, any bank or trust company located within or without this state may be appointed and act as a trustee with respect to bonds issued and projects financed pursuant to NRS 268.512 to 268.568, inclusive, without meeting the qualifications set forth in NRS 662.245.

7. The powers conferred by NRS 268.512 to 268.568, inclusive, are in addition and supplemental to, and not in substitution for, and the limitations imposed by those sections do not affect the powers conferred by, any other law.

8. No part of NRS 268.512 to 268.568, inclusive, repeals or affects any other law or part thereof, except to the extent that those sections are

inconsistent with any other law, it being intended that those sections provide a separate method of accomplishing its objectives, and not an exclusive one.

Sec. 8. NRS 271.710 is hereby amended to read as follows:

271.710 1. A governing body may adopt an ordinance pursuant to NRS 271.325 creating a district and ordering a project to be acquired or improved and may contract with a person to construct or improve a project, issue bonds or otherwise finance the cost of the project and levy assessments, without complying with the provisions of NRS 271.305 to 271.320, inclusive, 271.330 to 271.345, inclusive, 271.380 and 271.385 and except as otherwise provided in this section, the provisions of any law requiring public bidding or otherwise imposing requirements on any public contract, project, works or improvements, including, without limitation, chapters 332, 338 and 339 of NRS, if the governing body has entered into a written agreement with the owners of all of the assessable property within the district which states that:

(a) The governing body agrees to enter into a contract for the acquisition, construction or improvement of the project or projects in the district which includes:

(1) A provision stating that the requirements of NRS ~~338.010~~ 338.013 to 338.090, inclusive, apply to any construction work to be performed under the contract; and

(2) The price, stated as a lump sum or as unit prices, which the governing body agrees to pay for the project if the project meets all requirements and specifications in the contract.

(b) The owners of the assessable property agree that if the rate of interest on any assessment levied for the district is determined from time to time as provided in NRS 271.487, the owners will provide written notice to the governing body in a timely manner when a parcel of the assessable property in the district is sold to a person who intends to occupy a dwelling unit on the parcel as his residence.

(c) The owners of the assessable property agree that the governing body may create the district, levy the assessments and for all other purposes relating to the district proceed pursuant to the provisions of this section.

2. If an ordinance is adopted and the agreement entered into pursuant to subsection 1 so states:

(a) The governing body may amend the ordinance creating the district, change the assessment roll and redistribute the assessments required by NRS 271.390 in the same manner in which these actions were originally taken to add additional property to the district. The assessments may be redistributed between the assessable property originally in the district and the additional assessable property if:

(1) The owners of additional assessable property also consent in writing to inclusion of their property in the district and to the amount of the assessment against their property; and

(2) The redistribution of the assessments is not prohibited by any covenants made for the benefit of the owners of any bonds or interim warrants issued for the district.

(b) The governing body may amend the ordinance creating the district, change the assessment roll and redistribute the assessments required by NRS 271.390 in the same manner in which these actions were originally taken to remove assessable property from the district. The assessments may be redistributed among the assessable property remaining in the district if:

(1) The owners of the remaining assessable property consent in writing to the amount of the revised assessment on their property; and

(2) The redistribution of the assessments is not prohibited by any covenants made for the benefit of the owners of any bonds or interim warrants issued for the district.

(c) The governing body may adopt any ordinance pertaining to the district including the ordinance creating the district required by NRS 271.325, the ordinance authorizing interim warrants required by NRS 271.355, the ordinance levying assessments required by NRS 271.390, the ordinance authorizing bonds required by NRS 271.475 or any ordinance amending those ordinances after a single reading and without holding a hearing thereon, as if an emergency exists, upon an affirmative vote of not less than two-thirds of all voting members of the governing body, excluding from any computation any vacancy on the governing body and any members thereon who may vote to break a tie vote, and provide that the ordinances become effective at the time an emergency ordinance would have become effective. The provisions of NRS 271.308 do not apply to any such ordinance.

(d) The governing body may provide for a reserve fund, letter of credit, surety bond or other collateral for payment of any interim warrants or bonds issued for the district and include all or any portion of the costs thereof in the amounts assessed against the property in the district and in the amount of bonds issued for the district. The governing body may provide for the disposition of interest earned on the reserve fund and other bond proceeds, for the disposition of unexpended bond proceeds after completion of the project and for the disposition of the unexpended balance in the reserve fund after payment in full of the bonds for the district.

Sec. 9. NRS 271.800 is hereby amended to read as follows:

271.800 1. A governing body may, pursuant to NRS 271.275 or 271.710, establish a district to finance an underground conversion project. Before the governing body may adopt an ordinance pursuant to NRS 271.325 to establish such a district, each service provider that owns the overhead service facilities to be converted to underground facilities must submit its written approval of the project to the governing body. The governing body shall not establish a district to finance an underground conversion project without receiving the written approval of each such service provider pursuant to this subsection.

2. Before initiating the establishment of a district pursuant to this section, the governing body must request in writing and receive from each service provider that owns the overhead service facilities to be converted in the proposed improvement district a written estimate of the cost to convert those facilities to underground facilities. The service provider shall provide its estimate of the cost of the conversion to the governing body not later than 120 days after the service provider receives the request from the governing body.

3. If a district already exists for the location for which the underground conversion project is proposed, the governing body may, pursuant to NRS 271.295, combine the underground conversion project with other projects in that district.

4. An underground conversion project must be constructed by one or more of the service providers that own the overhead service facilities to be converted, pursuant to a written agreement between the governing body and each service provider that will engage in the construction. Such a project must be constructed in accordance with the standard underground practices and procedures approved by the Public Utilities Commission of Nevada.

5. The provisions of any law requiring public bidding or otherwise imposing requirements on any public contract, project, works or improvements, including, without limitation, the provisions of chapters 332, 338 and 339 of NRS, do not apply to a contract entered into by a municipality and a service provider pursuant to this section, except that the contract must include a provision stating that the requirements of NRS ~~{338.010}~~ 338.013 to 338.090, inclusive, apply to any construction work to be performed under the contract.

6. Construction on an underground conversion project approved pursuant to this chapter may not commence until:

- (a) An ordinance creating a district is adopted pursuant to NRS 271.325;
- (b) The time for filing an appeal pursuant to NRS 271.315 has expired, or if such an appeal has been timely filed, a final, nonappealable judgment upholding the validity of the ordinance has been rendered;
- (c) Arrangements for the financing of the construction have been completed through the issuance of bonds or interim warrants; and
- (d) The service provider has obtained all applicable permits, easements and licenses necessary to convert the facilities.”.

Amend the bill as a whole by deleting sections 8 through 11, renumbering sections 12 through 14 as sections 16 through 18 and adding new sections designated sections 11 through 15, following sec. 7, to read as follows:

“Sec. 11. NRS 279.500 is hereby amended to read as follows:

279.500 1. The provisions of NRS ~~{338.010}~~ 338.013 to 338.090, inclusive, apply to any contract for new construction, repair or reconstruction which is awarded on or after October 1, 1991, by an agency for work to be done in a project.

2. If an agency provides property for development at less than the fair market value of the property, or provides financial incentives to the developer with a value of more than \$100,000, the agency must provide in the agreement with the developer that the development project is subject to the provisions of NRS ~~338.010~~ 338.013 to 338.090, inclusive, to the same extent as if the agency had awarded the contract for the project. This subsection applies only to the project covered by the agreement between the agency and the developer. This subsection does not apply to future development of the property unless additional financial incentives with a value of more than \$100,000 are provided to the developer.

Sec. 12. NRS 349.670 is hereby amended to read as follows:

349.670 1. NRS 349.400 to 349.670, inclusive, without reference to other statutes of the State, constitute full authority for the exercise of powers granted in those sections, including but not limited to the authorization and issuance of bonds.

2. No other act or law with regard to the authorization or issuance of bonds that provides for an election, requires an approval, or in any way impedes or restricts the carrying out of the acts authorized in NRS 349.400 to 349.670, inclusive, to be done, applies to any proceedings taken or acts done pursuant to those sections, except for laws to which reference is expressly made in those sections or by necessary implication of those sections.

3. The provisions of no other law, either general or local, except as provided in NRS 349.400 to 349.670, inclusive, apply to the doing of the things authorized in those sections to be done, and no board, agency, bureau, commission or official not designated in those sections has any authority or jurisdiction over the doing of any of the acts authorized in those sections to be done, except as otherwise provided in those sections.

4. A project is not subject to any requirements relating to public buildings, structures, ground works or improvements imposed by the statutes of this state or any other similar requirements which may be lawfully waived by this section, and any requirement of competitive bidding or other restriction imposed on the procedure for award of contracts for such purpose or the lease, sale or other disposition of property is not applicable to any action taken pursuant to NRS 349.400 to 349.670, inclusive, except that the provisions of NRS ~~338.010~~ 338.013 to 338.090, inclusive, apply to any contract for new construction, repair or reconstruction for which tentative approval for financing is granted on or after January 1, 1992, by the Director for work to be done in a project.

5. Any bank or trust company located within or without this state may be appointed and act as a trustee with respect to bonds issued and projects financed pursuant to NRS 349.400 to 349.670, inclusive, without the necessity of associating with any other person or entity as cofiduciary, but such an association is not prohibited.

6. The powers conferred by NRS 349.400 to 349.670, inclusive, are in addition and supplemental to, and not in substitution for, and the limitations

imposed by those sections do not affect the powers conferred by any other law.

7. No part of NRS 349.400 to 349.670, inclusive, repeals or affects any other law or part thereof, except to the extent that those sections are inconsistent with any other law, it being intended that those sections provide a separate method of accomplishing its objectives, and not an exclusive one.

8. The Director or a person designated by him may take any actions and execute and deliver any instruments, contracts, certificates and other documents, including the bonds, necessary or appropriate for the sale and issuance of the bonds or accomplishing the purposes of NRS 349.400 to 349.670, inclusive, without the assistance or intervention of any other officer.

Sec. 13. NRS 349.956 is hereby amended to read as follows:

349.956 A water project is not subject to any requirements relating to public buildings, structures, ground works or improvements imposed by the statutes of this state or any other similar requirements which may be lawfully waived by this section, and any requirement of competitive bidding or other restriction imposed on the procedure for award of contracts for such purpose or the lease, sale or other disposition of property is not applicable to any action taken pursuant to NRS 349.935 to 349.961, inclusive, except that the provisions of NRS ~~{338.010}~~ 338.013 to 338.090, inclusive, apply to any contract for new construction, repair or reconstruction for which tentative approval for financing is granted on or after January 1, 1992, by the Director or a municipality for work to be done in a water project.

Sec. 14. NRS 393.110 is hereby amended to read as follows:

393.110 1. Each school district shall, in the design, construction and alteration of school buildings and facilities comply with the applicable requirements of the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq., and the regulations adopted pursuant thereto, including, without limitation, the Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities set forth in Appendix A of Part 36 of Title 28 of the Code of Federal Regulations. The requirements of this subsection are not satisfied if a school district complies solely with the Uniform Federal Accessibility Standards set forth in Appendix A of Part 101-19.6 of Title 41 of the Code of Federal Regulations.

2. Except as otherwise provided in subsection ~~{3}~~:

~~(a) Unless standard plans, designs and specifications are to be used as provided in NRS 385.125, before letting any contract or contracts for the erection of any new school building, the board of trustees of a school district shall submit plans, designs and specifications therefor to, and obtain the written approval of the plans, designs and specifications by, the State Public Works Board. The State Public Works Board shall review the plans, designs and specifications and make any recommendations as expeditiously as practicable. The State Public Works Board is authorized to charge and collect, and the board of trustees is authorized to pay, a reasonable fee for the payment of any costs incurred by the State Public Works Board in securing~~



~~the approval of qualified architects or engineers of the plans, designs and specifications submitted by the board of trustees in compliance with the provisions of this paragraph.~~

~~(b) Before letting any contract or contracts for any addition to or alteration of an existing school building which involves structural systems, or exiting, sanitary or fire protection facilities, the board of trustees of a school district shall submit plans, designs and specifications therefor to, and obtain the written approval of the plans, designs and specifications by, the State Public Works Board. The State Public Works Board shall review the plans, designs and specifications and make any recommendations as expeditiously as practicable. The State Public Works Board is authorized to charge and collect, and the board of trustees is authorized to pay, a reasonable fee for the payment of any costs incurred by the State Public Works Board in securing the approval of qualified architects or engineers of the plans, designs and specifications submitted by the board of trustees in compliance with the provisions of this paragraph.~~

~~The State Public Works Board]~~ 4, the board of trustees of a school district located in a county whose population is 30,000 or more but less than 400,000 shall, before letting any contract or contracts for the erection of any new school building or for any addition to or alteration of an existing school building, submit plans, designs and specifications to, and obtain written approval of the plans, designs and specifications from, the building department of the county or other local building department, as applicable, and all other local agencies or departments whose approval is necessary for the issuance of a permit. A permit for construction must be issued before the school district commences construction. The building department shall conduct inspections of all work to determine compliance with the approved plans, designs and specifications. The building department may charge and collect a reasonable fee from the board of trustees of the school district for the payment of any costs incurred by the building department in reviewing the plans, designs and specifications and for conducting the inspections required by this subsection. If there is no county building department or other local building department in the county in which the school district is located, the board of trustees of the school district shall contract with a private entity or the building department of another local government to obtain the required reviews of the plans, designs and specifications and to have the required inspections conducted.

3. Except as otherwise provided in subsection 4, the board of trustees of a school district located in a county whose population is 400,000 or more or in a county whose population is less than 30,000 shall, before letting any contract or contracts for the erection of any new school building or for any addition to or alteration of an existing school building, submit plans, designs and specifications to, and obtain written approval of the plans, designs and specifications from, the State Public Works Board and all other local agencies or departments whose approval is necessary for the issuance of a

permit. A permit for construction must be issued before the school district commences construction. The State Public Works Board shall conduct inspections of all work to determine compliance with the approved plans, designs and specifications. The State Public Works Board may charge and collect a reasonable fee from the board of trustees of the school district for the payment of any costs incurred by the Board in reviewing the plans, designs and specifications and for conducting the inspections required by this subsection. The State Public Works Board may, if it determines that the building department of the county or other local building department has the necessary expertise, enter into an agreement with the appropriate building department to review plans, designs and specifications and conduct inspections of all the work of a school district pursuant to this subsection.

4. If the building department of the county or other local building department does not have the staffing to meet the inspection needs of the school district pursuant to subsection 2 or 3, the building department may enter into an agreement with the board of trustees of the school district authorizing the board of trustees to review the plans, designs and specifications and conduct inspections of the work of the school district pursuant to subsections 2 and 3, except that the building department is responsible for overseeing the review of the plans, designs and specifications and inspections of the work of the school district and shall verify that qualified personnel conduct the inspection.

5. In conducting reviews pursuant to subsections 2 and 3, the State Public Works Board, building department or private entity, whichever is applicable, shall verify that all plans, designs and specifications that ~~the reviews~~ are reviewed pursuant to this section comply with ~~all~~ :

(a) The applicable requirements of the relevant codes adopted by this State;

(b) The applicable requirements of the relevant codes adopted by the local authority having jurisdiction; and

(c) All applicable requirements of the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq., and the regulations adopted pursuant thereto, including, without limitation, the Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities set forth in Appendix A of Part 36 of Title 28 of the Code of Federal Regulations.

The requirements of this subsection are not satisfied if the plans, designs and specifications comply solely with the Uniform Federal Accessibility Standards set forth in Appendix A of Part 101-19.6 of Title 41 of the Code of Federal Regulations.

~~{3.—The State Public Works Board may enter into an agreement with the appropriate building department of a county or city to review plans, designs and specifications of a school district pursuant to subsection 2. If the State Public Works Board enters into such an agreement, the board of trustees of the school district shall submit a copy of its plans, designs and specifications for any project to which subsection 2 applies to the building department~~

~~before commencement of the project for the approval of the building department. The building department shall review the plans, designs and specifications and provide responsive comment as expeditiously as practicable to verify that the plans, designs and specifications comply with all applicable requirements of the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq., inclusive, and the regulations adopted pursuant thereto, including, without limitation, the Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities set forth in Appendix A of Part 36 of Title 28 of the Code of Federal Regulations. The building department may charge and collect a reasonable fee from the board of trustees of the school district for the payment of any costs incurred by the building department in reviewing the plans, designs and specifications. A permit for construction must not be issued without the approval of the building department pursuant to this subsection.~~

~~The requirements of this subsection are not satisfied if the plans, designs and specifications comply solely with the Uniform Federal Accessibility Standards set forth in Appendix A of Part 101 19.6 of Title 41 of the Code of Federal Regulations.~~

~~4.} 6. No contract for any of the purposes specified in subsection 1 made by a board of trustees of a school district contrary to the provisions of this section is valid, nor shall any public money be paid for erecting, adding to or altering any school building in contravention of this section.~~

Sec. 15. NRS 543.545 is hereby amended to read as follows:

543.545 Except as otherwise provided in subsection 3, the provisions of any law requiring public bidding or otherwise imposing requirements on any public contract, project, works or improvements, including, without limitation, the provisions of chapters 332, 338 and 339 of NRS, do not apply to any contract entered into by a flood control district for the construction of a flood control facility pursuant to the master plan, if a majority of the construction costs are paid by a private developer and the written agreement:

1. Complies with the requirements of subsection 1 of NRS 543.360;
2. Clearly sets forth the computation of the construction costs, and includes the terms and conditions of the contract; and
3. Contains a provision stating that the requirements of NRS ~~{338.010}~~ 338.013 to 338.090, inclusive, apply to any construction work performed pursuant to the contract.”.

Amend the title of the bill to read as follows:

“AN ACT relating to governmental administration; restricting the authority of the State Fire Marshal in consolidated municipalities and larger counties; revising certain provisions concerning the applicability of the prevailing wage requirements; revising the provisions relating to the process of approving plans, designs and specifications for the construction and alteration of school buildings; requiring the Legislative Commission to appoint a committee to conduct an interim study of the operations of the

State Fire Marshal Division of the Department of Public Safety; making an appropriation; and providing other matters properly relating thereto.”.

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

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

#### MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Ocegüera moved that all rules be suspended and the reprinting of Senate Bill No. 274 be dispensed with, the Chief Clerk be authorized to insert Amendment No. 1247, and the bill be placed on third reading and final passage

Motion carried unanimously.

#### GENERAL FILE AND THIRD READING

Assembly Bill No. 548.

Bill read third time.

Roll call on Assembly Bill No. 548:

YEAS—41.

NAYS—None.

EXCUSED—Gansert.

Assembly Bill No. 548 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 274.

Bill read third time.

Roll call on Senate Bill No. 274:

YEAS—41.

NAYS—None.

EXCUSED—Gansert.

Senate Bill No. 274 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

#### MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 6, 2005

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 575, 576, 577; Senate Bill No. 527.

MARY JO MONGELLI

*Assistant Secretary of the Senate*

#### UNFINISHED BUSINESS

#### CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 175.

The following Senate amendment was read:

Amendment No. 1225.

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

“Sec. 8. The appropriations made by the provisions of this act are not intended to finance ongoing expenditures of state agencies and the expenditures financed with those appropriations must not be included as base-budget expenditures in the proposed budget for the Executive Branch of State Government for the 2007–2009 biennium.”.

Amend sec. 8, page 4, line 20, by deleting “section 2” and inserting: “sections 2 and 8”.

Assemblywoman Leslie moved that the Assembly concur in the Senate amendment to Assembly Bill No. 175.

Remarks by Assemblywoman Leslie.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

#### REPORTS OF CONFERENCE COMMITTEES

*Mr. Speaker:*

The first Conference Committee concerning Assembly Bill No. 555, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendment No. 685 of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA28, which is attached to and hereby made a part of this report.

CHRIS GIUNCHIGLIANI  
SUSAN GERHARDT  
GARN MABEY

*Assembly Conference Committee*

JOE HECK  
SANDRA J. TIFFANY  
MAGGIE CARLTON

*Senate Conference Committee*

Conference Amendment No. CA28.

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

“Section 1. Chapter 630 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The Board shall require each holder of a license to practice medicine to submit annually to the Board, on a form provided by the Board, and in the format required by the Board by regulation, a report:*

*(a) Stating the number and type of surgeries requiring conscious sedation, deep sedation or general anesthesia performed by the holder of the license at his office or any other facility, excluding any surgical care performed:*

*(1) At a medical facility as that term is defined in NRS 449.0151; or*

*(2) Outside of this State; and*

*(b) Reporting the occurrence of any sentinel event arising from any such surgery.*

2. *Failure to submit a report or knowingly filing false information in a report constitutes grounds for initiating disciplinary action.*

3. *The Board shall:*

*(a) Collect and maintain reports received pursuant to subsection 1; and*

*(b) Ensure that the reports, and any additional documents created from the reports, are protected adequately from fire, theft, loss, destruction and other hazards, and from unauthorized access.*

*4. A report received pursuant to subsection 1 is confidential, not subject to subpoena or discovery, and not subject to inspection by the general public.*

*5. The provisions of this section do not apply to surgical care requiring only the administration of oral medication to a patient to relieve the patient's anxiety or pain, if the medication is not given in a dosage that is sufficient to induce in a patient a controlled state of depressed consciousness or unconsciousness similar to general anesthesia, deep sedation or conscious sedation.*

*6. As used in this section:*

*(a) "Conscious sedation" means a minimally depressed level of consciousness, produced by a pharmacologic or nonpharmacologic method, or a combination thereof, in which the patient retains the ability independently and continuously to maintain an airway and to respond appropriately to physical stimulation and verbal commands.*

*(b) "Deep sedation" means a controlled state of depressed consciousness, produced by a pharmacologic or nonpharmacologic method, or a combination thereof, and accompanied by a partial loss of protective reflexes and the inability to respond purposefully to verbal commands.*

*(c) "General anesthesia" means a controlled state of unconsciousness, produced by a pharmacologic or nonpharmacologic method, or a combination thereof, and accompanied by partial or complete loss of protective reflexes and the inability independently to maintain an airway and respond purposefully to physical stimulation or verbal commands.*

*(d) "Sentinel event" means an unexpected occurrence involving death or serious physical or psychological injury or the risk thereof, including, without limitation, any process variation for which a recurrence would carry a significant chance of serious adverse outcome. The term includes loss of limb or function."*

Amend the bill as a whole by renumbering sections 3 through 6 as sections 5 through 8 and adding a new section designated sec. 4, following sec. 2, to read as follows:

"Sec. 4. NRS 630.130 is hereby amended to read as follows:

630.130 1. In addition to the other powers and duties provided in this chapter, the Board shall, in the interest of the public, judiciously:

- (a) Enforce the provisions of this chapter;
- (b) Establish by regulation standards for licensure under this chapter;
- (c) Conduct examinations for licensure and establish a system of scoring for those examinations;
- (d) Investigate the character of each applicant for a license and issue licenses to those applicants who meet the qualifications set by this chapter and the Board; and

(e) Institute a proceeding in any court to enforce its orders or the provisions of this chapter.

2. On or before February 15 of each odd-numbered year, the Board shall submit to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature a written report compiling:

(a) Disciplinary action taken by the Board during the previous biennium against physicians for malpractice or negligence; and

(b) Information reported to the Board during the previous biennium pursuant to NRS 630.3067, 630.3068, subsections 2 and 3 of NRS 630.307 and NRS 690B.250 and 690B.260 ~~and~~ *and section 1 of this act.*

The report must include only aggregate information for statistical purposes and exclude any identifying information related to a particular person.

3. The Board may adopt such regulations as are necessary or desirable to enable it to carry out the provisions of this chapter.”.

Amend the bill as a whole by renumbering sec. 7 as sec. 11 and adding new sections designated sections 9 and 10, following sec. 6, to read as follows:

“Sec. 9. Chapter 633 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The Board shall require each holder of a license issued pursuant to this chapter to submit annually to the Board, on a form provided by the Board, and in the format required by the Board by regulation, a report:*

(a) *Stating the number and type of surgeries requiring conscious sedation, deep sedation or general anesthesia performed by the holder of the license at his office or any other facility, excluding any surgical care performed:*

(1) *At a medical facility as that term is defined in NRS 449.0151; or*

(2) *Outside of this State; and*

(b) *Reporting the occurrence of any sentinel event arising from any such surgery.*

2. *Failure to submit a report or knowingly filing false information in a report constitutes grounds for initiating disciplinary action.*

3. *The Board shall:*

(a) *Collect and maintain reports received pursuant to subsection 1; and*

(b) *Ensure that the reports, and any additional documents created from the reports, are protected adequately from fire, theft, loss, destruction and other hazards, and from unauthorized access.*

4. *A report received pursuant to subsection 1 is confidential, not subject to subpoena or discovery, and not subject to inspection by the general public.*

5. *The provisions of this section do not apply to surgical care requiring only the administration of oral medication to a patient to relieve the patient's anxiety or pain, if the medication is not given in a dosage that is sufficient to induce in a patient a controlled state of depressed consciousness or unconsciousness similar to general anesthesia, deep sedation or conscious sedation.*

6. *As used in this section:*

(a) *“Conscious sedation” means a minimally depressed level of consciousness, produced by a pharmacologic or nonpharmacologic method, or a combination thereof, in which the patient retains the ability independently and continuously to maintain an airway and to respond appropriately to physical stimulation and verbal commands.*

(b) *“Deep sedation” means a controlled state of depressed consciousness, produced by a pharmacologic or nonpharmacologic method, or a combination thereof, and accompanied by a partial loss of protective reflexes and the inability to respond purposefully to verbal commands.*

(c) *“General anesthesia” means a controlled state of unconsciousness, produced by a pharmacologic or nonpharmacologic method, or a combination thereof, and accompanied by partial or complete loss of protective reflexes and the inability independently to maintain an airway and respond purposefully to physical stimulation or verbal commands.*

(d) *“Sentinel event” means an unexpected occurrence involving death or serious physical or psychological injury or the risk thereof, including, without limitation, any process variation for which a recurrence would carry a significant chance of serious adverse outcome. The term includes loss of limb or function.*

Sec. 10. NRS 633.286 is hereby amended to read as follows:

633.286 1. On or before February 15 of each odd-numbered year, the Board shall submit to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature a written report compiling:

(a) Disciplinary action taken by the Board during the previous biennium against osteopathic physicians for malpractice or negligence; and

(b) Information reported to the Board during the previous biennium pursuant to NRS 633.526, 633.527, subsections 2 and 3 of NRS 633.533 and NRS 690B.250 and 690B.260 ~~and~~ *section 9 of this act.*

2. The report must include only aggregate information for statistical purposes and exclude any identifying information related to a particular person.”.

Amend the bill as a whole by renumbering sections 8 and 9 as sections 15 and 16 and adding new sections designated sections 12 through 14, following sec. 7, to read as follows:

“Sec. 12. NRS 41.505 is hereby amended to read as follows:

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



practical nurse and thereby renders emergency care, at the scene of an emergency or while transporting an ill or injured person from the scene of an emergency, is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, in rendering that emergency care.

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

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

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

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

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

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

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

6. As used in this section:

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

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

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

Sec. 13. NRS 49.117 is hereby amended to read as follows:

49.117 As used in NRS 49.117 to 49.123, inclusive, unless the context otherwise requires, "review committee" means:

1. An organized committee of:

(a) A hospital;

(b) An ambulatory surgical center;

(c) A health maintenance organization;

(d) An organization that provides emergency medical services pursuant to the provisions of chapter 450B of NRS; or

(e) A medical facility as defined in NRS 449.0151,

which has the responsibility of evaluating and improving the quality of care rendered by the parent organization; ~~for~~

2. A peer review committee of a medical or dental society ~~[ ]~~; or

3. *A medical review committee of a county or district board of health that certifies, licenses or regulates providers of emergency medical services pursuant to the provisions of chapter 450B of NRS, but only when functioning as a peer review committee.*

Sec. 14. NRS 49.265 is hereby amended to read as follows:

49.265 1. Except as otherwise provided in subsection 2:

(a) The proceedings and records of:

(1) Organized committees of hospitals, and organized committees of organizations that provide emergency medical services pursuant to the provisions of chapter 450B of NRS, having the responsibility of evaluation and improvement of the quality of care rendered by those hospitals or organizations; ~~and~~

(2) Review committees of medical or dental societies ~~[ ]~~; and

(3) *Medical review committees of a county or district board of health that certifies, licenses or regulates providers of emergency medical services pursuant to the provisions of chapter 450B of NRS, but only when such committees function as peer review committees,*

are not subject to discovery proceedings.

(b) No person who attends a meeting of any such committee may be required to testify concerning the proceedings at the meeting.

2. The provisions of subsection 1 do not apply to:

(a) Any statement made by a person in attendance at such a meeting who is a party to an action or proceeding the subject of which is reviewed at the meeting.

(b) Any statement made by a person who is requesting staff privileges at a hospital.

(c) The proceedings of any meeting considering an action against an insurance carrier alleging bad faith by the carrier in refusing to accept a settlement offer within the limits of the policy.

(d) Any matter relating to the proceedings or records of such committees which is contained in health care records furnished in accordance with NRS 629.061.”

Amend sec. 9, page 5, by deleting line 10 and inserting:

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

2. Sections 2, 3, 5 to 8, inclusive, 11 and 15 of this act become effective on July 1, 2005.

3. Sections 1, 4, 9, 10, 12, 13 and 14 of this act become effective on October 1, 2005.”

Amend the title of the bill to read as follows:

“AN ACT relating to medical professionals; requiring a physician licensed to practice medicine or osteopathic medicine to report annually to the appropriate licensing board information concerning certain office-based surgery performed by him; providing that the failure to submit a report or knowingly filing false information in a report constitutes grounds for initiating disciplinary action; requiring the licensing boards of such physicians biennially to compile and report such information to the Governor and the Legislature; making various other changes to the provisions governing certain medical professionals; expanding the medical review committees that may refuse to disclose and to prevent other persons from disclosing certain information from their proceedings; providing that the proceedings and records of those medical review committees are not subject to discovery proceedings; revising the provisions limiting the liability of certain medical providers who render gratuitous care or assistance for certain entities; providing for the imposition of certain civil penalties; and providing other matters properly relating thereto.”

Amend the summary of the bill to read as follows:

“SUMMARY—Makes various changes relating to certain provisions governing medical professionals and practice of medicine. (BDR 54-570)”

Assemblywoman Buckley moved that the Assembly adopt the report of the first Conference Committee concerning Assembly Bill No. 555.

Remarks by Assemblywoman Buckley.

Motion carried by a constitutional majority.

*Mr. Speaker:*

The first Conference Committee concerning Senate Bill No. 290, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendment No. 712 of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA16, which is attached to and hereby made a part of this report.

JOHN OCEGUERA

KELVIN ATKINSON

PETE GOICOECHEA

*Assembly Conference Committee*

DENNIS NOLAN

JOE HECK

STEVEN HORSFORD

*Senate Conference Committee*

Conference Amendment No. CA16.

Amend the bill as a whole by renumbering sections 1 through 4 as sections 4 through 7 and adding new sections designated sections 1 through 3, following the enacting clause, to read as follows:

“Section 1. NRS 482.367004 is hereby amended to read as follows:

482.367004 1. There is hereby created the Commission on Special License Plates consisting of five Legislators and three nonvoting members as follows:

(a) Five Legislators appointed by the Legislative Commission ~~[-one]~~ :

(1) *One* of whom is ~~[-~~

~~(1) The]~~ *the* Legislator who served as the Chairman of the Assembly Standing Committee on Transportation during the most recent legislative session . ~~[- and]~~ *That Legislator may designate an alternate to serve in his place in his absence. The alternate must be another Legislator who also served on the Assembly Standing Committee on Transportation during the most recent legislative session.*

(2) One of whom is the Legislator who served as the Chairman of the Senate Standing Committee on Transportation during the most recent legislative session. *That Legislator may designate an alternate to serve in his place in his absence. The alternate must be another Legislator who also served on the Senate Standing Committee on Transportation during the most recent legislative session.*

(b) Three nonvoting members consisting of:

(1) The Director of the Department of Motor Vehicles, or his designee.

(2) The Director of the Department of Public Safety, or his designee.

(3) The Director of the Department of Cultural Affairs, or his designee.

2. Each member of the Commission appointed pursuant to paragraph (a) of subsection 1 serves a term of 2 years, commencing on July 1 of each odd-numbered year. A vacancy on the Commission must be filled in the same manner as the original appointment.

3. Members of the Commission serve without salary or compensation for their travel or per diem expenses.

4. The Director of the Legislative Counsel Bureau shall provide administrative support to the Commission.

5. The Commission shall approve or disapprove:

(a) Applications for the design, preparation and issuance of special license plates that are submitted to the Department pursuant to subsection 1 of NRS 482.367002; and

(b) The issuance by the Department of special license plates that have been designed and prepared pursuant to NRS 482.367002.

In determining whether to approve such an application or issuance, the Commission shall consider, without limitation, whether it would be appropriate and feasible for the Department to, as applicable, design, prepare or issue the particular special license plate.

Sec. 2. NRS 482.367008 is hereby amended to read as follows:

482.367008 1. As used in this section, “special license plate” means:

(a) A license plate that the Department has designed and prepared pursuant to NRS 482.367002 in accordance with the system of application and petition described in that section; ~~and~~

(b) A license plate approved by the Legislature that the Department has designed and prepared pursuant to NRS 482.3747, 482.37903, 482.37905, 482.37917, 482.379175, 482.37918, 482.379185, 482.37919, 482.3792, 482.3793, 482.37933, 482.37934, 482.37935, 482.379355, 482.379365, 482.37937, 482.37938 or 482.37945 ~~[-]; and~~

(c) A license plate that:

(1) Is approved by the Legislature after July 1, 2005; and

(2) Differs substantially in design from the license plates that are described in subsection 1 of NRS 482.270.

2. Notwithstanding any other provision of law to the contrary, the Department shall not, at any one time, issue more than 25 separate designs of special license plates. *Whenever the total number of separate designs of special license plates issued by the Department at any one time is less than 25, the Department shall issue a number of additional designs of special license plates that have been authorized by an act of the Legislature or the application for which has been approved by the Commission on Special License Plates pursuant to subsection 5 of NRS 482.367002, not to exceed a total of 25 designs issued by the Department at any one time. Such additional designs must be issued by the Department in accordance with the chronological order of their authorization or approval.*

3. Except as otherwise provided in this subsection, on October 1 of each year the Department shall assess the viability of each separate design of special license plate that the Department is currently issuing by determining the total number of validly registered motor vehicles to which that design of special license plate is affixed. The Department shall not determine the total number of validly registered motor vehicles to which a particular design of special license plate is affixed if:

(a) The particular design of special license plate was designed and prepared by the Department pursuant to NRS 482.367002; and

(b) On October 1, that particular design of special license plate has been available to be issued for less than 12 months.

4. Except as otherwise provided in subsection 6, if, on October 1, the total number of validly registered motor vehicles to which a particular design of special license plate is affixed is:

(a) In the case of special license plates designed and prepared by the Department pursuant to NRS 482.367002, less than 1,000; or

(b) In the case of special license plates authorized directly by the Legislature which are described in paragraph (b) of subsection 1, less than the number of applications required to be received by the Department for the initial issuance of those plates,

the Director shall provide notice of that fact in the manner described in subsection 5.

5. The notice required pursuant to subsection 4 must be provided:

(a) If the special license plate generates financial support for a cause or charitable organization, to that cause or charitable organization.

(b) If the special license plate does not generate financial support for a cause or charitable organization, to an entity which is involved in promoting the activity, place or other matter that is depicted on the plate.

6. If, on December 31 of the same year in which notice was provided pursuant to subsections 4 and 5, the total number of validly registered motor vehicles to which a particular design of special license plate is affixed is:

(a) In the case of special license plates designed and prepared by the Department pursuant to NRS 482.367002, less than 1,000; or

(b) In the case of special license plates authorized directly by the Legislature which are described in paragraph (b) of subsection 1, less than the number of applications required to be received by the Department for the initial issuance of those plates,

the Director shall, notwithstanding any other provision of law to the contrary, issue an order providing that the Department will no longer issue that particular design of special license plate. Such an order does not require existing holders of that particular design of special license plate to surrender their plates to the Department and does not prohibit those holders from renewing those plates.

Sec. 3. NRS 482.36705 is hereby amended to read as follows:

482.36705 1. If a new special license plate is authorized by an act of the Legislature after January 1, 2003, the Legislature will direct that the license plate not be designed, prepared or issued by the Department unless the Department receives at least 1,000 applications for the issuance of that plate within 2 years after the effective date of the act of the Legislature that authorized the plate.

2. *In addition to the requirements set forth in subsection 1, if a new special license plate is authorized by an act of the Legislature after July 1,*

2005, the Legislature will direct that the license plate not be issued by the Department unless its issuance complies with subsection 2 of NRS 482.367008.”.

Amend sec. 4, page 5, by deleting lines 3 through 5 and inserting:

“Sec. 7. 1. This section and sections 4 and 5 of this act become effective upon passage and approval.

2. Sections 1, 2 and 3 of this act become effective on July 1, 2005.

3. Section 6 of this act becomes effective on January 1, 2007.”.

Amend the title of the bill, first line, after “vehicles;” by inserting: “authorizing certain Legislators appointed to serve on the Commission on Special License Plates to designate alternates; revising the provisions governing the issuance of special license plates;”.

Assemblyman Ocegüera moved that the Assembly adopt the report of the first Conference Committee concerning Senate Bill No. 290.

Remarks by Assemblyman Ocegüera.

Motion carried by a constitutional majority.

#### RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Anderson moved that the Assembly recede from its action on Senate Bill No. 341.

Remarks by Assemblyman Anderson.

Motion carried.

Bill ordered transmitted to the Senate.

#### REPORTS OF CONFERENCE COMMITTEES

*Mr. Speaker:*

The first Conference Committee concerning Senate Bill No. 98, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendment No. 1125 of the Assembly be concurred in.

SHEILA LESLIE  
KATHY MCCLAIN  
VALERIE WEBER

*Assembly Conference Committee*

BARBARA CEGAVSKE  
BOB BEERS  
BERNICE MATHEWS

*Senate Conference Committee*

Assemblywoman Leslie moved that the Assembly adopt the report of the first Conference Committee concerning Senate Bill No. 98.

Remarks by Assemblywoman Leslie.

Motion carried by a constitutional majority.

*Mr. Speaker:*

The first Conference Committee concerning Senate Bill No. 163, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendment No. 972 of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA51, which is attached to and hereby made a part of this report.

CHRIS GIUNCHIGLIANI  
BERNIE ANDERSON  
LYNN HETRICK

*Assembly Conference Committee*

MAGGIE CARLTON  
WARREN B. HARDY  
JOHN LEE

*Senate Conference Committee*

Conference Amendment No. CA51.

Amend the bill as a whole by deleting sec. 4 and adding a new section designated sec. 4, following sec. 3, to read as follows:

*“Sec. 4. 1. If a regulatory body initiates disciplinary proceedings against a licensee pursuant to this title, the licensee shall, within 30 days after the licensee receives notification of the initiation of the disciplinary proceedings, submit to the regulatory body a complete set of his fingerprints and written permission authorizing the regulatory body to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.*

*2. The willful failure of the licensee to comply with the requirements of subsection 1 constitutes an additional ground for the regulatory body to take disciplinary action against the licensee, including, without limitation, suspending or revoking the license of the licensee.*

*3. A regulatory body has an additional ground for taking disciplinary action against the licensee if:*

*(a) The report from the Federal Bureau of Investigation indicates that the licensee has been convicted of an unlawful act that is a ground for taking disciplinary action against the licensee pursuant to this title; and*

*(b) The regulatory body has not taken any prior disciplinary action against the licensee based on that unlawful act.*

*4. To the extent possible, the provisions of this section are intended to supplement other statutory provisions governing disciplinary proceedings. If there is a conflict between such other provisions and the provisions of this section, the other provisions control to the extent that the other provisions provide more specific requirements regarding the discipline of a licensee.”.*

Amend the bill as a whole by deleting sec. 95.5 and adding a new section designated sec. 95.5, following sec. 95, to read as follows:

*“Sec. 95.5. Chapter 639 of NRS is hereby amended by adding thereto a new section to read as follows:*

*1. Upon the request of a patient, a registered pharmacist shall transfer a prescription for the patient to another registered pharmacist.*

*2. A registered pharmacist who transfers a prescription pursuant to subsection 1 shall comply with any applicable regulations adopted by the Board relating to the transfer.*

*3. The provisions of this section do not authorize or require a pharmacist to transfer a prescription in violation of:*

*(a) Any law or regulation of this State;*

*(b) Federal law or regulation; or*

*(c) A contract for payment by a third party if the patient is a party to that contract.”.*

Amend the bill as a whole by adding new sections designated sections 98.3 and 98.7, following sec. 98, to read as follows:

*“Sec. 98.3. NRS 639.2353 is hereby amended to read as follows:*



639.2353 Except as otherwise provided in a regulation adopted pursuant to NRS 453.385 ~~[-]~~ *or section 95.5 of this act:*

1. A prescription must be given:

- (a) Directly from the practitioner to a pharmacist;
- (b) Indirectly by means of an order signed by the practitioner;
- (c) By an oral order transmitted by an agent of the practitioner; or
- (d) Except as otherwise provided in subsection 5, by electronic transmission or transmission by a facsimile machine, including, without limitation, transmissions made from a facsimile machine to another facsimile machine, a computer equipped with a facsimile modem to a facsimile machine or a computer to another computer, pursuant to the regulations of the Board.

2. A written prescription must contain:

- (a) Except as otherwise provided in this section, the name and signature of the practitioner, and his address if not immediately available to the pharmacist;
- (b) The classification of his license;
- (c) The name of the patient, and his address if not immediately available to the pharmacist;
- (d) The name, strength and quantity of the drug ~~for drugs~~ prescribed;
- (e) Directions for use; and
- (f) The date of issue.

3. The directions for use must be specific in that they indicate the portion of the body to which the medication is to be applied or, if to be taken into the body by means other than orally, the orifice or canal of the body into which the medication is to be inserted or injected.

4. Each written prescription must be written in such a manner that any registered pharmacist would be able to dispense it. A prescription must be written in Latin or English and may include any character, figure, cipher or abbreviation which is generally used by pharmacists and practitioners in the writing of prescriptions.

5. A prescription for a controlled substance must not be given by electronic transmission or transmission by a facsimile machine unless authorized by federal law.

6. A prescription that is given by electronic transmission is not required to contain the signature of the practitioner if:

- (a) It contains a facsimile signature, security code or other mark that uniquely identifies the practitioner; or
- (b) A voice recognition system, biometric identification technique or other security system approved by the Board is used to identify the practitioner.

Sec. 98.7. NRS 639.238 is hereby amended to read as follows:

639.238 1. Prescriptions filled and on file in a pharmacy are not a public record. ~~[A]~~ *Except as otherwise provided in section 95.5 of this act, a pharmacist shall not divulge the contents of any prescription or provide a copy of any prescription, except to:*

- (a) The patient for whom the original prescription was issued;
- (b) The practitioner who originally issued the prescription;
- (c) A practitioner who is then treating the patient;
- (d) A member, inspector or investigator of the Board or an inspector of the Food and Drug Administration or an agent of the Investigation Division of the Department of Public Safety;
- (e) An agency of state government charged with the responsibility of providing medical care for the patient;
- (f) An insurance carrier, on receipt of written authorization signed by the patient or his legal guardian, authorizing the release of such information;
- (g) Any person authorized by an order of a district court;
- (h) Any member, inspector or investigator of a professional licensing board which licenses a practitioner who orders prescriptions filled at the pharmacy;
- (i) Other registered pharmacists for the limited purpose of and to the extent necessary for the exchange of information relating to persons who are suspected of:
  - (1) Misusing prescriptions to obtain excessive amounts of drugs; or
  - (2) Failing to use a drug in conformity with the directions for its use or taking a drug in combination with other drugs in a manner that could result in injury to that person; or
- (j) A peace officer employed by a local government for the limited purpose of and to the extent necessary:
  - (1) For the investigation of an alleged crime reported by an employee of the pharmacy where the crime was committed; or
  - (2) To carry out a search warrant or subpoena issued pursuant to a court order.

2. ~~Any~~ Except as otherwise provided in section 95.5 of this act, any copy of a prescription for a controlled substance or a dangerous drug as defined in chapter 454 of NRS, issued to a person authorized by this section to receive such a copy, must contain all of the information appearing on the original prescription and be clearly marked on its face "Copy, Not Refillable—For Reference Purposes Only." The copy must bear the name or initials of the registered pharmacist who prepared the copy.

3. If a copy of a prescription for any controlled substance or a dangerous drug as defined in chapter 454 of NRS is furnished to the customer, the original prescription must be voided and notations made thereon showing the date and the name of the person to whom the copy was furnished.

4. ~~If, at the express request of a customer, a copy of a prescription for any controlled substance or dangerous drug is furnished to another pharmacist, the original prescription must be voided and notations made thereon showing the date and the name of the pharmacist to whom the copy was furnished. The pharmacist receiving the copy shall call the prescribing practitioner for a new prescription.~~

5. As used in this section, "peace officer" does not include:

(a) A member of the Police Department of the University and Community College System of Nevada.

(b) A school police officer who is appointed or employed pursuant to NRS 391.100.”.

Amend sec. 234, page 158, line 9, by deleting:  
“98, 99, 100,” and inserting:  
“98 to 100, inclusive,”.

Amend the title of the bill to read as follows:

“AN ACT relating to occupations; prohibiting certain regulatory bodies which administer occupational licensing from holding a meeting outside this State under certain circumstances; requiring such regulatory bodies to indicate in their notices under the Open Meeting Law whether a meeting will be conducted by an audio or video teleconference at one or more locations; requiring a licensee who is involved in disciplinary proceedings to submit his fingerprints to the regulatory body to obtain a report of his criminal history; permitting a regulatory body to take disciplinary action against such a licensee under certain circumstances; extending the date on which certain provisions relating to occupational licensing expire by limitation; requiring a registered pharmacist, upon request by a patient, to transfer a prescription for the patient to another registered pharmacist; making technical revisions to certain provisions relating to occupational licensing; providing a penalty; and providing other matters properly relating thereto.”.

Assemblywoman Giunchigliani moved that the Assembly adopt the report of the first Conference Committee concerning Senate Bill No. 163.

Remarks by Assemblywoman Giunchigliani.

Motion carried by a constitutional majority.

*Mr. Speaker:*

The first Conference Committee concerning Senate Bill No. 68, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendment No. 684 of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA3, which is attached to and hereby made a part of this report.

KATHY MCCLAIN  
PEGGY PIERCE  
GARN MABEY

*Assembly Conference Committee*

BARBARA CEGAVSKE  
DINA TITUS  
JOE HECK

*Senate Conference Committee*

Conference Amendment No. CA3.

Amend section 1, pages 1 and 2, by deleting lines 6 through 8 on page 1 and lines 1 through 5 on page 2, and inserting:

“surgical treatment of those patients . ~~by photorefractive keratectomy or laser in situ keratomileusis.~~”.

Assemblywoman McClain moved that the Assembly adopt the report of the first Conference Committee concerning Senate Bill No. 68.

Remarks by Assemblywoman McClain.

Motion carried by a constitutional majority.

## MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Ocegüera moved that the Assembly, with the concurrence of the Senate, Waive Joint Standing Rule 19.5 and allow the Assembly to do legislative business until 1:00 a.m. on June 7, 2005.

Motion carried.

## UNFINISHED BUSINESS

## REPORTS OF CONFERENCE COMMITTEES

*Mr. Speaker:*

The first Conference Committee concerning Senate Bill No. 434, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendment No. 1086 of the Assembly be concurred in.

MARCUS CONKLIN

DAVID PARKS

ROD SHERER

*Assembly Conference Committee*

JOHN LEE

WARREN B. HARDY

RANDOLPH J. TOWNSEND

*Senate Conference Committee*

Assemblyman Conklin moved that the Assembly adopt the report of the first Conference Committee concerning Senate Bill No. 434.

Remarks by Assemblyman Conklin.

Motion carried by a constitutional majority.

*Mr. Speaker:*

The first Conference Committee concerning Senate Bill No. 333, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendment No. 1043 of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA39, which is attached to and hereby made a part of this report.

MARCUS CONKLIN

CHRIS GIUNCHIGLIANI

FRANCIS ALLEN

*Assembly Conference Committee*

RANDOLPH J. TOWNSEND

JOE HECK

*Senate Conference Committee*

Conference Amendment No. CA39.

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

“Section 1. Chapter 644 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The Board shall grant a license as a student instructor to a person who:*

(a) *Has successfully completed the 12th grade in school or its equivalent and submits written verification of the completion of his education;*

(b) *Is enrolled in a program to prepare student instructors in a school of cosmetology if:*

(1) *The program is certified by the Board; and*

(2) *The program requires that the student instructor is supervised by an instructor who is licensed;*

- (c) *Is licensed pursuant to this chapter;*
- (d) *Applies for a license as a student instructor on a form provided by the Board;*
- (e) *Submits two current photographs of himself; and*
- (f) *Has paid the fee established pursuant to subsection 2.*
- 2. *The Board shall establish and collect a fee of not less than \$25 or more than \$40 for the issuance of a license as a student instructor.*
- 3. *A person issued a license as a student instructor pursuant to this section:*
  - (a) *Must be supervised by an instructor who is licensed; and*
  - (b) *May act as an instructor for compensation and work experience credit while accumulating the number of hours of training required for an instructor's license.*
- 4. *A license as a student instructor expires upon accumulation by the licensee of the number of hours of training required for an instructor's license or after full-time employment as a student instructor for 1 year, whichever occurs later. The Board may grant an extension of not more than 45 days to those student instructor licensees who have applied to the Board for examination as instructors and are awaiting examination.”.*

Amend the bill as a whole by renumbering sections 3 and 4 as sections 9 and 10 and adding new sections designated sections 4 through 8, following sec. 2, to read as follows:

“Sec. 4. NRS 644.195 is hereby amended to read as follows:

644.195 1. Each instructor must:

- (a) Be licensed as a cosmetologist pursuant to this chapter.
- (b) Have successfully completed the 12th grade in school or its equivalent.
- (c) Have 1 year of experience as a cosmetologist ~~[-]~~ *or as a licensed student instructor.*
- (d) Have completed 1,000 hours of training as an instructor or 500 hours of training as a provisional instructor in a school of cosmetology.
- (e) Except as otherwise provided in subsection 2, take one or more courses in advanced techniques for teaching or training, approved by the Board, whose combined duration is at least 30 hours during each 2-year period.

2. The provisions of paragraph (e) of subsection 1 do not apply to an instructor who is initially licensed not more than 6 months before the renewal date of the license. An instructor who is initially licensed more than 6 months but less than 1 year before the renewal date of the license must take one or more courses specified in paragraph (e) whose combined duration is at least 15 hours during each 2-year period.

3. Each instructor shall pay an initial fee for a license of not less than \$40 and not more than \$60.

Sec. 5. NRS 644.1955 is hereby amended to read as follows:

644.1955 1. The Board shall admit to examination for a license as an instructor of aestheticians any person who has applied to the Board in proper form, paid the fee and:

- (a) Is at least 18 years of age;
- (b) Is of good moral character;
- (c) Has successfully completed the 12th grade in school or its equivalent;
- (d) Has received a minimum of 800 hours of training as an instructor or 400 hours of training as a provisional instructor in a licensed school of cosmetology;
- (e) Is licensed as an aesthetician pursuant to this chapter; and
- (f) Has practiced as a full-time licensed aesthetician *or as a licensed student instructor* for 1 year.

2. Except as otherwise provided in subsection 3, an instructor of aestheticians shall complete at least 30 hours of advanced training in a course approved by the Board during each 2-year period of his license.

3. The provisions of subsection 2 do not apply to an instructor of aestheticians who is initially licensed not more than 6 months before the renewal date of the license. An instructor of aestheticians who is initially licensed more than 6 months but less than 1 year before the renewal date of the license must take one or more courses specified in subsection 2 whose combined duration is at least 15 hours during each 2-year period.

Sec. 6. NRS 644.197 is hereby amended to read as follows:

644.197 1. The Board shall admit to examination for a license as an instructor in manicuring any person who has applied to the Board in proper form, paid the fee and:

- (a) Is at least 18 years of age;
- (b) Is of good moral character;
- (c) Has successfully completed the 12th grade in school or its equivalent;
- (d) Has received a minimum of 500 hours of training as an instructor or 250 hours of training as a provisional instructor in a licensed school of cosmetology;
- (e) Is licensed as a manicurist pursuant to this chapter; and
- (f) Has practiced as a full-time licensed manicurist *or as a licensed student instructor* for 1 year.

2. Except as otherwise provided in subsection 3, an instructor in manicuring shall complete at least 30 hours of advanced training in a course approved by the Board during each 2-year period of his license.

3. The provisions of subsection 2 do not apply to an instructor in manicuring who is initially licensed not more than 6 months before the renewal date of the license. An instructor in manicuring who is initially licensed more than 6 months but less than 1 year before the renewal date of the license must take one or more courses specified in subsection 2 whose combined duration is at least 15 hours during each 2-year period.

Sec. 7. NRS 644.212 is hereby amended to read as follows:

644.212 An application for the issuance of a license or evidence of registration issued pursuant to NRS 644.190 to 644.330, inclusive, *and section 1 of this act* must include the social security number of the applicant.

Sec. 8. NRS 644.320 is hereby amended to read as follows:

644.320 1. The license of every cosmetologist, aesthetician, electrologist, hair designer, manicurist, ~~[provisional instructor,]~~ demonstrator of cosmetics and instructor expires on July 1 of the next succeeding odd-numbered year.

2. The Board shall adopt regulations governing the proration of the fee required for initial licenses issued for less than 1 1/2 years.”.

Amend sec. 4, pages 3 and 4, by deleting lines 23 through 45 on page 3 and lines 1 through 25 on page 4, and inserting:

“Sec. 10. NRS 644.383 is hereby amended to read as follows:

644.383 1. The owner of each school of cosmetology shall post with the Board a surety bond executed by the applicant as principal and by a surety company as surety . *If the license for the school was issued:*

(a) *On or before June 30, 2005, the bond must be in the amount of \$10,000 ~~±~~;* or

(b) *On or after July 1, 2005, except as otherwise provided in subsections 6 and 7, the bond must be in the amount determined by the Board pursuant to subsections 2 to 5, inclusive.*

2. *The amount of the bond required for a school of cosmetology pursuant to paragraph (b) of subsection 1 is the total of the amounts of the bonds for all of the programs offered by the school, except that:*

(a) *The total amount determined pursuant to subsections 3, 4 and 5 must be rounded down to the nearest \$5,000; and*

(b) *The amount of the bond required for the school must not be less than \$10,000 or more than \$400,000.*

3. *Except as otherwise provided in subsection 4, the amount of the bond for a program at a school of cosmetology is equal to the cost to be paid by a student for the program multiplied by the number of students who will enroll in the program each year.*

4. *If the length of a program at a school of cosmetology is less than 1 year, the amount of the bond for that program is equal to the amount determined pursuant to subsection 3 divided by 52 and multiplied by the number of whole or partial weeks in the program.*

5. *Except as otherwise provided in subsection 2, the amount of the bond required for a school of cosmetology pursuant to paragraph (b) of subsection 1 must be reduced to 12 percent of the total of the amounts calculated pursuant to subsections 3 and 4 if the school participates in:*

(a) *Any program of student assistance pursuant to Title IV of the Higher Education Act of 1965, as amended, 20 U.S.C. §§ 1070 et. seq.; or*

(b) *Any other program administered by the United States Department of Education through which students at the school receive loans.*

6. *If a school of cosmetology has been licensed for not less than 5 years, the Board shall set the amount of the bond required pursuant to paragraph (b) of subsection 1 for the school:*

(a) *In the amount of \$10,000, if the Board did not receive any valid complaints against the school during the immediately preceding 5 years;*

*(b) In an amount not less than \$10,000 and not more than the amount calculated pursuant to subsections 2 to 5, inclusive, if the Board received one or more valid complaints against the school during the immediately preceding 5 years and the Board determines that each such complaint was a complaint of a minor violation of the provisions of this chapter or of any regulations adopted pursuant to this chapter; and*

*(c) In the amount calculated pursuant to subsections 2 to 5, inclusive, if the Board received one or more valid complaints against the school during the immediately preceding 5 years and the Board determines that any such complaint was a complaint of a major violation of the provisions of this chapter or any regulations adopted pursuant thereto.*

7. The bond required for a school of cosmetology must be in the amount of \$10,000 if the school:

*(a) Is initially licensed on or before June 30, 2005;*

*(b) Has been continuously licensed since June 30, 2005; and*

*(c) Is relocated and obtains a license for the new location on or after July 1, 2005.*

8. The bond must be in the form approved by the Board and must be conditioned upon compliance with the provisions of this chapter and upon faithful compliance with the terms and conditions of any contracts, verbal or written, made by the school to furnish instruction to any person. The bond must be to the State of Nevada in favor of every person who pays or deposits money with the school as payment for instruction. A bond continues in effect until notice of termination is given by registered or certified mail to the Board and every bond must set forth this fact.

~~{3-}~~ 9. A person claiming to be injured or damaged by an act of the school may maintain an action in any court of competent jurisdiction on the bond against the school and the surety named therein, or either of them, for refund of tuition paid. Any judgment against the principal or surety in any such action must include the costs thereof and those incident to the bringing of the action, including a reasonable attorney's fee. The aggregate liability of the surety to all such persons may not exceed the sum of the bond.

10. *The Board shall adopt regulations defining the terms "minor violation" and "major violation" for the purposes of subsection 6."*

Amend the bill as a whole by renumbering sections 5 through 8 as sections 11 through 14.

Amend sec. 8, page 6, by deleting line 8 and inserting:

"Sec. 14. 1. This act becomes effective on July 1, 2005.

2. Section 7 of this act expires by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a procedure to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or



(b) Are in arrears in the payment for the support of one or more children, are repealed by the Congress of the United States.”.

Amend the title of the bill, first line, after “professions;” by inserting: “providing for the licensure of student instructors;”.

Assemblywoman Giunchigliani moved that the Assembly adopt the report of the first Conference Committee concerning Senate Bill No. 333.

Remarks by Assemblywoman Giunchigliani.

Motion carried by a constitutional majority.

*Mr. Speaker:*

The first Conference Committee concerning Senate Bill No. 335, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendment No. 959 of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA14, which is attached to and hereby made a part of this report.

MARCUS CONKLIN

MAGGIE CARLTON

JOE HECK

HEIDI S. GANSERT

RANDOLPH J. TOWNSEND

*Assembly Conference Committee*

*Senate Conference Committee*

Conference Amendment No. CA14.

Amend sec. 5.5, page 3, by deleting lines 25 through 33 and inserting:

“2. A person who has a license or certificate as a barber from another state or the District of Columbia, who has applied for an examination before the Board and who meets the qualifications set forth in NRS 643.070, except subsection 5 thereof, is temporarily exempt from licensure and may engage in the practice of barbering during the period of the temporary exemption if:”.

Amend sec. 5.7, page 4, by deleting lines 25 through 33 and inserting:

“2. A person who has a license or certificate as a barber from another state or the District of Columbia, who has applied for an examination before the Board and who meets the qualifications set forth in NRS 643.070, except subsection 5 thereof, is temporarily exempt from licensure and may engage in the practice of barbering during the period of the temporary exemption if:”.

Amend the title of the bill, fourth and fifth lines, by deleting: “or barber’s apprentice”.

Assemblyman Conklin moved that the Assembly adopt the report of the first Conference Committee concerning Senate Bill No. 335.

Remarks by Assemblyman Conklin.

Motion carried by a constitutional majority.

*Mr. Speaker:*

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

It has agreed to recommend that the Amendment No. 928 of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA48, which is attached to and hereby made a part of this report.

JOE HARDY

KELVIN ATKINSON

*Assembly Conference Committee*

BARBARA CEGAVSKE

DENNIS NOLAN

MAURICE E. WASHINGTON

*Senate Conference Committee*

Conference Amendment No. CA48.

Amend the bill as a whole by renumbering sections 1 and 2 as sections 11 and 12 and adding new sections designated sections 1 through 10, following the enacting clause, to read as follows:

“Section 1. NRS 386.420 is hereby amended to read as follows:

386.420 The county school district trustees may form a nonprofit association , *to be known as the Nevada Interscholastic Activities Association*, composed of all of the school districts of the State for the purposes of controlling, supervising and regulating all interscholastic athletic events and other interscholastic events in the public schools. This section does not prohibit a public school, which is authorized by the ~~{association}~~ *Association* to do so, from joining an association formed for similar purposes in another state.

Sec. 2. NRS 386.430 is hereby amended to read as follows:

386.430 1. The ~~{association}~~ *Nevada Interscholastic Activities Association* shall adopt rules and regulations in the manner provided for state agencies by chapter 233B of NRS, as may be necessary to carry out the provisions of NRS 386.420 to 386.470, inclusive. The regulations must include provisions governing the eligibility and participation of homeschooled children in interscholastic activities and events.

2. If the ~~{association}~~ *Nevada Interscholastic Activities Association* intends to adopt, repeal or amend a policy, rule or regulation concerning or affecting homeschooled children, the ~~{association}~~ *Association* shall consult with the Northern Nevada Homeschool Advisory Council and the Southern Nevada Homeschool Advisory Council, or their successor organizations, to provide those Councils with a reasonable opportunity to submit data, opinions or arguments, orally or in writing, concerning the proposal or change. The ~~{association}~~ *Association* shall consider all written and oral submissions respecting the proposal or change before taking final action.

Sec. 3. NRS 386.440 is hereby amended to read as follows:

386.440 The rules and regulations of the ~~{association}~~ *Nevada Interscholastic Activities Association* adopted pursuant to NRS 386.430 ~~{shall}~~ *must* provide for adequate review procedures to determine and review disputes arising in regard to the ~~{association's}~~ *Association's* decisions and activities.

Sec. 4. NRS 386.450 is hereby amended to read as follows:

386.450 The rules and regulations adopted by the ~~{association}~~ *Nevada Interscholastic Activities Association* must provide for the membership of

charter schools, private schools and parochial schools which may elect to join the ~~{association.}~~ *Association*.

Sec. 5. NRS 386.460 is hereby amended to read as follows:

386.460 If a charter school, private school or parochial school elects to become a member of the ~~{association.}~~ *Nevada Interscholastic Activities Association*, the school is subject to the same regulations and requirements and is liable for the same fees and charges as other schools within the ~~{association.}~~ *Association*.

Sec. 6. NRS 386.462 is hereby amended to read as follows:

386.462 1. A homeschooled child must be allowed to participate in interscholastic activities and events in accordance with the regulations adopted by the ~~{association}~~ *Nevada Interscholastic Activities Association* pursuant to NRS 386.430.

2. The provisions of NRS 386.420 to 386.470, inclusive, and the regulations adopted pursuant thereto that apply to pupils enrolled in public schools who participate in interscholastic activities and events apply in the same manner to homeschooled children who participate in interscholastic activities and events, including, without limitation, provisions governing:

- (a) Eligibility and qualifications for participation;
- (b) Fees for participation;
- (c) Insurance;
- (d) Transportation;
- (e) Requirements of physical examination;
- (f) Responsibilities of participants;
- (g) Schedules of events;
- (h) Safety and welfare of participants;
- (i) Eligibility for awards, trophies and medals;
- (j) Conduct of behavior and performance of participants; and
- (k) Disciplinary procedures.

Sec. 7. NRS 386.463 is hereby amended to read as follows:

386.463 No challenge may be brought by the ~~{association.}~~ *Nevada Interscholastic Activities Association*, a school district, a public school or a private school, a parent or guardian of a pupil enrolled in a public school or a private school, a pupil enrolled in a public school or private school, or any other entity or person claiming that an interscholastic activity or event is invalid because homeschooled children are allowed to participate in the interscholastic activity or event.

Sec. 8. NRS 386.464 is hereby amended to read as follows:

386.464 A school district, public school or private school shall not prescribe any regulations, rules, policies, procedures or requirements governing the:

1. Eligibility of homeschooled children to participate in interscholastic activities and events pursuant to NRS 386.420 to 386.470, inclusive; or

2. Participation of homeschooled children in interscholastic activities and events pursuant to NRS 386.420 to 386.470, inclusive,

that are more restrictive than the provisions governing eligibility and participation prescribed by the ~~association~~ *Nevada Interscholastic Activities Association* pursuant to NRS 386.430.

Sec. 9. NRS 386.465 is hereby amended to read as follows:

386.465 The rules and regulations of the ~~association~~ *Nevada Interscholastic Activities Association* must provide criteria for the approval of requests made by public schools for authorization to join an interscholastic activity association formed in another state.

Sec. 10. NRS 386.470 is hereby amended to read as follows:

386.470 1. Any liability or action against the ~~association~~ *Nevada Interscholastic Activities Association* must be determined in the same manner and with the same limitations and conditions as provided in NRS 41.0305 to 41.039, inclusive. To this extent, the ~~association~~ *Association* shall be deemed a political subdivision of the State.

2. Any liability or action against a public school which is a member of an association for interscholastic activities formed in another state must be determined in the same manner and with the same limitations and conditions as provided in NRS 41.0305 to 41.039, inclusive. To this extent, the public school shall be deemed a political subdivision of the State.”.

Amend section 1, page 3, by deleting lines 5 through 28 and inserting:

“5. *In addition to those interscholastic activities and events governed by an association pursuant to NRS 386.420 to 386.470, inclusive, homeschooled children must be allowed to participate in interscholastic activities and events, including sports. A homeschooled child who participates in interscholastic activities and events at a public school pursuant to this subsection must participate within the school district of the child’s residence through the public school which the child is otherwise zoned to attend. Any rules or regulations that apply to pupils enrolled in public schools who participate in interscholastic activities and events, including sports, apply in the same manner to homeschooled children who participate in interscholastic activities and events, including, without limitation, provisions governing:*

- (a) Eligibility and qualifications for participation;*
- (b) Fees for participation;*
- (c) Insurance;*
- (d) Transportation;*
- (e) Requirements of physical examination;*
- (f) Responsibilities of participants;*
- (g) Schedules of events;*
- (h) Safety and welfare of participants;*
- (i) Eligibility for awards, trophies and medals;*
- (j) Conduct of behavior and performance of participants; and*
- (k) Disciplinary procedures.”.*

Amend the title of the bill, first line, after “education;” by inserting: “designating the name of the association for interscholastic activities;”.

Amend the summary of the bill to read as follows:

“SUMMARY—Revises provisions governing interscholastic activities. (BDR 34-1158)”.

Assemblywoman Parnell moved that the Assembly adopt the report of the first Conference Committee concerning Senate Bill No. 221.

Remarks by Assemblywoman Parnell.

Motion carried by a constitutional majority.

#### UNFINISHED BUSINESS

##### APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Parks, Kirkpatrick, and Seale as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 189.

##### INTRODUCTION, FIRST READING, AND REFERENCE

Senate Bill No. 527.

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.

Motion carried unanimously.

#### UNFINISHED BUSINESS

##### CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 500.

The following Senate amendment was read:

Amendment No. 1231.

Amend sec. 3, page 2, by deleting lines 7 through 18 and inserting:

“Sec. 3. 1. *The permanent and temporary polling places for early voting by personal appearance must satisfy the criteria to be used to select permanent and temporary polling places for early voting by personal appearance provided by the county clerk pursuant to subsection 2.*”.

Amend sec. 4, page 2, by deleting lines 26 through 42 and inserting:

“Sec. 4. 1. *The Secretary of State shall maintain a website on the Internet for public information maintained, collected or compiled by the Secretary of State that relates to elections, which must include, without limitation:*

(a) *The Voters’ Bill of Rights required to be posted on his Internet website pursuant to the provisions of NRS 293.2549;*

(b) *The abstract of votes required to be posted on a website pursuant to the provisions of NRS 293.388; and*

(c) *All reports on campaign contributions and expenditures submitted to the Secretary of State pursuant to the provisions of NRS 294A.120, 294A.125,*

294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270, 294A.280, 294A.360 and 294A.362.

2. *The abstract of votes required to be maintained on the website pursuant to paragraph (b) of subsection 1 must be maintained in such a format as to permit the searching of the abstract of votes for specific information.*

3. *If the information required to be maintained by the Secretary of State pursuant to subsection 1 may be obtained by the public from a website on the Internet maintained by a county clerk or city clerk, the Secretary of State may provide a hyperlink to that website to comply with the provisions of subsection 1 with regard to that information.”.*

Amend sec. 5, page 3, by deleting lines 1 through 18 and inserting:

“Sec. 5. 1. *If a county clerk maintains a website on the Internet for information related to elections, the website must contain public information maintained, collected or compiled by the county clerk that relates to elections, which must include, without limitation:*

*(a) The locations of polling places for casting a ballot on election day in such a format that a registered voter may search the list to determine the location of the polling place at which the registered voter is required to cast a ballot; and*

*(b) The abstract of votes required pursuant to the provisions of NRS 293.388.*

2. *The abstract of votes required to be maintained on the website pursuant to paragraph (b) of subsection 1 must be maintained in such a format as to permit the searching of the abstract of votes for specific information.*

3. *If the information required to be maintained by a county clerk pursuant to subsection 1 may be obtained by the public from a website on the Internet maintained by the Secretary of State, another county clerk or a city clerk, the county clerk may provide a hyperlink to that website to comply with the provisions of subsection 1 with regard to that information.”.*

Amend sec. 6, pages 5 and 6, by deleting lines 43 through 45 on page 5 and lines 1 through 25 on page 6, and inserting:

“3. The address of a candidate which must be included in the declaration of candidacy or acceptance of candidacy pursuant to subsection 2 must be the street address of the residence where he actually, as opposed to constructively, resides in accordance with NRS 281.050, if one has been assigned. The declaration or acceptance of candidacy must not be accepted for filing if:

(a) The candidate’s address is listed as a post office box unless a street address has not been assigned to his residence; or

(b) The candidate does not present to the filing officer:

(1) A valid driver’s license or identification card issued by a governmental agency that contains a photograph of the candidate and the candidate’s *residential* address; or

(2) A current utility bill, bank statement, paycheck, or document issued by a governmental entity, including, without limitation, a check, which indicates the candidate's name and *residential* address.

4. *The filing officer shall retain a copy of the proof of identity and residency provided by the candidate pursuant to paragraph (b) of subsection 3. Such a copy:*

(a) *May not be withheld from the public; and*

(b) *Must not contain the social security number or driver's license or identification card number of the candidate."*

Amend sec. 8, page 7, by deleting lines 21 through 29 and inserting:

"293.301 1. The county clerk of each county shall require an election board officer to post an alphabetical listing of all registered voters for each precinct in a public area of each polling place in the county. Except as otherwise provided in NRS 293.558 ~~and~~ and 293.5002, the alphabetical listing must include the name, address and political affiliation of each voter. Not less than four times during the hours in which the polling place is open, an election board officer shall identify the name of each voter that voted since the last identification."

Amend the bill as a whole by deleting sections 9 and 10 and adding:

"Secs. 9 and 10. (Deleted by amendment.)"

Amend sec. 13, page 9, by deleting lines 28 through 36 and inserting:

"2. Except as otherwise provided in NRS 293.558 ~~and~~ and 293.5002, the copy of the list provided pursuant to this section must indicate the address, date of birth, telephone number and the serial number on each application to register to vote. If the county maintains this information in a computer database, the date of the most recent addition or revision to an entry, if made on or after July 1, 1989, must be included in the database and on any resulting list of the information. The date must be expressed numerically in the order of month, day and year."

Amend sec. 16, pages 11 and 12, by deleting lines 35 through 45 on page 11 and lines 1 through 10 on page 12, and inserting:

"Sec. 16. NRS 293.558 is hereby amended to read as follows:

293.558 1. The county clerk shall ~~not~~ disclose the identification number of a registered voter to the public, including, without limitation:

(a) In response to an inquiry received by the county clerk; or

(b) By inclusion of the identification number of the registered voter on any list of registered voters made available for public inspection pursuant to NRS 293.301, 293.440, 293.557, 293C.290 or 293C.542.

2. *The county clerk shall not disclose the social security number or the driver's license or identification card number of a registered voter.*

3. A registered voter may submit a written request to the county clerk to have his address and telephone number withheld from the public. Upon receipt of such a request, the county clerk shall not disclose the address or telephone number of the registered voter to the public, including, without limitation:

(a) In response to an inquiry received by the county clerk; or  
(b) By inclusion on any list of registered voters made available for public inspection pursuant to NRS 293.301, 293.440, 293.557, 293C.290 or 293C.542.

~~{3.}~~ 4. No information other than the address, telephone number, *social security number* and *driver's license or identification card* number of a registered voter may be withheld from the public.”.

Amend sec. 19, page 12, by deleting lines 16 through 34 and inserting:

“Sec. 19. 1. *The permanent and temporary polling places for early voting by personal appearance must satisfy the criteria to be used to select permanent and temporary polling places for early voting by personal appearance provided by the city clerk pursuant to subsection 2.*

2. *The city clerk shall:*

(a) *Provide by rule or regulation for the criteria to be used to select permanent and temporary polling places for early voting by personal appearance; and*

(b) *At a meeting of the city council or other governing body of the city, inform the city council or other governing body of the sites selected as permanent and temporary polling places for early voting by personal appearance.”.*

Amend sec. 20, pages 12 and 13, by deleting lines 35 through 44 on page 12 and lines 1 through 8 on page 13, and inserting:

“Sec. 20. 1. *If a city clerk maintains a website on the Internet for information relating to elections, the website must contain public information maintained, collected or compiled by the city clerk that relates to elections, which must include, without limitation:*

(a) *The locations of polling places for casting a ballot on election day in such a form that a registered voter may search the list to determine the location of the polling place at which the registered voter is required to cast a ballot; and*

(b) *The abstract of votes required to be posted on a website pursuant to the provisions of NRS 293C.387.*

2. *The abstract of votes required to be maintained on the website pursuant to paragraph (b) of subsection 1 must be maintained in such a format as to permit the searching of the abstract of votes for specific information.*

3. *If the information required to be maintained by a city clerk pursuant to subsection 1 may be obtained by the public from a website on the Internet maintained by the Secretary of State, a county clerk or another city clerk, the city clerk may provide a hyperlink to that website to comply with the provisions of subsection 1 with regard to that information.”.*

Amend sec. 21, pages 13 through 15, by deleting lines 9 through 45 on page 13, lines 1 through 44 on page 14 and lines 1 through 36 on page 15, and inserting:

“Sec. 21. NRS 293C.185 is hereby amended to read as follows:



293C.185 1. Except as otherwise provided in NRS 293C.115 and 293C.190, a name may not be printed on a ballot to be used at a primary city election, unless the person named has filed a declaration of candidacy or an acceptance of candidacy and has paid the fee established by the governing body of the city not earlier than 70 days before the primary city election and not later than 5 p.m. on the 60th day before the primary city election.

2. A declaration of candidacy required to be filed by this section must be in substantially the following form:

DECLARATION OF CANDIDACY OF .... FOR THE  
OFFICE OF .....

State of Nevada

City of .....

For the purpose of having my name placed on the official ballot as a candidate for the office of ....., I, ....., the undersigned do swear or affirm under penalty of perjury that I actually, as opposed to constructively, reside at ....., in the City or Town of ....., County of ....., State of Nevada; that my actual, as opposed to constructive, residence in the city, township or other area prescribed by law to which the office pertains began on a date at least 30 days immediately preceding the date of the close of filing of declarations of candidacy for this office; that my telephone number is ....., and the address at which I receive mail, if different than my residence, is .....; that I am a qualified elector pursuant to Section 1 of Article 2 of the Constitution of the State of Nevada; that if I have ever been convicted of treason or a felony, my civil rights have been restored by a court of competent jurisdiction; that if nominated as a candidate at the ensuing election I will accept the nomination and not withdraw; that I will not knowingly violate any election law or any law defining and prohibiting corrupt and fraudulent practices in campaigns and elections in this State; that I will qualify for the office if elected thereto, including, but not limited to, complying with any limitation prescribed by the Constitution and laws of this State concerning the number of years or terms for which a person may hold the office; and my name will appear on all ballots as designated in this declaration.

(Designation of name)

(Signature of candidate for office)

Subscribed and sworn to before me  
this ... day of the month of ... of the year ...

Notary Public or other person

authorized to administer an oath

3. The address of a candidate that must be included in the declaration or acceptance of candidacy pursuant to subsection 2 must be the street address of the residence where he actually, as opposed to constructively, resides in accordance with NRS 281.050, if one has been assigned. The declaration or acceptance of candidacy must not be accepted for filing if:

(a) The candidate's address is listed as a post office box unless a street address has not been assigned to his residence; or

(b) The candidate does not present to the filing officer:

(1) A valid driver's license or identification card issued by a governmental agency that contains a photograph of the candidate and the candidate's *residential* address; or

(2) A current utility bill, bank statement, paycheck, or document issued by a governmental entity, including, without limitation, a check, which indicates the candidate's name and *residential* address.

4. *The filing officer shall retain a copy of the proof of identity and residency provided by the candidate pursuant to paragraph (b) of subsection 3. Such a copy:*

*(a) May not be withheld from the public; and*

*(b) Must not contain the social security number or driver's license or identification card number of the candidate.*

5. By filing the declaration or acceptance of candidacy, the candidate shall be deemed to have appointed the city clerk as his agent for service of process for the purposes of a proceeding pursuant to NRS 293C.186. Service of such process must first be attempted at the appropriate address as specified by the candidate in the declaration or acceptance of candidacy. If the candidate cannot be served at that address, service must be made by personally delivering to and leaving with the city clerk duplicate copies of the process. The city clerk shall immediately send, by registered or certified mail, one of the copies to the candidate at his specified address, unless the candidate has designated in writing to the city clerk a different address for that purpose, in which case the city clerk shall mail the copy to the last address so designated.

~~{5-}~~ 6. If the city clerk receives credible evidence indicating that a candidate has been convicted of a felony and has not had his civil rights restored by a court of competent jurisdiction, the city clerk:

(a) May conduct an investigation to determine whether the candidate has been convicted of a felony and, if so, whether he has had his civil rights restored by a court of competent jurisdiction; and

(b) Shall transmit the credible evidence and the findings from such investigation to the city attorney.

~~{6-}~~ 7. The receipt of information by the city attorney pursuant to subsection ~~{5}~~ 6 must be treated as a challenge of a candidate pursuant to subsections 4 and 5 of NRS 293C.186. If the ballots are printed before a

court of competent jurisdiction makes a determination that a candidate has been convicted of a felony and has not had his civil rights restored by a court of competent jurisdiction, the city clerk must post a notice at each polling place where the candidate's name will appear on the ballot informing the voters that the candidate is disqualified from entering upon the duties of the office for which the candidate filed the declaration of candidacy or acceptance of candidacy.”.

Amend sec. 22, page 15, by deleting lines 38 through 45 and inserting:

“293C.290 1. The city clerk shall require an election board officer to post an alphabetical listing of all registered voters for each precinct in a public area of each polling place in the city. Except as otherwise provided in NRS 293.558 ~~and~~ and 293.5002, the alphabetical listing must include the name and address of each voter. Not less than four times during the hours in which the polling place is open, an election board officer shall identify the name of each voter who voted since the last identification.”.

Amend the bill as a whole by deleting sec. 28 and adding:

“Sec. 28. (Deleted by amendment.)”.

Amend sec. 36, page 25, between lines 32 and 33, by inserting:

“4. *The Secretary of State must obtain the advice and consent of the Legislative Commission before providing a copy of a form designed or revised by the Secretary of State pursuant to this section to a person, committee, political party or group that is required to use the form.*”.

Amend sec. 38, page 26, by deleting lines 22 through 25 and inserting:

“2. *The total amount of loans to a candidate guaranteed by a third party, the total amount of loans made to a candidate that have been forgiven and the total amount of written commitments for contributions received by a candidate.*”.

Amend the bill as a whole by deleting sec. 40 and adding:

“Sec. 40. (Deleted by amendment.)”.

Amend sec. 52, page 30, by deleting lines 9 through 18 and inserting:

“Sec. 5.070 Availability of lists of registered voters. If, for any purpose relating to a municipal election or to candidates or issues involved in such an election, any organization, group or person requests a list of registered voters of the City, the department, office or agency which has custody of the official register of voters shall, except as otherwise provided in NRS 293.558 ~~and~~ and 293.5002, either permit the organization, group or person to copy the voters' names and addresses from the official register of voters or furnish such a list.”.

Amend sec. 53, page 30, by deleting lines 23 through 32 and inserting:

“Sec. 5.060 Availability of lists of registered voters. If, for any purpose relating to a municipal election or to candidates or issues involved in such an election, any organization, group or person requests a list of registered voters of the City, the department, office or agency which has custody of the official register of voters shall, except as otherwise provided in NRS 293.558 ~~and~~ and 293.5002, either permit the organization, group or

person to copy the voters' names and addresses from the official register of voters or furnish such a list.”.

Amend sec. 54, pages 30 and 31, by deleting lines 37 through 43 on page 30 and lines 1 through 5 on page 31 and inserting:

“Sec. 5.070 Availability of list of registered voters. If, for any purpose relating to a municipal election or to the candidates or issues involved in that election, any organization, group or person requests a list of the registered voters of Carson City, the department, office or agency which has custody of the official register of voters shall, except as otherwise provided in NRS 293.558 ~~+~~ and 293.5002:

1. Permit the organization, group or person to copy the voters' names and addresses from the official register of voters; or
2. Furnish the list upon payment of the fee which is prescribed in chapter 293 of NRS.”.

Amend sec. 55, page 31, by deleting lines 10 through 19 and inserting:

“Sec. 5.060 Availability of lists of registered voters. If, for any purpose relating to a municipal election or to candidates or issues involved in such an election, any organization, group or person requests a list of registered voters of the City, the department, office or agency which has custody of the official register of voters shall, except as otherwise provided in NRS 293.558 ~~+~~ and 293.5002, either permit the organization, group or person to copy the voters' names and addresses from the official register of voters or furnish such a list.”.

Amend sec. 56, page 31, by deleting lines 24 through 34 and inserting:

“Sec. 5.070 Availability of lists of registered voters. If, for any purpose which relates to a municipal election or to the candidates or issues which are involved in that election, any organization, group or person requests a list of the registered voters of the City, the department, office or agency which has custody of the official register of voters shall, except as otherwise provided in NRS 293.558 ~~+~~ and 293.5002, either permit that organization, group or person to copy the voters' names and addresses from the official register of voters or furnish the list upon payment of the fee which is prescribed in chapter 293 of NRS.”.

Amend sec. 57, pages 31 and 32, by deleting lines 39 through 45 on page 31 and lines 1 through 3 on page 32 and inserting:

“Sec. 5.070 Availability of lists of registered voters. If, for any purpose relating to an election or to candidates or issues involved in that election, any organization, group or person requests a list of registered voters of the City, the department, office or agency which has custody of the official register of voters shall, except as otherwise provided in NRS 293.558 ~~+~~ and 293.5002, permit the organization, group or person to copy the voters' names and addresses from the official register of voters or furnish such a list upon payment of the cost established by state election law.”.

Amend sec. 58, page 32, by deleting lines 8 through 19 and inserting:

“Sec. 5.070 Availability of lists of registered voters. If, for any purpose relating to an election or to candidates or issues involved in an election, any organization, group or person requests a list of registered voters of the City, the department, office or agency which has custody of the official register of voters shall, except as otherwise provided in NRS 293.558 ~~+~~ and 293.5002:

1. Permit the organization, group or person to copy the names and addresses of voters from the official register of voters; or

2. Furnish such a list upon payment of the cost established by state election law.”.

Amend sec. 59, page 32, by deleting lines 24 through 33 and inserting:

“Sec. 5.060 Availability of lists of registered voters. If, for any purpose relating to a municipal election or to candidates or issues involved in such an election, any organization, group or person requests a list of registered voters of the City, the department, office or agency which has custody of the official register of voters shall, except as otherwise provided in NRS 293.558 ~~+~~ and 293.5002, either permit the organization, group or person to copy the voters’ names and addresses from the official register of voters or furnish such a list.”.

Amend sec. 60, page 32, by deleting lines 38 through 45 and inserting:

“Sec. 5.060 Availability of lists of registered voters. If, for any purpose relating to a municipal election or to candidates or issues involved in such an election, any organization, group or person requests a list of registered voters of the City, the department, office or agency which has custody of the official register of voters shall, except as otherwise provided in NRS 293.558 ~~+~~ and 293.5002, furnish such a list at a fee to be established by the City Council.”.

Amend the title of the bill to read as follows:

“AN ACT relating to public office; revising various provisions relating to polling places; requiring the Secretary of State to maintain certain information on a website on the Internet; requiring that if a county clerk or city clerk maintains a website on the Internet, the county clerk or city clerk shall maintain certain information on the website; revising provisions relating to proof of residence for a person filing a declaration of candidacy; revising the provisions relating to public lists of registered voters; revising the provisions relating to a person convicted of a felony and the right to vote; revising the provisions relating to the filing of campaign finance reports; revising the definition of “public officer” for the purposes of the Nevada Ethics in Government Law; providing a civil penalty; and providing other matters properly relating thereto.”.

Assemblywoman Giunchigliani moved that the Assembly concur in the Senate amendment to Assembly Bill No. 500.

Remarks by Assemblywoman Giunchigliani.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

## GENERAL FILE AND THIRD READING

Senate Bill No. 526.

Bill read third time.

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

Amendment No. 1252.

Amend sec. 43, page 19, by deleting lines 8 and 9 and inserting:

“3. Policy changes implemented in this act may be continued to the extent that money is available from the State or Federal Government or other sources.”.

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

Assemblyman Ocegura moved that all rules be suspended and the reprinting of Senate Bill No. 526 be dispensed with, the Chief Clerk be authorized to insert Amendment No. 1252, and the bill be placed on third reading and final passage

Motion carried unanimously.

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

Assembly in recess at 12:01 a.m.

## ASSEMBLY IN SESSION

At 12:26 a.m.

Mr. Speaker presiding.

Quorum present.

## UNFINISHED BUSINESS

## RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Anderson moved that the Assembly recede from its action on Senate Bill No. 445.

Remarks by Assemblyman Anderson.

Motion carried.

Bill ordered transmitted to the Senate.

## MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 6, 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. 498, Amendment No. 1228, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 499, Amendment No. 1241, 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 adopted the report of the first Conference Committee concerning Assembly Bills Nos. 44, 208, 327; Senate Bills Nos. 221, 333.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly Amendments Nos. 941, 1223 to Senate Bill No. 282; Assembly Amendments Nos. 908, 1192, 1209 to Senate Bill No. 306.

MARY JO MONGELLI

*Assistant Secretary of the Senate*

#### UNFINISHED BUSINESS

##### CONSIDERATION OF ASSEMBLY AMENDMENTS

Assembly Bill No. 498.

The following Senate amendment was read:

Amendment No. 1228.

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

“Section 1. NRS 218.53745 is hereby amended to read as follows:

218.53745 The Committee ~~may~~:

~~1. Review~~ :

1. Shall:

(a) *Analyze the effect of changes in technology on the fees administered and imposed by the state and local governments on providers of telecommunications, video, data, electric or natural gas services.*

(b) *Monitor the effect of any changes proposed by the Federal Communications Commission and the Congress of the United States to the categorization of different types of telecommunication and video services and the jurisdiction, or lack thereof, of the state and local governments over those services.*

(c) *Analyze and compare the procedures and methods used by local governments to administer, tax and limit the use of public rights-of-way by the providers of telecommunications, video, data, electric or natural gas services.*

(d) *Consider individually telecommunications, video, data, electric and natural gas services to determine the most appropriate level of government for administering taxes and fees on such services.*

(e) *Analyze any services or benefits that are currently offered to providers of telecommunications, video, data, electric or natural gas services by local governments in exchange for the franchise fees charged by local governments.*

(f) *Examine and consider the proposed effects of eliminating franchise fees, business license fees and all other fees and taxes imposed upon providers of telecommunications, video, data, electric and natural gas services.*

(g) Consider the methods of distribution to local governments of the revenue from the tax on aviation fuel and motor vehicle fuel imposed by or pursuant to chapter 365 of NRS.

(h) Review the price and availability of renewable and alternative fuels.

(i) Consider any other matter that the Committee determines is relevant to its duties prescribed in this subsection.

2. May review and study:

(a) The specific taxes collected in this State;

(b) The implementation of any taxes, fees and other methods for generating public revenue in this State;

(c) The impact of any changes to taxes, fees and other methods for generating public revenue that result from legislation enacted by the Legislature on the residents of this State and on the businesses located in this State, doing business in this State or considering locating in this State;

(d) The fiscal effects of any taxes, fees and other methods for generating public revenue;

(e) The impact, if any, on the prices charged to the residents of this State from the compounding of various new or increased taxes such as the real property transfer tax;

(f) The beneficial and detrimental effects, if any, of the reduction of the tax based on wages for the cost of employee health benefits;

(g) Broad issues of tax policy and fiscal policy relevant to the future of the State of Nevada; and

(h) Any other issues related to taxation, the generation of public revenue, tax policy or fiscal policy which affect this State.

~~{2.—Conduct}~~

3. May conduct investigations and hold hearings in connection with its powers pursuant to this section.

~~{3.—Contract}~~

4. May contract with one or more consultants to obtain technical advice concerning its review and study.

~~{4.—Apply}~~

5. May apply for any available grants and accept any gifts, grants or donations and use any such gifts, grants or donations to aid the Committee in exercising its powers pursuant to this section.

~~{5.—Request}~~

6. May request that the Legislative Counsel Bureau assist in the research, investigations, hearings, studies and reviews of the Committee.

~~{6.—Recommend}~~

7. May recommend to the Legislature, as a result of its review and study, any appropriate legislation.

Sec. 2. NRS 218.53747 is hereby amended to read as follows:

218.53747 If the Committee conducts investigations or holds hearings pursuant to subsection ~~{2}~~ 3 of NRS 218.53745:



1. The Secretary of the Committee or, in his absence, a member designated by the Committee may administer oaths; and

2. The Secretary or Chairman of the Committee may cause the deposition of witnesses, residing either within or outside of this State, to be taken in the manner prescribed by rule of court for taking depositions in civil actions in the district courts.

Sec. 3. Section 193 of Chapter 5, Statutes of Nevada 2003, 20th Special Session, at page 254, is hereby amended to read as follows:

Sec. 193. 1. This section and sections 110, 120, 121, 122, 122.3, 122.4, 122.5, 127, 130, 141, 143, 145, 154 to 161, inclusive, 164.10 to 164.34, inclusive, 166.5, 170, 185, 185.5, 185.7, 185.9, 187 to 188.7, inclusive, and 190 to 192.5, inclusive, of this act and subsection 1 of section 186 of this act become effective upon passage and approval.

2. Sections 189.58 and 189.64 of this act become effective upon passage and approval and apply retroactively to June 30, 2003.

3. Sections 164.50, 164.60, 164.70, 165.2, 185.1, 185.3, 189, 189.10, 189.14 to 189.56, inclusive, 189.60, 189.62 and 189.66 of this act become effective upon passage and approval and apply retroactively to July 1, 2003.

4. Sections 122.1, 122.2, 169.5 and 173.5 of this act become effective on August 1, 2003.

5. Sections 171 and 172 of this act and subsection 2 of section 186 of this act become effective:

(a) Upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On September 1, 2003, for all other purposes.

6. Sections 1 to 10, inclusive, 11 to 50, inclusive, 51 to 63, inclusive, 101 to 109, inclusive, 111 to 119, inclusive, 123 to 126, inclusive, 128, 129, 131 to 140, inclusive, 147 to 153, inclusive, 163, 164, 165, 166, 167, 174, 176 to 179, inclusive, 181.30 to 181.50, inclusive, 183 and 183.3 of this act and subsection 3 of section 186 of this act become effective:

(a) Upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On October 1, 2003, for all other purposes.

7. Sections 10.5, 64 to 100, inclusive, 162, 164.38, 168, 169, 173, 173.7, 175, 180, 181 and 182 of this act and subsection 4 of section 186 of this act become effective:

(a) Upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2004, for all other purposes.

8. Sections 183.5 and 184 of this act become effective:

(a) Upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On July 1, 2004, for all other purposes.

9. Sections 165.4 and 189.12 of this act become effective on July 1, 2004.

10. Sections 50.5, 109.5 and 119.5 of this act become effective:

(a) Upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On July 1, 2005, for all other purposes.

11. Sections 142, 144 and 146 of this act become effective at 12:01 a.m. on October 1, 2029.

12. Sections 154 to 160, inclusive, of this act expire by limitation on June 30, ~~2005~~ 2007.

13. Sections 141, 143 and 145 of this act expire by limitation on September 30, 2029.”.

Amend the title of the bill to read as follows:

“AN ACT relating to the State Legislature; extending the date for expiration of the Legislative Committee on Taxation, Public Revenue and Tax Policy; directing the Committee to study the franchise fees, business license fees and all other fees and taxes imposed upon providers of telecommunication, video, data, electric and natural gas services; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Makes various changes concerning the Legislative Committee on Taxation, Public Revenue and Tax Policy. (BDR 17-421)”.

Assemblyman Conklin moved that the Assembly concur in the Senate amendment to Assembly Bill No. 498.

Remarks by Assemblyman Conklin.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

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

Assembly in recess at 12:32 a.m.

#### ASSEMBLY IN SESSION

At 12:37 a.m.

Mr. Speaker presiding.

Quorum present.

## MOTIONS, RESOLUTIONS, AND NOTICES

Senate Concurrent Resolution No. 26.

Assemblyman Ocegüera moved the adoption of the resolution.

Remarks by Assemblyman Ocegüera.

Resolution adopted.

Senate Concurrent Resolution No. 35.

Assemblyman Ocegüera moved the adoption of the resolution.

Remarks by Assemblywoman Buckley.

Assemblywoman Buckley requested that the following remarks be entered in the Journal.

ASSEMBLYWOMAN BUCKLEY:

I just want to note, for the record, that it is not our intent to study matters that are in litigation. As I understand it, there has long been a dispute about the Walker River Lake that have been going on for years and it may be headed toward some sort of resolution. The last thing we want is the Committee to insert itself into that and perhaps undo that settlement. I think it is our intent that the Committee not interfere with that ongoing process to ensure that Walker Lake is protected.

Resolution adopted.

## MOTIONS, RESOLUTIONS, AND NOTICES

Senate Concurrent Resolution No. 8.

Assemblyman Ocegüera moved the adoption of the resolution.

Remarks by Assemblyman Ocegüera.

Resolution not adopted.

Assemblyman Ocegüera moved that Senate Bill No. 527 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

## GENERAL FILE AND THIRD READING

Senate Bill No. 526.

Bill read third time.

Remarks by Assemblymen Conklin, Parks, and Manendo.

Conflict of interest declared by Assemblymen Conklin and Parks.

Potential conflict of interest declared by Assemblyman Manendo.

Roll call on Senate Bill No. 526:

YEAS—39.

NAYS—Angle.

NOT VOTING—Conklin, Parks—2.

Senate Bill No. 526 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

## MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 7, 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. 307, Amendment No. 1245; Assembly Bill No. 572, Amendment No. 1240, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 69.

MARY JO MONGELLI

*Assistant Secretary of the Senate*

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

Assembly in recess at 12:44 a.m.

## ASSEMBLY IN SESSION

At 12:46 a.m.

Mr. Speaker presiding.

Quorum present.

## UNFINISHED BUSINESS

## CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 307.

The following Senate amendment was read:

Amendment No. 1245.

Amend section 1, page 2, line 16, by deleting “30” and inserting “~~30~~ 60”.

Amend section 1, page 2, line 28, by deleting:

“\$500 nor more than \$1,000” and inserting: “\$250 nor more than \$500”.

Amend section 1, page 2, line 39, by deleting “30” and inserting “~~30~~ 60”.

Assemblyman Ocegüera moved that the Assembly concur in the Senate amendment to Assembly Bill No. 307.

Remarks by Assemblyman Ocegüera.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 572.

The following Senate amendment was read:

Amendment No. 1240.

Amend the bill as a whole by deleting sections 1 through 9 and adding new sections designated sections 1 through 6, following the enacting clause, to read as follows:

“Section 1. The Account for the One-Time Rebate is hereby created within the State General Fund. The Governor, with assistance from the State Treasurer, shall administer the Account.

Sec. 2. There is hereby appropriated from the State General Fund to the Account created by section 1 of this act the sum of \$300,000,000 to pay the costs incurred for issuing and paying negotiable instruments of rebate as required by section 3 of this act.

Sec. 3. 1. The Governor, with assistance from the State Treasurer and the Director of the Department of Motor Vehicles, shall establish a program pursuant to which the Governor issues a negotiable instrument of rebate to:

(a) Each owner of each vehicle that was registered in this State during the 2004 calendar year; and

(b) Each person who was at least 65 years of age on or before January 1, 2005, held a valid identification card issued by the Department of Motor Vehicles on or before that date and continues to hold such valid identification card.

2. Except as otherwise provided in this subsection and subsection 3, the program established pursuant to subsection 1 must provide for the issuance to:

(a) Each owner of each vehicle that was registered in this State during the 2004 calendar year, a negotiable instrument of rebate in an amount equal to the lesser of:

(1) Two hundred seventy five dollars; or

(2) The full amount of the Basic Governmental Services Tax and Registration Fees that was paid upon the registration of the vehicle during the 2004 calendar year.

In no case may a negotiable instrument of rebate issued pursuant to this paragraph be in an amount less than \$75.

(b) Each person who was at least 65 years of age on or before January 1, 2005, held a valid identification card issued by the Department of Motor Vehicles on or before that date and continues to hold such valid identification card, a negotiable instrument of rebate in an amount equal to \$75.

3. The program established pursuant to subsection 1 must be designed and carried out to ensure that:

(a) With respect to the negotiable instruments of rebate described in paragraph (a) of that subsection, the negotiable instruments of rebate are issued on a per-vehicle basis, without regard to the number of vehicles owned by the registered owner.

(b) With respect to the negotiable instruments of rebate described in paragraphs (a) and (b) of that subsection:

(1) Each negotiable instrument of rebate is issued as soon as practicable after July 1, 2005, but in no case later than December 31, 2005.

(2) A negotiable instrument of rebate is void and without value of any kind if a demand for payment on the negotiable instrument is not made within 180 days after the date on which it was issued.

(3) Notwithstanding any other provision of law to the contrary, if a demand for payment on a negotiable instrument of rebate is not made within

180 days after its issuance, the full amount of the negotiable instrument that would otherwise have been payable reverts to the State General Fund.

4. If the State Treasurer determines that delays in the receipt of available funds will result in insufficient revenues to pay all the checks to be issued, he may submit a request for a temporary advance from the State General Fund to the Director of the Department of Administration to pay the checks.

5. The Director of the Department of Administration shall notify the State Controller and the Fiscal Analysis Division of the Legislative Counsel Bureau if he approves a request made pursuant to subsection 1. The State Controller shall draw a warrant upon receipt of such a notification.

6. An advance from the State General Fund approved by the Director of the Department of administration as authorized pursuant to this section is limited to the total estimated amounts due from the unreturned checks.

7. Any money which is temporarily advanced from the State General Fund to the Account for the One-Time Rebate pursuant to this section must be repaid before money is deposited in the revolving account established by section 5 of this act.

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

(a) "Registered owner" has the meaning ascribed to it in NRS 482.102, but does not include a short-term lessor that charged and collected the recovery surcharge described in paragraph (b) of subsection 1 of NRS 482.313.

(b) "Vehicle" has the meaning ascribed to it in NRS 371.020, but does not include:

(1) A utility trailer, as that term is defined in NRS 482.134; or

(2) A motor vehicle that is based in this State and that has a declared gross weight in excess of 26,000 pounds.

Sec. 4. The negotiable instruments of rebate described in this act are not warrants issued in payment of claims against the State for the purpose of the provisions of NRS 353.130, 353.135 and 353.140.

Sec. 5. 1. Any remaining balance of the appropriation made by section 2 of this act must not be committed for expenditure after January 31, 2006, and must be reverted to the State General Fund on or before September 15, 2006.

2. The Division of Emergency Management of the Department of Public Safety shall establish a revolving account within the State General Fund for grants to persons who own and occupy homes damaged by a disaster.

3. Except as otherwise provided in this subsection, any remaining balance reverted to the State General Fund pursuant to subsection 1 must be deposited in the revolving account established by subsection 2 and is appropriated for use by the Division in making grants to persons who own and occupy homes damaged by a disaster. Not more than \$5,000,000 may be deposited in the revolving account and appropriated as described in this subsection.

Sec. 6. This act becomes effective upon passage and approval and expires by limitation on February 28, 2006.”.

Amend the title of the bill to read as follows:

“AN ACT relating to state financial administration; providing for the one-time issuance of a check to certain persons and entities; providing for the appropriation of the reversion for grants to disaster victims; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Provides for one-time issuance of check to certain persons and entities. (BDR S-1474)”.

Assemblyman Ocegüera moved that the Assembly concur in the Senate amendment to Assembly Bill No. 572.

Remarks by Assemblyman Ocegüera.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 499.

The following Senate amendment was read:

Amendment No. 1241.

Amend the bill as a whole by deleting sections 1 through 13 and adding:

“Secs. 1–13. (Deleted by amendment.)”.

Amend the bill as a whole by deleting sec. 23 and adding:

“Sec. 23. (Deleted by amendment.)”.

Amend the title of the bill to read as follows:

“AN ACT relating to government; repealing the provision prohibiting a person from making a false statement of fact concerning a candidate or a question on a ballot under certain circumstances; repealing the provision prohibiting certain persons from willfully impeding the success of the campaign of a candidate or the campaign for the passage or defeat of a question on a ballot; and other matters properly relating thereto.”.

Assemblywoman Giunchigliani moved that the Assembly concur in the Senate amendment to Assembly Bill No. 499.

Remarks by Assemblywoman Giunchigliani.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 554.

The following Senate amendment was read:

Amendment No. 1216.

Amend sec. 10, pages 5 through 7, by deleting lines 33 through 43 on page 5, lines 1 through 44 on page 6 and lines 1 through 4 on page 7, and inserting:

“5. The tax imposed by subsection 1 does not apply to:

(a) Live entertainment that this State is prohibited from taxing under the Constitution, laws or treaties of the United States or the Nevada Constitution.

(b) Live entertainment that is provided by or entirely for the benefit of a nonprofit religious, charitable, fraternal or other organization that qualifies as a tax-exempt organization pursuant to 26 U.S.C. § 501(c) ~~[-]~~ *or a nonprofit corporation organized or existing under the provisions of chapter 82 of NRS.*

(c) Any boxing contest or exhibition governed by the provisions of chapter 467 of NRS.

(d) Live entertainment that is not provided at a licensed gaming establishment if the facility in which the live entertainment is provided has a maximum seating capacity of less than ~~{300.}~~ 200.

(e) Live entertainment that is provided at a licensed gaming establishment that is licensed for less than 51 slot machines, less than six games, or any combination of slot machines and games within those respective limits, if the facility in which the live entertainment is provided has a maximum seating capacity of less than ~~{300.}~~ 200.

(f) Merchandise sold outside the facility in which the live entertainment is provided, unless the purchase of the merchandise entitles the purchaser to admission to the entertainment.

(g) Live entertainment that is provided at a trade show.

(h) Music performed by musicians who move constantly through the audience if no other form of live entertainment is afforded to the patrons.

(i) Live entertainment that is provided at a licensed gaming establishment at private meetings or dinners attended by members of a particular organization or by a casual assemblage if the purpose of the event is not primarily for entertainment.

(j) Live entertainment that is provided in the common area of a shopping mall, unless the entertainment is provided in a facility located within the mall.

*(k) Live entertainment that is incidental to an amusement ride, a motion simulator or a similar digital, electronic, mechanical or electromechanical attraction. For the purposes of this paragraph, live entertainment shall be deemed to be incidental to an amusement ride, a motion simulator or a similar digital, electronic, mechanical or electromechanical attraction if the live entertainment is:*

*(1) Not the predominant element of the attraction; and*

*(2) Not the primary purpose for which the public rides, attends or otherwise participates in the attraction.*

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

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

*(n) Beginning July 1, 2007, race events scheduled at a race track in this State as a part of the National Association for Stock Car Auto Racing Nextel Cup Series, or its successor racing series, and all races associated therewith.*



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

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

“Sec. 13. NRS 372.7263 is hereby amended to read as follows:

372.7263 1. In administering the provisions of NRS 372.335, the Department shall apply the exemption for the sale of tangible personal property delivered by the vendor to a forwarding agent for shipment out of State to include:

(a) The sale of a vehicle to a nonresident to whom a special movement permit has been issued by the Department of Motor Vehicles pursuant to subsection 1 of NRS 482.3955;

(b) The sale of farm machinery and equipment to a nonresident who submits proof to the vendor that the farm machinery and equipment will be delivered out of State not later than 15 days after the sale; and

(c) The sale of a vessel to a nonresident who submits proof to the vendor that the vessel will be delivered out of State not later than 15 days after the sale.

2. As used in this section:

(a) ~~“Agricultural use” has the meaning ascribed to it in NRS 361A.030.~~

~~(b)~~ “Farm machinery and equipment” means a farm tractor, implement of husbandry, piece of equipment used for irrigation, or a part used in the repair or maintenance of farm machinery and equipment. The term does not include:

(1) A vehicle required to be registered pursuant to the provisions of chapter 482 or 706 of NRS; or

(2) Machinery or equipment only incidentally employed for ~~the agricultural use of real property.~~

~~(c)~~ *agricultural purposes.*

(b) “Farm tractor” means a motor vehicle designed and used primarily for drawing an implement of husbandry.

~~(d)~~ (c) “Implement of husbandry” means a vehicle that is designed, adapted or used for agricultural purposes, including, without limitation, a plow, machine for mowing, hay baler, combine, piece of equipment used to stack hay, till, harvest, handle agricultural commodities or apply fertilizers, or other heavy, movable equipment designed, adapted or used for agricultural purposes.

Sec. 14. NRS 372.7263 is hereby amended to read as follows:

372.7263 ~~(1)~~ In administering the provisions of NRS 372.335, the Department shall apply the exemption for the sale of tangible personal property delivered by the vendor to a forwarding agent for shipment out of State to include:

~~{{(a)}}~~ 1. The sale of a vehicle to a nonresident to whom a special movement permit has been issued by the Department of Motor Vehicles pursuant to subsection 1 of NRS 482.3955;

~~{{(b)}}~~ 2. The sale of farm machinery and equipment, *as defined in section 30 of this act*, to a nonresident who submits proof to the vendor that the farm machinery and equipment will be delivered out of State not later than 15 days after the sale; and

~~{{(c)}}~~ 3. The sale of a vessel to a nonresident who submits proof to the vendor that the vessel will be delivered out of State not later than 15 days after the sale.

~~{2.—As used in this section:~~

~~(a) “Farm machinery and equipment” means a farm tractor, implement of husbandry, piece of equipment used for irrigation, or a part used in the repair or maintenance of farm machinery and equipment. The term does not include:~~

~~(1) A vehicle required to be registered pursuant to the provisions of chapter 482 or 706 of NRS; or~~

~~(2) Machinery or equipment only incidentally employed for agricultural purposes.~~

~~(b) “Farm tractor” means a motor vehicle designed and used primarily for drawing an implement of husbandry.~~

~~(c) “Implement of husbandry” means a vehicle that is designed, adapted or used for agricultural purposes, including, without limitation, a plow, machine for mowing, hay baler, combine, piece of equipment used to stack hay, till, harvest, handle agricultural commodities or apply fertilizers, or other heavy, movable equipment designed, adapted or used for agricultural purposes.]”.~~

Amend sec. 13, page 8, by deleting lines 12 through 19 and inserting:

“Sec. 15. Chapter 374 of NRS is hereby amended by adding thereto the provisions set forth as sections 16 and 17 of this act.”.

Amend the bill as a whole by renumbering sec. 14 as sec. 20 and adding new sections designated sections 16 through 19, following sec. 13, to read as follows:

“Sec. 16. *In its administration of the use tax imposed by NRS 374.190, the Department shall not consider the storage, use or other consumption in a county of tangible personal property which is:*

1. *Worth \$100 or less; and*
2. *Acquired free of charge at a convention, trade show or other public event.*

Sec. 17. 1. *There are exempted from the taxes imposed by this chapter the gross receipts from the sale, storage, use or other consumption in a county of farm machinery and equipment.*

2. *As used in this section:*

(a) *“Farm machinery and equipment” means a farm tractor, implement of husbandry, piece of equipment used for irrigation, or a part used in the*

*repair or maintenance of farm machinery and equipment. The term does not include:*

*(1) A vehicle required to be registered pursuant to the provisions of chapter 482 or 706 of NRS; or*

*(2) Machinery or equipment only incidentally employed for agricultural purposes.*

*(b) "Farm tractor" means a motor vehicle designed and used primarily for drawing an implement of husbandry.*

*(c) "Implement of husbandry" means a vehicle that is designed, adapted or used for agricultural purposes, including, without limitation, a plow, machine for mowing, hay baler, combine, piece of equipment used to stack hay, till, harvest, handle agricultural commodities or apply fertilizers, or other heavy, movable equipment designed, adapted or used for agricultural purposes.*

Sec. 18. NRS 374.030 is hereby amended to read as follows:

374.030 1. "Gross receipts" means the total amount of the sale or lease or rental price, as the case may be, of the retail sales of retailers, valued in money, whether received in money or otherwise, without any deduction on account of any of the following:

(a) The cost of the property sold. However, in accordance with such rules and regulations as the Department may prescribe, a deduction may be taken if the retailer has purchased property for some other purpose than resale, has reimbursed his vendor for tax which the vendor is required to pay to the county or has paid the use tax with respect to the property, and has resold the property before making any use of the property other than retention, demonstration or display while holding it for sale in the regular course of business. If such a deduction is taken by the retailer, no refund or credit will be allowed to his vendor with respect to the sale of the property.

(b) The cost of the materials used, labor or service cost, interest paid, losses or any other expense.

(c) The cost of transportation of the property before its sale to the purchaser.

2. The total amount of the sale or lease or rental price includes all of the following:

(a) Any services that are a part of the sale.

(b) All receipts, cash, credits and property of any kind.

(c) Any amount for which credit is allowed by the seller to the purchaser.

3. "Gross receipts" does not include any of the following:

(a) Cash discounts allowed and taken on sales.

(b) The sale price of property returned by customers when the full sale price is refunded either in cash or credit, but this exclusion does not apply in any instance when the customer, in order to obtain the refund, is required to purchase other property at a price greater than the amount charged for the property that is returned.

(c) The price received for labor or services used in installing or applying the property sold.

(d) The amount of any tax, not including any manufacturers' or importers' excise tax, imposed by the United States upon or with respect to retail sales, whether imposed upon the retailer or the consumer.

~~[(e) The amount of any allowance against the selling price given by a retailer for the value of a used vehicle which is taken in trade on the purchase of another vehicle.]~~

4. For purposes of the sales tax, if the retailers establish to the satisfaction of the Department that the sales tax has been added to the total amount of the sale price and has not been absorbed by them, the total amount of the sale price shall be deemed to be the amount received exclusive of the tax imposed.

Sec. 19. NRS 374.070 is hereby amended to read as follows:

374.070 1. "Sales price" means the total amount for which tangible property is sold, valued in money, whether paid in money or otherwise, without any deduction on account of any of the following:

(a) The cost of the property sold.

(b) The cost of the materials used, labor or service cost, interest charged, losses, or any other expenses.

(c) The cost of transportation of the property before its purchase.

2. The total amount for which property is sold includes all of the following:

(a) Any services that are a part of the sale.

(b) Any amount for which credit is given to the purchaser by the seller.

3. "Sales price" does not include any of the following:

(a) Cash discounts allowed and taken on sales.

(b) The amount charged for property returned by customers when the entire amount charged therefor is refunded in cash or credit, except that this exclusion does not apply in any instance when the customer, in order to obtain the refund, is required to purchase other property at a price greater than the amount charged for the property that is returned.

(c) The amount charged for labor or services rendered in installing or applying the property sold.

(d) The amount of any tax, not including any manufacturers' or importers' excise tax, imposed by the United States upon or with respect to retail sales, whether imposed upon the retailer or the consumer.

(e) The amount of any tax imposed by the State of Nevada upon or with respect to the storage, use or other consumption of tangible personal property purchased from any retailer.

(f) The amount of any allowance against the selling price given by a retailer for the value of a used ~~[vehicle or]~~ vessel which is taken in trade on the purchase of another ~~[vehicle or]~~ vessel."

Amend the bill as a whole by renumbering sections 15 and 16 as sections 36 and 37 and adding new sections designated sections 21 through 35, following sec. 14, to read as follows:

“Sec. 21. NRS 374.265 is hereby amended to read as follows:

374.265 “Exempted from the taxes imposed by this chapter,” as used in NRS 374.265 to 374.355, inclusive, *and section 17 of this act* means exempted from the computation of the amount of taxes imposed.

Sec. 22. NRS 374.286 is hereby amended to read as follows:

374.286 1. There are exempted from the taxes imposed by this chapter the gross receipts from the sale , ~~{of, and the}~~ storage, use or other consumption in a county of ~~{,}~~ farm machinery and equipment . ~~{employed for the agricultural use of real property.}~~

2. As used in this section:

(a) ~~{“Agricultural use” has the meaning ascribed to it in NRS 361A.030.~~

~~{b)}~~ “Farm machinery and equipment” means a farm tractor, implement of husbandry, piece of equipment used for irrigation, or a part used in the repair or maintenance of farm machinery and equipment. The term does not include:

(1) A vehicle required to be registered pursuant to the provisions of chapter 482 or 706 of NRS; or

(2) Machinery or equipment only incidentally employed for ~~{the agricultural use of real property.~~

~~{e)}~~ *agricultural purposes.*

(b) “Farm tractor” means a motor vehicle designed and used primarily for drawing an implement of husbandry.

~~{(d)}~~ (c) “Implement of husbandry” means a vehicle that is designed, adapted or used for agricultural purposes, including, without limitation, a plow, machine for mowing, hay baler, combine, piece of equipment used to stack hay, till, harvest, handle agricultural commodities or apply fertilizers, or other heavy, movable equipment designed, adapted or used for agricultural purposes.

Sec. 23. NRS 374.7273 is hereby amended to read as follows:

374.7273 1. In administering the provisions of NRS 374.340, the Department shall apply the exemption for the sale of tangible personal property delivered by the vendor to a forwarding agent for shipment out of State to include:

(a) The sale of a vehicle to a nonresident to whom a special movement permit has been issued by the Department of Motor Vehicles pursuant to subsection 1 of NRS 482.3955;

(b) The sale of farm machinery and equipment to a nonresident who submits proof to the vendor that the farm machinery and equipment will be delivered out of State not later than 15 days after the sale; and

(c) The sale of a vessel to a nonresident who submits proof to the vendor that the vessel will be delivered out of State not later than 15 days after the sale.

2. As used in this section:

(a) ~~“Agricultural use” has the meaning ascribed to it in NRS 361A.030.~~

~~(b) “Farm machinery and equipment” means a farm tractor, implement of husbandry, piece of equipment used for irrigation, or a part used in the repair or maintenance of farm machinery and equipment. The term does not include:~~

~~(1) A vehicle required to be registered pursuant to the provisions of chapter 482 or 706 of NRS; or~~

~~(2) Machinery or equipment only incidentally employed for the agricultural use of real property.~~

~~(c) agricultural purposes.~~

~~(b) “Farm tractor” means a motor vehicle designed and used primarily for drawing an implement of husbandry.~~

~~((d)) (c) “Implement of husbandry” means a vehicle that is designed, adapted or used for agricultural purposes, including, without limitation, a plow, machine for mowing, hay baler, combine, piece of equipment used to stack hay, till, harvest, handle agricultural commodities or apply fertilizers, or other heavy, movable equipment designed, adapted or used for agricultural purposes.~~

Sec. 24. NRS 374.7273 is hereby amended to read as follows:

374.7273 ~~{1.}~~ In administering the provisions of NRS 374.340, the Department shall apply the exemption for the sale of tangible personal property delivered by the vendor to a forwarding agent for shipment out of State to include:

~~{{a}} 1. The sale of a vehicle to a nonresident to whom a special movement permit has been issued by the Department of Motor Vehicles pursuant to subsection 1 of NRS 482.3955;~~

~~{{b}} 2. The sale of farm machinery and equipment, as defined in section 30 of this act, to a nonresident who submits proof to the vendor that the farm machinery and equipment will be delivered out of State not later than 15 days after the sale; and~~

~~{{c}} 3. The sale of a vessel to a nonresident who submits proof to the vendor that the vessel will be delivered out of State not later than 15 days after the sale.~~

~~{2.—As used in this section:~~

~~(a) “Farm machinery and equipment” means a farm tractor, implement of husbandry, piece of equipment used for irrigation, or a part used in the repair or maintenance of farm machinery and equipment. The term does not include:~~

~~(1) A vehicle required to be registered pursuant to the provisions of chapter 482 or 706 of NRS; or~~

~~(2) Machinery or equipment only incidentally employed for agricultural purposes.~~

~~(b) “Farm tractor” means a motor vehicle designed and used primarily for drawing an implement of husbandry.~~

~~(e) “Implement of husbandry” means a vehicle that is designed, adapted or used for agricultural purposes, including, without limitation, a plow, machine for mowing, hay baler, combine, piece of equipment used to stack hay, till, harvest, handle agricultural commodities or apply fertilizers, or other heavy, movable equipment designed, adapted or used for agricultural purposes.]~~

Sec. 25. Section 64 of Chapter 400, Statutes of Nevada 2003, at page 2374, is hereby amended to read as follows:

Sec. 64. NRS 374.070 is hereby amended to read as follows:

374.070 1. “Sales price” means the total amount for which tangible property is sold, valued in money, whether paid in money or otherwise, without any deduction on account of any of the following:

(a) The cost of the property sold.

(b) The cost of the materials used, labor or service cost, interest charged, losses, or any other expenses.

(c) The cost of transportation of the property before its purchase.

2. The total amount for which property is sold includes all of the following:

(a) Any services that are a part of the sale.

(b) Any amount for which credit is given to the purchaser by the seller.

3. “Sales price” does not include any of the following:

(a) Cash discounts allowed and taken on sales.

(b) The amount charged for property returned by customers when the entire amount charged therefor is refunded either in cash or credit; but this exclusion does not apply in any instance when the customer, in order to obtain the refund, is required to purchase other property at a price greater than the amount charged for the property that is returned.

(c) The amount charged for labor or services rendered in installing or applying the property sold.

(d) The amount of any tax, ~~{}~~ not including ~~{, however,}~~ any manufacturers’ or importers’ excise tax, ~~{}~~ imposed by the United States upon or with respect to retail sales, whether imposed upon the retailer or the consumer.

(e) The amount of any tax imposed by the State of Nevada upon or with respect to the storage, use or other consumption of tangible personal property purchased from any retailer.

(f) The amount of any allowance against the selling price given by a retailer for the value of a used vehicle which is taken in trade on the purchase of another vehicle.

~~{4. For the purpose of a sale of a vehicle by a seller who is not required to be registered with the Department of Taxation, the sales price is the value established in the manner set forth in NRS 374.112.}~~

Sec. 26. Section 138 of Chapter 400, Statutes of Nevada 2003, at page 2409, is hereby amended to read as follows:

Sec. 138. NRS ~~{374.107,}~~ 374.112, 374.113, 374.286, 374.291, 374.2911, 374.322 and 374.323 are hereby repealed.

Sec. 27. Section 139 of Chapter 400, Statutes of Nevada 2003, at page 2409, is hereby amended to read as follows:

Sec. 139. 1. This section and section 102 of this act become effective upon passage and approval.

2. Sections 103 to 135, inclusive, of this act become effective on July 1, 2003.

3. Sections 1 to 29, inclusive, 32 to 38, inclusive, 40 to 50, inclusive, 52 to 57, inclusive, 66, 67, 69 to 72, inclusive, 74 to 80, inclusive, 83, 84, 85, 87 to 92, inclusive, 94 to 101, inclusive, 136 and 137 of this act become effective:

(a) Upon passage and approval for the purposes of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2006, for all other purposes.

4. Sections 30 and 39 of this act become effective on January 1, 2006, only if the proposal submitted pursuant to sections 103 to 107, inclusive, of this act is approved by the voters at the General Election on November 2, 2004.

5. Sections 31, 51, ~~58~~ 60 to 65, inclusive, 68, 73, 81, 82, 86, 93 and 138 of this act become effective on January 1, 2006, only if the proposal submitted pursuant to sections 103 to 107, inclusive, of this act is not approved by the voters at the General Election on November 2, 2004.

Sec. 28. At the General Election on November 7, 2006, a proposal must be submitted to the registered voters of this State to amend the Sales and Use Tax Act, which was enacted by the 47th session of the Legislature of the State of Nevada and approved by the Governor in 1955, and subsequently approved by the people of this State at the General Election held on November 6, 1956.

Sec. 29. At the time and in the manner provided by law, the Secretary of State shall transmit the proposed Act to the several county clerks, and the county clerks shall cause it to be published and posted as provided by law.

Sec. 30. The proclamation and notice to the voters given by the county clerks pursuant to law must be in substantially the following form:

Notice is hereby given that at the General Election on November 7, 2006, a question will appear on the ballot for the adoption or rejection by the registered voters of the State of the following proposed Act:

AN ACT to amend an Act entitled "An Act to provide revenue for the State of Nevada; providing for sales and use taxes; providing for the manner of collection; defining certain terms; providing penalties for violation, and other matters properly relating thereto." approved March 29, 1955, as amended.

THE PEOPLE OF THE STATE OF NEVADA  
DO ENACT AS FOLLOWS:

Section 1. The above-entitled Act, being Chapter 397, Statutes of Nevada 1955, at page 762, is hereby amended by adding thereto a new



section to be designated as section 18.2, immediately following section 18.1, to read as follows:

Sec. 18.2. *“Vehicle” has the meaning ascribed to it in NRS 482.135.*

Sec. 2. The above-entitled Act, being Chapter 397, Statutes of Nevada 1955, at page 762, is hereby amended by adding thereto a new section to be designated section 55.5, immediately following section 55 to read as follows:

Sec. 55.5. 1. *There are exempted from the taxes imposed by this Act the gross receipts from the sale, storage, use or other consumption in a county of farm machinery and equipment.*

2. *As used in this section:*

(a) *“Farm machinery and equipment” means a farm tractor, implement of husbandry, piece of equipment used for irrigation, or a part used in the repair or maintenance of farm machinery and equipment. The term does not include:*

*(1) A vehicle required to be registered pursuant to the provisions of chapter 482 or 706 of NRS; or*

*(2) Machinery or equipment only incidentally employed for agricultural purposes.*

*(b) “Farm tractor” means a motor vehicle designed and used primarily for drawing an implement of husbandry.*

*(c) “Implement of husbandry” means a vehicle that is designed, adapted or used for agricultural purposes, including, without limitation, a plow, machine for mowing, hay baler, combine, piece of equipment used to stack hay, till, harvest, handle agricultural commodities or apply fertilizers, or other heavy, movable equipment designed, adapted or used for agricultural purposes.*

Sec. 3. Section 11 of the above-entitled Act, being Chapter 397, Statutes of Nevada 1955, at page 764, is hereby amended to read as follows:

Sec. 11. 1. *“Sales price” means the total amount for which tangible property is sold, valued in money, whether paid in money or otherwise, without any deduction on account of any of the following:*

*(a) The cost of the property sold.*

*(b) The cost of materials used, labor or service cost, interest charged, losses, or any other expenses.*

*(c) The cost of transportation of the property ~~prior to~~ before its purchase.*

2. The total amount for which property is sold includes all of the following:

*(a) Any services that are a part of the sale.*

*(b) Any amount for which credit is given to the purchaser by the seller.*

3. *“Sales price” does not include any of the following:*

*(a) Cash discounts allowed and taken on sales.*

*(b) The amount charged for property returned by customers when the entire amount charged therefor is refunded either in cash or credit ~~;- but~~ , except that this exclusion ~~shall~~ does not apply in any instance when the*

customer, in order to obtain the refund, is required to purchase other property at a price greater than the amount charged for the property that is returned.

(c) The amount charged for labor or services rendered in installing or applying the property sold.

(d) The amount of any tax , ~~{+}~~ not including ~~{-, however,}~~ any manufacturers' or importers' excise tax , ~~{+}~~ imposed by the United States upon or with respect to retail sales, whether imposed upon the retailer or the consumer.

(e) *The amount of any allowance against the selling price given by a retailer for the value of a used vehicle which is taken in trade on the purchase of another vehicle.*

Sec. 4. Section 12 of the above-entitled Act, being Chapter 397, Statutes of Nevada 1955, at page 764, is hereby amended to read as follows:

Sec. 12. 1. "Gross receipts" means the total amount of the sale or lease or rental price, as the case may be, of the retail sales of retailers, valued in money, whether received in money or otherwise, without any deduction on account of any of the following:

(a) The cost of the property sold. However, in accordance with such rules and regulations as the Tax Commission may prescribe, a deduction may be taken if the retailer has purchased property for some other purpose than resale, has reimbursed his vendor for tax which the vendor is required to pay to the State or has paid the use tax with respect to the property, and has resold the property ~~{prior to}~~ *before* making any use of the property other than retention, demonstration or display while holding it for sale in the regular course of business. If such a deduction is taken by the retailer, no refund or credit will be allowed to his vendor with respect to the sale of the property.

(b) The cost of the materials used, labor or service cost, interest paid, losses ~~{+}~~ or any other expense.

(c) The cost of transportation of the property ~~{prior to}~~ *before* its sale to the purchaser.

2. The total amount of the sale or lease or rental price includes all of the following:

(a) Any services that are a part of the sale.

(b) All receipts, cash, credits ~~{+}~~ and property of any kind.

(c) Any amount for which credit is allowed by the seller to the purchaser.

3. "Gross receipts" ~~{do}~~ *does* not include any of the following:

(a) Cash discounts allowed and taken on sales.

(b) ~~{Sale}~~ *The sale* price of property returned by customers when the full sale price is refunded either in cash or credit , ~~{+}~~ but this exclusion ~~{shall}~~ *does not* apply in any instance when the customer, in order to obtain the refund, is required to purchase other property at a price greater than the amount charged for the property that is returned.

(c) The price received for labor or services used in installing or applying the property sold.

(d) The amount of any tax , ~~{}~~ not including ~~{, however,}~~ any manufacturers' or importers' excise tax , ~~{}~~ imposed by the United States upon or with respect to retail sales , whether imposed upon the retailer or the consumer.

*(e) The amount of any allowance against the selling price given by a retailer for the value of a used vehicle which is taken in trade on the purchase of another vehicle.*

4. For purposes of the sales tax, if the retailers establish to the satisfaction of the Tax Commission that the sales tax has been added to the total amount of the sale price and has not been absorbed by them, the total amount of the sale price shall be deemed to be the amount received exclusive of the tax imposed.

Sec. 5. This Act becomes effective on January 1, 2007.

Sec. 31. The ballot page assemblies and the paper ballots to be used in voting on the question must present the question in substantially the following form:

Shall the Sales and Use Tax Act of 1955 be amended to exempt from the taxes imposed by this Act on the gross receipts from the sale and the storage, use or other consumption of tangible personal property, the value of any used vehicle taken in trade on the purchase of another vehicle and to exempt from the taxes imposed by this Act on the gross receipts from the sale and the storage, use or other consumption of tangible personal property, the value of farm machinery and equipment?

Yes ☐ No ☐

Sec. 32. The explanation of the question which must appear on each paper ballot and sample ballot and in every publication and posting of notice of the question must be in substantially the following form:

(Explanation of Question)

The proposed amendment to the Sales and Use Tax Act of 1955 would exempt from the taxes imposed by this Act on the gross receipts from the sale and the storage, use or other consumption of tangible personal property, the value of any used vehicle taken in trade on the purchase of another vehicle and the value of farm machinery and equipment. The Legislature has amended the Local School Support Tax Law and the City-County Relief Tax Law to provide the same exemption for farm machinery and equipment if this proposal is adopted.

Sec. 33. If a majority of the votes cast on the question submitted to the voters is yes, the amendment to the Sales and Use Tax Act of 1955 becomes effective on January 1, 2007. If less than a majority of votes cast on the question submitted to the voters is yes, the question fails and the amendment to the Sales and Use Tax Act of 1955 does not become effective.

Sec. 34. All general election laws not inconsistent with this act are applicable.

Sec. 35. Any informalities, omissions or defects in the content or making of the publications, proclamations or notices provided for in this act and by the general election laws under which this election is held must be so construed as not to invalidate the adoption of the act by a majority of the registered voters voting on the question if it can be ascertained with reasonable certainty from the official returns transmitted to the Office of the Secretary of State whether the proposed amendment was adopted by a majority of those registered voters.”.

Amend sec. 15, page 9, by deleting line 35 and inserting:

“Sec. 36. 1. NRS 368A.130 and 368A.210 are hereby repealed.

2. NRS 374.107 is hereby repealed.

3. Sections 58 and 59 of Chapter 400, Statutes of Nevada 2003, at page 2371, are hereby repealed.”.

Amend sec. 16, page 9, by deleting line 36 and inserting:

“Sec. 37. 1. This section becomes effective upon passage and approval.

2. Section 22 of this act:

(a) Becomes effective upon passage and approval for the purpose of adopting regulations and on July 1, 2005, for all other purposes; and

(b) Expires by limitation on December 21, 2005.

3. Sections 1 to 12, inclusive, 15, 16, 20 and subsection 1 of section 36 of this act become effective on July 1, 2005.

4. Sections 25 to 35, inclusive, and subsection 3 of section 36 of this act become effective on October 1, 2005.

5. Sections 13 and 23 of this act become effective on January 1, 2006.

6. Sections 14, 17, 21 and 24 of this act become effective on January 1, 2007, only if the proposal submitted pursuant to sections 28 to 35, inclusive, of this act is approved by the voters at the General Election on November 7, 2006.

7. Sections 18, 19 and subsection 2 of section 36 of this act become effective on January 1, 2007, only if the proposal submitted pursuant to sections 28 to 35, inclusive, of this act is not approved by the voters at the General Election on November 7, 2006.”.

Amend the text of repealed sections by adding the text of NRS 374.107 and Sections 58 and 59 of Chapter 400, Statutes of Nevada 2003.

Amend the title of the bill, eighth line, after “property;” by inserting: “revising the provisions governing the application of sales and use taxes to retail sales of vehicles for which used vehicles are taken in trade; revising the provisions governing the application of sales and use taxes to retail sales of farm machinery and equipment; providing for the submission to the voters of the question whether the Sales and Use Tax Act of 1955 should be amended to provide an exemption from the tax for sales of vehicles for which used vehicles are taken in trade and for farm machinery and equipment; providing exemptions from certain analogous taxes;”.

Assemblyman Arberry moved that the Assembly concur in the Senate amendment to Assembly Bill No. 554.

Remarks by Assemblyman Arberry.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

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

Assembly in recess at 12:51 a.m.

#### ASSEMBLY IN SESSION

At 12:55 a.m.

Mr. Speaker presiding.

Quorum present.

#### UNFINISHED BUSINESS

##### REPORTS OF CONFERENCE COMMITTEES

*Mr. Speaker:*

The first Conference Committee concerning Assembly Bill No. 189, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendment No. 1186 of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA54, which is attached to and hereby made a part of this report.

DAVID PARKS  
MARILYN KIRKPATRICK

BOB SEALE  
*Assembly Conference Committee*

WARREN B. HARDY  
RANDOLPH J. TOWNSEND

JOHN LEE  
*Senate Conference Committee*

Conference Amendment No. CA54.

Amend the bill as a whole by deleting sections 1 through 19 and the text of the repealed section and adding new sections designated sections 1 through 7, following the enacting clause, to read as follows:

"Section 1. Chapter 233 of NRS is hereby amended by adding thereto a new section to read as follows:

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

*2. As used in this section:*

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

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

Sec. 2. NRS 233.010 is hereby amended to read as follows

233.010 1. It is hereby declared to be the public policy of the State of Nevada to protect the welfare, prosperity, health and peace of all the people of the State, and to foster the right of all persons reasonably to seek, obtain and hold employment and housing accommodations [~~and reasonably to seek and be granted services in places of public accommodation~~] without discrimination, distinction or restriction because of race, religious creed, color, age, sex, disability, national origin or ancestry.

2. *It is hereby declared to be the public policy of the State of Nevada to protect the welfare, prosperity, health and peace of all the people of the State, and to foster the right of all persons reasonably to seek and be granted services in places of public accommodation without discrimination, distinction or restriction because of race, religious creed, color, age, sex, disability, sexual orientation, national origin or ancestry.*

3. It is recognized that the people of this State should be afforded full and accurate information concerning actual and alleged practices of discrimination and acts of prejudice, and that such information may provide the basis for formulating statutory remedies of equal protection and opportunity for all citizens in this State.

Sec. 3. NRS 233.020 is hereby amended to read as follows:

233.020 As used in this chapter:

1. “Administrator” means the Administrator of the Commission.

2. “Commission” means the Nevada Equal Rights Commission within the Department of Employment, Training and Rehabilitation.

3. “Disability” means, with respect to a person:

(a) A physical or mental impairment that substantially limits one or more of the major life activities of the person;

(b) A record of such an impairment; or

(c) Being regarded as having such an impairment.

4. “Member” means a member of the Nevada Equal Rights Commission.

5. *“Sexual orientation” means having or being perceived as having an orientation for heterosexuality, homosexuality or bisexuality.*

Sec. 4. NRS 233.150 is hereby amended to read as follows:

233.150 The Commission may:

1. Order its Administrator to :

(a) *With regard to public accommodation*, investigate tensions, practices of discrimination and acts of prejudice against any person or group because of race, color, creed, sex, age, disability, sexual orientation, national origin or ancestry, and may conduct hearings with regard thereto.

(b) *With regard to employment and housing*, investigate tensions, practices of discrimination and acts of prejudice against any person or group because

*of race, color, creed, sex, age, disability, national origin or ancestry, and may conduct hearings with regard thereto.*

2 Mediate between or reconcile the persons or groups involved in those tensions, practices and acts.

3. Issue subpoenas for the attendance of witnesses or for the production of documents or tangible evidence relevant to any investigations or hearings conducted by the Commission.

4. Delegate its power to hold hearings and issue subpoenas to any of its members or any hearing officer in its employ.

5. Adopt reasonable regulations necessary for the Commission to carry out the functions assigned to it by law.

Sec. 5. NRS 233.160 is hereby amended to read as follows:

233.160 1 A complaint which alleges unlawful discriminatory practices in:

(a) Housing must be filed with the Commission not later than 1 year after the date of the occurrence of the alleged practice or the date on which the practice terminated.

(b) Employment or public accommodations must be filed with the Commission not later than ~~[480]~~ 300 days after the date of the occurrence of the alleged practice.

A complaint is timely if it is filed with an appropriate federal agency within that period. A complainant shall not file a complaint with the Commission if any other state or federal administrative body or officer which has comparable jurisdiction to adjudicate complaints of discriminatory practices has made a decision upon a complaint based upon the same facts and legal theory.

2. The complainant shall specify in the complaint the alleged unlawful practice and sign it under oath.

3 The Commission shall send to the party against whom an unlawful discriminatory practice is alleged:

(a) A copy of the complaint,

(b) An explanation of the rights which are available to him; and

(c) A copy of the Commission's procedures.

Sec. 6. NRS 233.160 is hereby amended to read as follows:

233.160 1. A complaint which alleges an unlawful discriminatory practice in:

(a) Housing must be filed with the Commission not later than 1 year after the date of the occurrence of the alleged practice or the date on which the practice terminated.

(b) Employment or public accommodations must be filed with the Commission not later than ~~[480]~~ 300 days after the date of the occurrence of the alleged practice.

A complaint is timely if it is filed with an appropriate federal agency within that period. A complainant shall not file a complaint with the Commission if any other state or federal administrative body or officer which has comparable jurisdiction to adjudicate complaints of discriminatory

practices has made a decision upon a complaint based upon the same facts and legal theory.

2. The complainant shall specify in the complaint the alleged unlawful practice. The complaint must be in writing and signed, under oath, by the complainant.

3. If the complaint alleges an unlawful discriminatory practice in housing, the Commission shall serve upon the complainant:

- (a) Notice that the complaint was filed with the Commission;
- (b) A copy of the Commission's procedures;
- (c) The information set forth in subsection 5 of NRS 233.170; and
- (d) Information relating to the state and federal administrative bodies and courts with which he may file the complaint.

4. The Commission shall send to the party against whom an unlawful discriminatory practice is alleged:

- (a) A copy of the complaint;
- (b) An explanation of the rights which are available to him; and
- (c) A copy of the Commission's procedures.

If the complaint alleges an unlawful discriminatory practice in housing, the Commission shall comply with the requirements of this subsection within 10 days after it receives the complaint.

5. A person against whom an unlawful discriminatory practice in housing is alleged may file with the Commission an answer to the complaint filed against him not later than 10 days after he receives the information described in subsection 4.

Sec. 7. 1. This section and sections 1 to 5, inclusive, of this act become effective on October 1, 2005.

2. Section 5 of this act expires by limitation on the date the Governor declares that the Federal Government has determined that certain provisions of NRS provide rights and remedies for alleged discriminatory housing practices substantially equivalent to federal law.

3. Section 6 of this act becomes effective on the date the Governor declares that the Federal Government has determined that certain provisions of NRS provide rights and remedies for alleged discriminatory housing practices substantially equivalent to federal law."

Amend the title of the bill to read as follows:

"AN ACT relating to the Nevada Equal Rights Commission; requiring the approval of the Legislature for the Commission to enter into certain contracts or memoranda of understanding to investigate and enforce laws relating to fair housing; revising provisions governing the receipt and investigation of complaints of discrimination in employment, housing and public accommodation by the Commission; and providing other matters properly relating thereto."

Assemblyman Parks moved that the Assembly adopt the report of the first Conference Committee concerning Assembly Bill No. 189.



Remarks by Assemblyman Parks.

Motion carried by a constitutional majority.

#### MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 7, 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. 580, Amendment No. 1253, and respectfully requests your honorable body to concur in said amendment.

MARY JO MONGELLI

*Assistant Secretary of the Senate*

#### UNFINISHED BUSINESS

##### CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 580.

The following Senate amendment was read:

Amendment No. 1253.

Amend sec. 84, page 42, by deleting lines 38 through 40, and inserting:

“4. Policy changes implemented in this act may be continued to the extent that money is available from the State or Federal Government or other sources.”.

Assemblyman Arberry moved that the Assembly concur in the Senate amendment to Assembly Bill No. 580.

Remarks by Assemblyman Arberry.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

*Mr. Speaker:*

The first Conference Committee concerning Assembly Joint Resolution No. 5, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendment No. 981 of the Senate be concurred in.

CHRIS GIUNCHIGLIANI

SHEILA LESLIE

BOB SEALE

*Assembly Conference Committee*

BOB BEERS

BERNICE MATHEWS

BARBARA CEGAVSKE

*Senate Conference Committee*

Assemblywoman Giunchigliani moved that the Assembly adopt the report of the first Conference Committee concerning Assembly Joint Resolution No. 5.

Remarks by Assemblywoman Giunchigliani.

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 1:12 a.m.

## ASSEMBLY IN SESSION

At 2:15 a.m.

Mr. Speaker presiding.

Quorum present.

## MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 6, 2005

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly Amendment No. 1219 to Senate Bill No. 56; Assembly Amendment No. 1220 to Senate Bill No. 101.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly Amendment No. 1226 to Senate Bill No. 461.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly Amendment No. 1247 to Senate Bill No. 274; Assembly Amendment No. 1215 to Senate Bill No. 404; Assembly Amendment No. 1226 to Senate Bill No. 461.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Washington, Horsford and Rhoads as a first Conference Committee concerning Senate Bill No. 462.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly Amendments Nos. 941, 1223 to Senate Bill No. 282; Assembly Amendments Nos. 908, 1192, 1209 to Senate Bill No. 306.

MARY JO MONGELLI

*Assistant Secretary of the Senate*

SENATE CHAMBER, Carson City, June 7, 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. 10.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Assembly Bill No. 555.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators McGinness, Townsend and Lee as a first Conference Committee concerning Senate Bill No. 392.

MARY JO MONGELLI

*Assistant Secretary of the Senate*

## REMARKS FROM THE FLOOR

Assemblywoman Buckley requested that the following remarks be entered in the Journal.

ASSEMBLYWOMAN BUCKLEY:

Well, it's the end of the regular Session. For the last hour or so, maybe two, maybe three, maybe four, we have been working very hard on the Millennium Scholarship changes. We have been trying to do what we can to preserve the program and make our existing resources stretch as far as we can but not to do it at the expense of just making cuts and taking very deserving hardworking students and separating them from the scholarships.

I want to thank all the members of this Body who worked on very reasonable compromises. I really enjoyed being in sync with my Assembly Republican colleagues in trying to work something very reasonable. I really enjoy when we work well together and make good suggestions to try to get things done. I regret that we were unable to achieve that same success across the hall.

You know what—to just cut somebody's scholarship by a quarter when they are doing well and say, "We are doing it to conserve the program," there is another way to describe that, and

that is, “We are cutting deserving hardworking kids off their scholarships.” I am not going to be a part of that. I think the Millennium Scholarship works. I think we should do everything we can to continue our goal of improving our college graduation rate.

When we started this program, there were no incentives, and we had one of the worst rates of high school students going to college. We are at a crossroads right now. Do we want to say, “Let’s just throw that all away,” because we want to withdraw our commitment to it, or do we want to improve it? Do we want to refine it but still consider the kids for which this program was created? I am siding with the kids, and I would like to thank this entire House for standing up for the students and standing behind Governor Guinn in trying to make this the best program it can be.

I do not know quite what we are going to do right now, Mr. Speaker. I believe the Governor is going to consider whether he extends our time and to allow us to consider this measure, or whether we just go home. I think likely we will have that decision very soon.

Mr. Speaker, I really wanted to just take a moment and to thank you. If the rumors are correct, you are not running for reelection to the State Assembly, so this would mark your last Session with the Nevada Legislature and your last Session as Speaker. I would be remiss if I did not take the opportunity to thank you for who you are and to thank you for the job that you have done, whether it was your work on bills, Amber Alert, Homeland Security, pushing full-day kindergarten, the rousing speech you gave us to start this Session, making sure that this Session put behind the acrimony that we had from last Session, and saying, “Let’s not forget what makes Nevada special. We don’t do things in the Washington, D.C. manner. We have a way of operating ourselves.” You made that happen.

I also want to thank you for your friendship to me, and to so many in this Body. You gave me the chance. People joke and they say, “Oh, you are running things. You’re doing this and you are doing that.” What they do not know is you let me do that. There are a lot of people who say, “No, I have to control every single thing. I want to hog the show,” but that is just not your style. You have a style of grace, calm consensus. It is easy to be the bomb-thrower to get the quote. It is harder to say, “This institution matters more. I am going to set an example through bipartisanship, caring, and compassion.” I think sometimes you lose politically when you put the policy before the politics, but how many times this past week have I said, “Why don’t you do this?” and you said, “You know what—it is not worth it. It is better to do the right thing for the right reason than to try to grab a quick headline.”

I want to thank you, and I would like to thank you on behalf of everybody in this Body and everybody whose lives you have improved by your service in this Body. Thank you, Mr. Speaker.

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

Thank you very much. This Legislature has been a great part of my life. I came in together with Minority Leader Hettrick. We have worked together a long time. I certainly appreciate your work—particularly this Session, with us coming together and putting last Session behind us. In 1993, as freshmen, it was an interesting year for us. The 1995 Session was even more interesting, with an evenly split house and with co-speakers and co-chairmen. It was doomed to failure by this media, but we did a good job. I looked to you and to Speaker Dini for that leadership. In Ms. Buckley’s first session we revised the Criminal Code. In 1997 we had some school construction issues, water issues in southern Nevada, and a whole new crop of people. Each session, ladies and gentlemen, has its own personality. Oftentimes, it is based upon the people who are here. Sometimes it is defined by the issues. I had the great pleasure and the great honor of having a mentor like Joe Dini who taught me great things. I wish I had remembered as much as he taught me.

My only regret is that when I first came to this institution my youngest kids were four and five, and they are now seventeen and eighteen. There were school plays and t-ball games and I couldn’t be there, but they have always been supportive and that is what has allowed me to serve here in Carson City. If I had to do it all over again, I would absolutely do it again. It is what I enjoy. If you would have told me in 1992, when I first was elected, I was going to do seven sessions, I would have said you were crazy. But, it is my last Session. I have enjoyed it.

Ms. Buckley, I can't tell you how much I appreciate you, as a friend, as a colleague, as a Majority Leader, and as my partner these last several sessions. Mr. Arberry, you always have that smile on. I appreciate you very much. Ms. Giunchigliani, I could go around the room and name virtually everybody. Mr. Marvel and Mr. Carpenter, my rural friends. So many of you have made similar sacrifices for as long as I have, or longer. I could not have done it without all of you.

I could not have done it without the support of my family, particularly my wife. I want to make sure she understands that. It has been kind of a tradition in our family that every February or so of a campaign, we would get around the kitchen table to decide if "we" were going to run again because it is a "we" thing. It affects the entire family. Several years ago, my firstborn was ten years old and I had posed that question, "Are we going to run again?" and as precocious as she was she said, "Daddy, if you don't do it, who is going to do it?" I am not so full of myself to suggest to you that nobody else could do it, a lot of people can, but it was the trust that little girl had in me and the trust that my family has and their support that allows me to do this.

I am not sure, actually, what I am going to think after I leave this Legislature. As you well know, it becomes part of who you are. It has been a good run, but it is time to be done. I find my patience waning these days, where I had more patience in earlier sessions. Let me stop rambling and thank all of you for everything you do for the state of Nevada. As you probably continue to read the "flashes" and the disparaging remarks from our good political pundit about how shameful our work is and how we are not getting things done, a lot of extraordinary things happened in the 2005 regular Session. I would still rate it as a ten. The winners from this Session, ladies and gentlemen, were the citizens from the state of Nevada. I hope all of you continue to want to serve and continue to do that. Thank you for allowing me the privilege and honor of being your Speaker. Thank you.

#### UNFINISHED BUSINESS

##### SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 236, 267, 411, 427, 437, 462; Assembly Concurrent Resolution No. 28; Senate Bills Nos. 100, 103, 149, 156, 304, 391, 520.

##### GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Parnell, the privilege of the floor of the Assembly Chamber for this day was extended to Christine Crawshaw.

##### MOTIONS, RESOLUTIONS, AND NOTICES

Mr. Speaker appointed Assemblymen Ocegüera, Hettrick, and Horne as a committee to wait upon His Excellency, Governor Kenny Guinn, Governor of the State of Nevada, and to inform him that the Assembly was ready to adjourn *sine die*.

Mr. Speaker appointed Assemblymen Anderson, Arberry, and Mabey as a committee to wait upon the Senate and to inform that honorable body that the Assembly was ready to adjourn *sine die*.

A committee from the Senate, consisting of Senators Nolan, Beers, and Carlton, appeared before the Bar of the Assembly and announced that the Senate was ready to adjourn *sine die*.

Assemblyman Anderson reported that his committee had informed the Senate that the Assembly was ready to adjourn *sine die*.

Assemblyman Ocegüera reported that his committee had informed the Governor that the Assembly was ready to adjourn *sine die*.

Assemblyman Ocegüera moved that the Seventy-Third Session of the Assembly of the Legislature of the state of Nevada adjourn *sine die*.

Motion carried.

Assembly adjourned at 2:28 a.m.

Approved:

RICHARD D. PERKINS  
*Speaker of the Assembly*

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