

THE SIXTY-EIGHTH DAY

CARSON CITY (Friday), April 15, 2005

Senate called to order at 11:53 a.m.

President Hunt presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Bruce Kochsmeier.

God of mercy, You have called us to dwell on the things that are true and honorable and just and pure and pleasing and commendable. Lead these, Your servants, in this pursuit today. Equip them as only You can to discern the truths by which this State and its people need to live. As they do their work, let Your justice pour out through them. In the difficulty of their task, give each person in this session the resolve to carry on for the sake of Your people. Grant them endurance when the hours are long and time to rest this weekend that they may return refreshed to do Your work.

We thank You for this week and all that has been accomplished. May it be for Your glory, we humbly pray.

AMEN.

Pledge of allegiance to the Flag.

Senator Raggio moved that further reading of the Journal be dispensed with, and the President and Secretary be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Madam President:

Your Committee on Commerce and Labor, to which was referred Senate Bill No. 126, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, Your Committee on Commerce and Labor, to which was referred Senate Bill No. 80, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

RANDOLPH J. TOWNSEND, *Chair*

Madam President:

Your Committee on Finance, to which were referred Senate Bills Nos. 438, 479, 504, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Finance, to which was rereferred Senate Bill No. 311, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

WILLIAM J. RAGGIO, *Chair*

Madam President:

Your Committee on Government Affairs, to which was referred Senate Bill No. 20, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Government Affairs, to which were referred Senate Bills Nos. 30, 107, 110, 306, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

WARREN B. HARDY II, *Chair*

Madam President:

Your Committee on Human Resources and Education, to which was referred Senate Bill No. 187, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Human Resources and Education, to which was referred Senate Bill No. 214, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, and rerefer to the Committee on Finance.

MAURICE E. WASHINGTON, *Chair*

Madam President:

Your Committee on Judiciary, to which were referred Senate Bills Nos. 77, 136, 304, 382, 443, 489, 491, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARK E. AMODEI, *Chair*

Madam President:

Your Committee on Legislative Operations and Elections, to which was referred Senate Bill No. 428, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BARBARA K. CEGAVSKE, *Chair*

Madam President:

Your Committee on Natural Resources, to which was referred Senate Bill No. 395, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DEAN A. RHOADS, *Chair*

Madam President:

Your Committee on Taxation, to which were referred Senate Bills Nos. 167, 398, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, and rerefer to the Committee on Finance.

Also, your Committee on Taxation, to which was rereferred Senate Bill No. 176, has had the same under consideration, and begs leave to report the same back with the recommendation: Rerefer to the Committee on Finance.

MIKE MCGINNESS, *Chair*

Madam President:

Your Committee on Transportation and Homeland Security, to which were referred Senate Bills Nos. 290, 327, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Transportation and Homeland Security, to which was rereferred Senate Bill No. 475, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Your Committee on Transportation and Homeland Security, to which was referred Senate Bill No. 13, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DENNIS NOLAN, *Chair*

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, April 14, 2005

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day passed Assembly Bill No. 118.

Also, I have the honor to inform your honorable body that the Assembly on this day passed, as amended, Assembly Bills Nos. 39, 46, 76, 123, 136.

DIANE KEETCH

Assistant Chief Clerk of the Assembly

WAIVERS AND EXEMPTIONS
NOTICE OF EXEMPTION

April 15, 2005

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the exemption of: Senate Bill No. 400.

Also, the Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of: Senate Bills Nos. 29, 69, 282, 388, 493.

GARY GHIGGERI
Fiscal Analysis Division

MOTIONS, RESOLUTIONS AND NOTICES

Senator McGinness moved that Senate Bill No. 176 be rereferred to the Committee on Finance.

Remarks by Senator McGinness.

Motion carried.

Senator McGinness gave notice that Senate Bills Nos. 167 and 398 just reported out of the Committee on Taxation with a recommendation of do pass, and rerefer to the Committee on Finance, do not need to be rereferred to the Committee on Finance.

Senator Washington moved that Senate Bill No. 214 be rereferred to the Committee on Finance.

Remarks by Senator Washington.

Motion carried.

Senator Nolan moved that Senate Bill No. 139 be taken from the Secretary's desk and placed on the bottom of the Second Reading File.

Remarks by Senator Nolan.

Motion carried.

Senator Raggio moved that for this legislative day, the Secretary of the Senate dispense with reading the histories and titles of all bills and resolutions.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Finance:

Senate Bill No. 506—AN ACT making an appropriation to the Desert Research Institute for the purchase of equipment and services to analyze groundwater yields in arid basins; and providing other matters properly relating thereto.

Senator Raggio moved that the bill be referred to the Committee on Finance.

Motion carried.

Assembly Bill No. 39.

Senator Nolan moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Assembly Bill No. 46.

Senator Nolan moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

Assembly Bill No. 76.

Senator Nolan moved that the bill be referred to the Committee on Human Resources and Education.

Motion carried.

Assembly Bill No. 118.

Senator Nolan moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Assembly Bill No. 123.

Senator Nolan moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Assembly Bill No. 136.

Senator Nolan moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 29.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 244.

Amend section 1, page 2, line 11, by deleting "The" and inserting: "~~The~~
In the case of:

(1) A Phase I clinical trial or study for the treatment of cancer, the medical treatment is provided at a facility authorized to conduct Phase I clinical trials or studies for the treatment of cancer; or

(2) A Phase II, Phase III or Phase IV study or clinical trial for the treatment of cancer or chronic fatigue syndrome, the".

Amend section 1, page 2, line 12, after "personnel" by inserting: "*for the clinical trial or study*".

Amend section 1, page 2, line 19, by deleting "treatment;" and inserting: "treatment ~~[-]~~ *and the clinical trial or study is therapeutic in nature;*".

Amend section 1, page 2, by deleting lines 35 through 39 and inserting:

"(b) The cost of any ~~reasonably necessary~~ routine health care services that ~~are required as a result of the medical treatment provided in the clinical trial or study or as a result of any complication arising out of the medical~~

treatment provided in the clinical trial or study, to the extent that such health care services] would otherwise be covered".

Amend section 1, page 3, line 1, after "services" by inserting "which are".

Amend section 1, page 3, line 3, by deleting "study." and inserting: "study [and which are not directly related to the clinical trial or study]."

Amend section 1, page 4, by deleting lines 14 through 16 and inserting: "January 1, [2004,] 2006, has the legal effect of including the coverage required by this section, and any provision of the policy that".

Amend section 1, page 4, line 38, after "(b)" by inserting: "'Facility authorized to conduct Phase I clinical trials or studies for the treatment of cancer" means a facility that:

(1) Has in place a Phase I program which permits only selective participation in the program and which uses clear-cut criteria to determine eligibility for participation in the program;

(2) Operates a protocol review and monitoring system which conforms to the standards set forth in the Policies and Guidelines Relating to the Cancer-Center Support Grant published by the Cancer Centers Branch of the National Cancer Institute;

(3) Employs at least two researchers and at least one of those researchers receives funding from a federal grant;

(4) Employs at least three clinical investigators who have experience working in Phase I clinical trials or studies conducted at a facility designated as a comprehensive cancer center by the National Cancer Institute;

(5) Possesses specialized resources for use in Phase I clinical trials or studies, including, without limitation, equipment that facilitates research and analysis in proteomics, genomics and pharmacokinetics;

(6) Is capable of gathering, maintaining and reporting electronic data; and

(7) Is capable of responding to audits instituted by federal and state agencies.

(c)".

Amend sec. 2, page 5, line 13, by deleting "The" and inserting: "[The] In the case of:

(1) A Phase I clinical trial or study for the treatment of cancer, the medical treatment is provided at a facility authorized to conduct Phase I clinical trials or studies for the treatment of cancer; or

(2) A Phase II, Phase III or Phase IV study or clinical trial for the treatment of cancer or chronic fatigue syndrome, the".

Amend sec. 2, page 5, line 14, after "personnel" by inserting: "for the clinical trial or study".

Amend sec. 2, page 5, line 21, by deleting "treatment;" and inserting: "treatment [and the clinical trial or study is therapeutic in nature;".

Amend sec. 2, page 5, by deleting lines 37 through 41 and inserting:

"(b) The cost of any ~~[reasonably necessary]~~ routine health care services that ~~[are required as a result of the medical treatment provided in the clinical trial or study or as a result of any complication arising out of the medical treatment provided in the clinical trial or study, to the extent that such health care services]~~ would otherwise be covered".

Amend sec. 2, page 6, line 1, after "services" by inserting "*which are*".

Amend sec. 2, page 6, line 2, by deleting "study." and inserting: "study ~~[.]~~ *and which are not directly related to the clinical trial or study.*".

Amend sec. 2, page 7, by deleting lines 13 through 15 and inserting: "after January 1, ~~[2004,]~~ 2006, has the legal effect of including the coverage required by this section, and any provision of the policy that".

Amend sec. 2, page 7, line 38, after "(b)" by inserting: "'Facility authorized to conduct Phase I clinical trials or studies for the treatment of cancer" means a facility that:

(1) *Has in place a Phase I program which permits only selective participation in the program and which uses clear-cut criteria to determine eligibility for participation in the program;*

(2) *Operates a protocol review and monitoring system which conforms to the standards set forth in the Policies and Guidelines Relating to the Cancer-Center Support Grant published by the Cancer Centers Branch of the National Cancer Institute;*

(3) *Employs at least two researchers and at least one of those researchers receives funding from a federal grant;*

(4) *Employs at least three clinical investigators who have experience working in Phase I clinical trials or studies conducted at a facility designated as a comprehensive cancer center by the National Cancer Institute;*

(5) *Possesses specialized resources for use in Phase I clinical trials or studies, including, without limitation, equipment that facilitates research and analysis in proteomics, genomics and pharmacokinetics;*

(6) *Is capable of gathering, maintaining and reporting electronic data;*
and

(7) *Is capable of responding to audits instituted by federal and state agencies.*

(c)".

Amend sec. 3, page 8, line 15, by deleting "The" and inserting: "~~[The]~~ In the case of:

(1) *A Phase I clinical trial or study for the treatment of cancer, the medical treatment is provided at a facility authorized to conduct Phase I clinical trials or studies for the treatment of cancer; or*

(2) *A Phase II, Phase III or Phase IV study or clinical trial for the treatment of cancer or chronic fatigue syndrome, the*".

Amend sec. 3, page 8, line 16, after "personnel" by inserting: "*for the clinical trial or study*".

Amend sec. 3, page 8, line 23, by deleting "treatment;" and inserting: "treatment ~~[-]~~ and the clinical trial or study is therapeutic in nature;".

Amend sec. 3, page 8, by deleting lines 39 through 43 and inserting:

"(b) The cost of any ~~reasonably necessary~~ routine health care services that ~~are required as a result of the medical treatment provided in the clinical trial or study or as a result of any complication arising out of the medical treatment provided in the clinical trial or study, to the extent that such health care services~~ would otherwise be covered".

Amend sec. 3, page 9, line 3, after "services" by inserting "which are".

Amend sec. 3, page 9, line 4, by deleting "study." and inserting: "study ~~[-]~~ and which are not directly related to the clinical trial or study.".

Amend sec. 3, page 10, by deleting lines 18 through 20 and inserting: "January 1, ~~[2004,]~~ 2006, has the legal effect of including the coverage required by this section, and any provision of the policy that".

Amend sec. 3, page 10, line 43, after "(b)" by inserting: "'Facility authorized to conduct Phase I clinical trials or studies for the treatment of cancer" means a facility that:

(1) Has in place a Phase I program which permits only selective participation in the program and which uses clear-cut criteria to determine eligibility for participation in the program;

(2) Operates a protocol review and monitoring system which conforms to the standards set forth in the Policies and Guidelines Relating to the Cancer-Center Support Grant published by the Cancer Centers Branch of the National Cancer Institute;

(3) Employs at least two researchers and at least one of those researchers receives funding from a federal grant;

(4) Employs at least three clinical investigators who have experience working in Phase I clinical trials or studies conducted at a facility designated as a comprehensive cancer center by the National Cancer Institute;

(5) Possesses specialized resources for use in Phase I clinical trials or studies, including, without limitation, equipment that facilitates research and analysis in proteomics, genomics and pharmacokinetics;

(6) Is capable of gathering, maintaining and reporting electronic data; and

(7) Is capable of responding to audits instituted by federal and state agencies.

(c)".

Amend sec. 4, page 11, line 20, by deleting "The" and inserting: "~~[The]~~ In the case of:

(1) A Phase I clinical trial or study for the treatment of cancer, the medical treatment is provided at a facility authorized to conduct Phase I clinical trials or studies for the treatment of cancer; or

(2) A Phase II, Phase III or Phase IV study or clinical trial for the treatment of cancer or chronic fatigue syndrome, the".

Amend sec. 4, page 11, line 21, after "personnel" by inserting: "*for the clinical trial or study*".

Amend sec. 4, page 11, line 28, by deleting "treatment;" and inserting: "treatment ~~[;]~~ *and the clinical trial or study is therapeutic in nature;*".

Amend sec. 4, pages 11 and 12, by deleting lines 44 and 45 on page 11 and lines 1 through 3 on page 12, and inserting:

"(b) The cost of any ~~[reasonably necessary]~~ routine health care services that ~~[are required as a result of the medical treatment provided in the clinical trial or study or as a result of any complication arising out of the medical treatment provided in the clinical trial or study, to the extent that such health care services]~~ would otherwise be covered".

Amend sec. 4, page 12, line 7, after "services" by inserting "*which are*".

Amend sec. 4, page 12, line 8, by deleting "study." and inserting: "study ~~[;]~~ *and which are not directly related to the clinical trial or study.*".

Amend sec. 4, page 13, by deleting lines 20 through 22 and inserting: "January 1, ~~[2004,]~~ 2006, has the legal effect of including the coverage required by this section, and any provision of the policy that conflicts".

Amend sec. 4, page 13, line 45, after "(b)" by inserting: "'Facility authorized to conduct Phase I clinical trials or studies for the treatment of cancer" means a facility that:

(1) *Has in place a Phase I program which permits only selective participation in the program and which uses clear-cut criteria to determine eligibility for participation in the program;*

(2) *Operates a protocol review and monitoring system which conforms to the standards set forth in the Policies and Guidelines Relating to the Cancer-Center Support Grant published by the Cancer Centers Branch of the National Cancer Institute;*

(3) *Employs at least two researchers and at least one of those researchers receives funding from a federal grant;*

(4) *Employs at least three clinical investigators who have experience working in Phase I clinical trials or studies conducted at a facility designated as a comprehensive cancer center by the National Cancer Institute;*

(5) *Possesses specialized resources for use in Phase I clinical trials or studies, including, without limitation, equipment that facilitates research and analysis in proteomics, genomics and pharmacokinetics;*

(6) *Is capable of gathering, maintaining and reporting electronic data; and*

(7) *Is capable of responding to audits instituted by federal and state agencies.*

(c)".

Amend sec. 5, page 14, line 21, by deleting "The" and inserting: "~~[The]~~ *In the case of:*

(1) *A Phase I clinical trial or study for the treatment of cancer, the medical treatment is provided at a facility authorized to conduct Phase I clinical trials or studies for the treatment of cancer; or*

(2) *A Phase II, Phase III or Phase IV study or clinical trial for the treatment of cancer or chronic fatigue syndrome, the*".

Amend sec. 5, page 14, line 22, after "personnel" by inserting: "*for the clinical trial or study*".

Amend sec. 5, page 14, line 29, by deleting "treatment;" and inserting: "treatment ~~[;]~~ *and the clinical trial or study is therapeutic in nature;*".

Amend sec. 5, page 15, by deleting lines 1 through 5 and inserting:

"(b) The cost of any ~~[reasonably necessary]~~ routine health care services that ~~[are required as a result of the medical treatment provided in the clinical trial or study or as a result of any complication arising out of the medical treatment provided in the clinical trial or study, to the extent that such health care services]~~ would otherwise be covered".

Amend sec. 5, page 15, line 9, after "services" by inserting "*which are*".

Amend sec. 5, page 15, line 10, by deleting "study." and inserting: "study ~~[;]~~ *and which are not directly related to the clinical trial or study.*".

Amend sec. 5, page 16, by deleting lines 23 through 25 and inserting: "January 1, ~~[2004,]~~ 2006, has the legal effect of including the coverage required by this section, and any provision of the policy that conflicts".

Amend sec. 5, page 17, line 3, after "(b)" by inserting: "'Facility authorized to conduct Phase I clinical trials or studies for the treatment of cancer" means a facility that:

(1) *Has in place a Phase I program which permits only selective participation in the program and which uses clear-cut criteria to determine eligibility for participation in the program;*

(2) *Operates a protocol review and monitoring system which conforms to the standards set forth in the Policies and Guidelines Relating to the Cancer-Center Support Grant published by the Cancer Centers Branch of the National Cancer Institute;*

(3) *Employs at least two researchers and at least one of those researchers receives funding from a federal grant;*

(4) *Employs at least three clinical investigators who have experience working in Phase I clinical trials or studies conducted at a facility designated as a comprehensive cancer center by the National Cancer Institute;*

(5) *Possesses specialized resources for use in Phase I clinical trials or studies, including, without limitation, equipment that facilitates research and analysis in proteomics, genomics and pharmacokinetics;*

(6) *Is capable of gathering, maintaining and reporting electronic data; and*

(7) *Is capable of responding to audits instituted by federal and state agencies.*

(c)".

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

"Sec. 6. This act becomes effective on January 1, 2006."

Amend the title of the bill to read as follows:

"AN ACT relating to health insurance; requiring policies of health insurance to provide coverage for certain medical treatment provided to an insured who participates in certain Phase I studies or clinical trials for the treatment of cancer; revising the types of medical treatment that must be covered when an insured participates in certain studies or clinical trials for the treatment of cancer or chronic fatigue syndrome; and providing other matters properly relating thereto."

Senator Heck moved the adoption of the amendment.

Remarks by Senator Heck.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 250.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 189.

Amend sec. 3, page 5, by deleting lines 12 through 14 and inserting: "the Board to determine eligibility:

(a) Must present to the Board a certificate granted by the Joint".

Amend sec. 3, page 5, by deleting lines 18 through 22 and inserting:

"(b) Except as otherwise provided in this chapter, must:

(1) Successfully complete a clinical examination given by the Board which examines the applicant's practical knowledge of dentistry and which includes demonstrations of the applicant's skill in dentistry; or

(2) Present to the Board a certificate granted by the Western Regional Examining Board which contains a notation that the applicant has passed, within the 5 years immediately preceding the date of the application, a clinical examination administered by the Western Regional Examining Board."

Amend sec. 3, page 5, by deleting lines 26 through 32 and inserting:

"3. All persons who have satisfied the requirements for licensure as a dentist must be registered as".

Amend sec. 5, page 6, line 15, by deleting "[~~demonstration~~] examination" and inserting "examination".

Amend sec. 5, page 6, by deleting lines 41 through 44 and inserting:

"5. The Board ~~[shall]~~ may revoke a specialist's license at any time upon ~~[proof satisfactory]~~ submission of substantial evidence to the Board that the holder of the license violated any provision of this ~~[section]~~ chapter or the regulations of the Board."

Amend sec. 6, page 7, line 3, by deleting "[~~demonstration~~] examination" and inserting "examination".

Amend sec. 6, page 7, by deleting lines 28 through 31 and inserting:

"5. The Board ~~[shall]~~ may revoke a specialist's license at any time upon ~~[proof satisfactory]~~ submission of substantial evidence to the Board that the holder of the license violated any provision of this ~~[section]~~ chapter or the regulations of the Board."

Amend sec. 7, page 7, by deleting lines 34 and 35 and inserting: "examination required by NRS 631.240 or ~~[a practical examination required by NRS]~~ 631.300, issue a limited".

Amend sec. 7, page 7, line 45, by deleting "and".

Amend sec. 7, page 8, by deleting line 2 and inserting: "appropriate; and

(e) Satisfies at least one of the following requirements:

(1) Has a license to practice dentistry or dental hygiene issued pursuant to the laws of another state or territory of the United States, or the District of Columbia;

(2) Presents to the Board a certificate granted by the Western Regional Examining Board which contains a notation that the person has passed, within the 5 years immediately preceding the date of the application, a clinical examination administered by the Western Regional Examining Board; or

(3) Has the educational or outpatient clinic, hospital or other facility where the person will provide services as a dental intern or dental resident in an internship or residency program submit to the Board written confirmation that the person has been appointed to a position in the program and is a citizen of the United States or is lawfully entitled to remain and work in the United States. If a person qualifies for a limited license pursuant to this subparagraph, the limited license remains valid only while the person is actively providing services as a dental intern or dental resident in the internship or residency program, is lawfully entitled to remain and work in the United States and is in compliance with all other requirements for the limited license."

Amend sec. 7, page 8, by deleting lines 27 through 30 and inserting:

"4. A limited license expires 1 year after its date of issuance and may be renewed on or before the date of its expiration ~~[]~~, unless the holder no longer satisfies the requirements for the limited license. The holder of a limited license may, upon compliance with the applicable requirements set forth in ~~[subsection 2 of]~~ NRS 631.330 and the".

Amend sec. 7, page 8, line 33, by deleting: "~~[1 year.]~~ 2 years." and inserting "1 year."

Amend sec. 7, page 8, line 39, by deleting "proof satisfactory" and inserting: "~~[proof satisfactory]~~ submission of substantial evidence".

Amend sec. 8, page 8, by deleting lines 42 through 44 and inserting:

"631.272 1. Except as otherwise provided in this section, the Board shall, without a clinical examination required by NRS 631.240, issue a temporary license to".

Amend sec. 8, page 9, line 26, by deleting "[~~demonstration~~] examination" and inserting "examination".

Amend sec. 8, page 9, by deleting lines 35 through 44 and inserting:

"4. The Board shall not, on or after July 1, 2006, issue any additional temporary licenses to practice dentistry pursuant to this section.

5. Any person who, on July 1, 2006, holds a temporary license to practice dentistry issued pursuant to this section may, subject to the regulatory and disciplinary authority of the Board, practice dentistry under the temporary license until December 31, 2008, or until the person is qualified to apply for and is issued or denied a permanent license to practice dentistry in accordance with this section, whichever period is shorter.

6. *The Board may revoke a temporary license at any time upon submission of substantial evidence to the Board that the holder of the license violated any provision of this chapter or the regulations of the Board.*".

Amend sec. 9, page 10, by deleting lines 2 through 4 and inserting:

"631.272 1. Except as otherwise provided in this section, the Board shall, without a clinical examination required by NRS 631.240, issue a temporary license to".

Amend sec. 9, page 10, line 30, by deleting "[~~demonstration~~] examination" and inserting "examination".

Amend sec. 9, pages 10 and 11, by deleting lines 39 through 45 on page 10 and lines 1 through 3 on page 11 and inserting:

"4. The Board shall not, on or after July 1, 2006, issue any additional temporary licenses to practice dentistry pursuant to this section.

5. Any person who, on July 1, 2006, holds a temporary license to practice dentistry issued pursuant to this section may, subject to the regulatory and disciplinary authority of the Board, practice dentistry under the temporary license until December 31, 2008, or until the person is qualified to apply for and is issued or denied a permanent license to practice dentistry in accordance with this section, whichever period is shorter.

6. *The Board may revoke a temporary license at any time upon submission of substantial evidence to the Board that the holder of the license violated any provision of this chapter or the regulations of the Board.*".

Amend sec. 10, page 11, lines 6 and 35, by deleting "practical" and inserting "[~~practical~~] clinical".

Amend sec. 10, page 12, between lines 11 and 12, by inserting:

"6. *The Board may revoke a temporary license at any time upon submission of substantial evidence to the Board that the holder of the license violated any provision of this chapter or the regulations of the Board.*".

Amend sec. 11, page 12, lines 14 and 42, by deleting "practical" and inserting "[~~practical~~] clinical".

Amend sec. 11, page 13, between lines 17 and 18, by inserting:

"6. *The Board may revoke a temporary license at any time upon submission of substantial evidence to the Board that the holder of the license violated any provision of this chapter or the regulations of the Board.*".

Amend sec. 12, page 13, by deleting lines 20 and 21 inserting: "examination required by NRS 631.240 or ~~[a practical examination required by NRS]~~ 631.300, issue a restricted".

Amend sec. 12, pages 14 and 15, by deleting line 44 on page 14 and lines 1 and 2 on page 15, and inserting: "unrestricted license without a clinical examination required by NRS 631.240 or ~~[a practical examination required by NRS]~~ 631.300 if the person:".

Amend sec. 12, page 15, by deleting lines 20 through 23 and inserting:

"8. The Board ~~[shall]~~ may revoke a restricted geographical license at any time upon ~~[proof satisfactory]~~ *submission of substantial evidence* to the Board that the holder of the license violated any provision of this ~~[section]~~ *chapter* or the regulations of the Board."

Amend sec. 13, page 15, by deleting lines 26 and 27 and inserting: "examination required by NRS 631.240 or ~~[a practical examination required by NRS]~~ 631.300, issue a restricted".

Amend sec. 13, page 17, by deleting lines 5 through 7 and inserting: "unrestricted license without a clinical examination required by NRS 631.240 or ~~[a practical examination required by NRS]~~ 631.300 if the person:".

Amend sec. 13, page 17, by deleting lines 25 through 28 and inserting:

"8. The Board ~~[shall]~~ may revoke a restricted geographical license at any time upon ~~[proof satisfactory]~~ *submission of substantial evidence* to the Board that the holder of the license violated any provision of this ~~[section]~~ *chapter* or the regulations of the Board."

Amend sec. 14, page 18, line 21, after "4." by inserting: "*A restricted license expires 1 year after its date of issuance and may be renewed on or before the date of its expiration, unless the holder no longer satisfies the requirements for the restricted license. The holder of a restricted license may, upon compliance with the applicable requirements set forth in NRS 31.330 and the completion of a review conducted at the discretion of the Board, be granted a renewal certificate that authorizes the continuation of practice pursuant to the restricted license for 1 year.*

5."

Amend sec. 14, page 18, by deleting line 25 and inserting:

"~~[5-]~~ 6. The Board may revoke a restricted license at any time ~~[]~~ upon *submission of substantial evidence to the Board that the holder of the license violated any provision of this chapter or the regulations of the Board.*".

Amend sec. 16, page 19, by deleting lines 7 through 14 and inserting: "Board to determine eligibility ~~[must be examined]~~ :

(a) *Must pass a written examination given by the Board upon such subjects as the Board deems necessary for the practice of dental hygiene or must present a certificate granted by the Joint Commission on National Dental Examinations which contains a notation that the applicant has passed*

the National Board Dental Hygiene Examination with a score of at least 75; and ~~[-except]~~

(b) Except as otherwise provided in ~~[NRS 631.271 and 631.274, be given a practical]~~ this chapter, must:

(1) Successfully complete a clinical examination in dental hygiene ~~[-including,]~~ given by the Board which examines the applicant's practical knowledge of dental hygiene and which includes, but is not limited to, demonstrations in the removal of deposits from, and the polishing of, the exposed surface of the teeth ~~[-]~~; or

(2) Present to the Board a certificate granted by the Western Regional Examining Board which contains a notation that the applicant has passed, within the 5 years immediately preceding the date of the application, a clinical examination administered by the Western Regional Examining Board.

2. The clinical examination given by the Board must ~~[-be-]~~ include components that are:

(a) Written ~~[-]~~ or oral, or a combination of both; and".

Amend sec. 16, page 19, by deleting lines 20 through 25 and inserting:

"4. ~~[In lieu of the written examination which may be required by subsection 2, the Board shall recognize a certificate from the Joint Commission on National Dental Examinations which contains a notation that the applicant has passed the National Board Dental Hygiene Examination with a score of at least 75.] All persons who have satisfied the requirements for~~".

Amend sec. 17, page 19, by deleting lines 31 and 32 and inserting:

"631.330 1. Licenses issued pursuant to NRS 631.271 and 631.275 must be renewed annually. All other licenses must be renewed biennially.

2. Except as otherwise provided in NRS 631.271 ~~[-]~~ and 631.275:".

Amend sec. 18, page 20, by deleting lines 7 and 8 and inserting:

"631.330 1. Licenses issued pursuant to NRS 631.271 and 631.275 must be renewed annually. All other licenses must be renewed biennially.

2. Except as otherwise provided in NRS 631.271 ~~[-]~~ and 631.275:".

Amend sec. 19, page 20, by deleting line 29 and inserting: "~~[Examination]~~ Application fee for ~~[-a]~~ an initial license to".

Amend sec. 19, page 20, by deleting line 31 and inserting: "~~[Examination]~~ Application fee for ~~[-a]~~ an initial license to".

Amend sec. 19, page 20, line 32, by deleting "500" and inserting "750".

Amend sec. 19, page 20, lines 35 and 36, by deleting: "license, temporary license, restricted geographical".

Amend sec. 19, page 21, line 3, by deleting "\$300" and inserting "\$600".

Amend sec. 19, page 21, line 12, by deleting "500" and inserting "1,000".

Amend sec. 19, page 21, line 13, by deleting "Biennial" and inserting "Annual".

Amend sec. 19, page 21, line 17, by deleting "limited license,".

Amend sec. 19, page 21, line 19, by deleting "300" and inserting "600".

Amend sec. 19, page 21, by deleting lines 20 and 21 and inserting: "Annual license renewal fee for a limited license *to practice dental hygiene* ~~[100]~~ 300".

Amend sec. 19, page 21, line 22, by deleting "~~Annual~~" and inserting "~~Annual~~".

Amend sec. 19, page 21, line 23, by deleting "200" and inserting "400".

Amend sec. 19, page 21, line 25, by deleting "25" and inserting "~~[25]~~ 100".

Amend sec. 19, page 21, line 27, by deleting "100" and inserting "200".

Amend sec. 19, page 21, line 29, by deleting "25" and inserting "~~[25]~~ 100".

Amend the bill as a whole by deleting sec. 21 and renumbering sections 22 and 23 as sections 21 and 22.

Amend sec. 23, page 24, by deleting lines 30 through 32 and inserting:

"Sec. 22. Section 32 of chapter 89, Statutes of Nevada 2003, at page 522 is hereby repealed."

Amend the bill as a whole by adding a new section designated sec. 23, following sec. 23, to read as follows:

"Sec. 23. Any person who has applied for a permanent license to practice dental hygiene pursuant to chapter 631 of NRS and whose application is pending on July 1, 2005, must be issued a permanent license to practice dental hygiene if the person meets either the requirements for the issuance of the license in effect before the enactment of this act or the requirements for the issuance of the license in effect after the enactment of this act."

Amend the bill as a whole by deleting the text of repealed sections and adding the text of the repealed section to read as follows:

TEXT OF REPEALED SECTION

Section 32 of Chapter 89, Statutes of Nevada 2003, at page 522:

Sec. 32. Section 14 of this act is hereby amended to read as follows:

Sec. 14. NRS 631.300 is hereby amended to read as follows:

631.300 1. Any person desiring to obtain a license to practice dental hygiene, after having complied with the regulations of the Board to determine eligibility, must be examined by the Board upon such subjects as the Board deems necessary and, except as otherwise provided in NRS 631.271 and 631.274, ~~[and section 2 of this act]~~ be given a practical examination in dental hygiene, including, but not limited to, the removal of deposits from, and the polishing of, the exposed surface of the teeth.

2. The examination must be:

(a) Written, oral or a combination of both; and
(b) Practical, as in the opinion of the Board is necessary to test the qualifications of the applicant.

3. The Board shall examine each applicant in writing on the contents and interpretation of this chapter and the regulations of the Board.

4. In lieu of the written examination which may be required by subsection 2, the Board shall recognize a certificate from the Joint Commission on National Dental Examinations which contains a notation that

the applicant has passed the National Board Dental Hygiene Examination with a score of at least 75."

Senator Carlton moved the adoption of the amendment.

Remarks by Senator Carlton.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 255.

Bill read second time and ordered to third reading.

Senate Bill No. 318.

Bill read second time.

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

Amendment No. 229.

Amend sec. 2, page 2, by deleting lines 4 through 7 and inserting: "State Department of Conservation and Natural Resources may make a direct sale of a parcel of land of approximately 80 acres which is located within the Red Rock Canyon National Conservation Area. Such sale must ensure that the parcel will, in the future, be administered by the Bureau of Land Management of the United States Department of the Interior as part of the Red Rock Canyon National Conservation Area. Money received".

Amend the title of the bill, third line, by deleting "requiring" and inserting: "allowing, under certain circumstances,".

Senator Titus moved the adoption of the amendment.

Remarks by Senator Titus.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 409.

Bill read second time and ordered to third reading.

Senate Bill No. 410.

Bill read second time and ordered to third reading.

Senate Bill No. 415.

Bill read second time and ordered to third reading.

Senate Bill No. 423.

Bill read second time and ordered to third reading.

Senate Bill No. 466.

Bill read second time.

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

Amendment No. 226.

Amend sec. 2, pages 1 and 2, by deleting lines 17 and 18 on page 1 and lines 1 through 5 on page 2, and inserting:

"(a) A local government may sell or lease a water right to any willing buyer, but priority must be given in the following order:

(1) First, to a public utility engaged in the business of furnishing water for municipal, industrial or domestic purposes;

(2) Second, to another local government; and

(3) Third, to other interested parties or persons.

(b) If a local government sells or leases a water right pursuant to paragraph (a), the water right must be sold or leased, as applicable, for the fair market value of the water right as determined by an appraisal prepared by a competent appraiser."

Amend the title of the bill, first line, by deleting "restricting" and inserting "revising".

Senator Hardy moved the adoption of the amendment.

Remarks by Senators Hardy and Amodei.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 139.

Bill read second time.

The following amendment was proposed by the Committee on Transportation and Homeland Security:

Amendment No. 394.

Amend section 1, pages 1 and 2, by deleting line 4 on page 1 and lines 1 through 18 on page 2, and inserting: "Directors consisting of the Governor, the Lieutenant Governor ~~{,}~~ and the Attorney General , ~~{and the State Controller,}~~ who serve ex officio, and ~~{three}~~ four members who are appointed by the Governor. If one of the ~~{four}~~ constitutional offices is vacant, the Secretary of State shall serve ex officio on the Board until the vacancy is filled.

2. The Governor shall appoint as members of the Board ~~{three}~~ four persons who are residents of Nevada ~~{, informed on and interested}~~ with knowledge of and experience in the construction and maintenance of highways and other matters relating to transportation. ~~{Each}~~ At least one of the ~~{three}~~ members so appointed must reside in ~~{a}~~ each of the different highway ~~{district}~~ districts and each of the members so appointed must possess at least one of the following qualifications:

(a) Knowledge of engineering evidenced by the possession of a bachelor of science degree in civil or structural engineering and licensure in this State as a professional engineer.

(b) Demonstrated expertise in ~~{financial matters and business administration,}~~ transportation safety, planning or design."

Amend section 1, page 2, by deleting lines 33 and 34 and inserting:

"5. ~~{After the initial terms, the appointed}~~ The members of the Board appointed by the Governor shall serve terms of 4 years ~~{,}~~ and are eligible to be reappointed not more than once.

6. *An Advisory Committee to the Board is hereby created consisting of the following members:*

(a) The chairman of the regional transportation commission of each county whose population is 100,000 or more; and

(b) One additional member who is appointed by the Governor. The Governor shall appoint as a member of the Advisory Committee the chairman of the regional transportation commission of a county whose population is less than 100,000. The member of the Advisory Committee appointed pursuant to this paragraph shall serve a term of 4 years. Successive appointments pursuant to this paragraph must be made on the basis of a strict rotation among the various eligible counties which have a regional transportation commission.

7. *Members of the Advisory Committee serve without compensation, except that each member is entitled, while engaged in the business of the Advisory Committee, to the per diem allowance and travel expenses provided for state officers and employees generally."*

Amend the title of the bill, second line, by deleting "Transportation;" and inserting: "Transportation and creating an Advisory Committee to the Board;"

Amend the summary of the bill to read as follows:

"SUMMARY—Changes composition of Board of Directors of Department of Transportation and creates Advisory Committee to Board. (BDR 35-718)".

Senator Nolan moved the adoption of the amendment.

Remarks by Senators Nolan, Raggio and Titus.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 5.

Bill read third time.

Roll call on Senate Bill No. 5:

YEAS—20.

NAYS—Schneider.

Senate Bill No. 5 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Rhoads moved that Senate Bill No. 26 be taken from General File and rereferred to the Committee on Finance.

Remarks by Senator Rhoads.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 55.

Bill read third time.

Remarks by Senators Care, Nolan and Tiffany.

Roll call on Senate Bill No. 55:

YEAS—16.

NAYS—Carlton, Horsford, Mathews, Titus, Wiener—5.

Senate Bill No. 55 having received a constitutional majority,
Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 122.

Bill read third time.

Roll call on Senate Bill No. 122:

YEAS—21.

NAYS—None.

Senate Bill No. 122 having received a constitutional majority,
Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 146.

Bill read third time.

Roll call on Senate Bill No. 146:

YEAS—21.

NAYS—None.

Senate Bill No. 146 having received a constitutional majority,
Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Townsend moved that Senate Bill No. 188 be taken from the
General File and placed on the Secretary's desk.

Remarks by Senator Townsend.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 256.

Bill read third time.

Remarks by Senators Care and Townsend.

Roll call on Senate Bill No. 256:

YEAS—18.

NAYS—Care, Titus, Wiener—3.

Senate Bill No. 256 having received a constitutional majority,
Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 260.

Bill read third time.

Remarks by Senators Coffin and Washington.

Roll call on Senate Bill No. 260:

YEAS—21.

NAYS—None.

Senate Bill No. 260 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 272.

Bill read third time.

Roll call on Senate Bill No. 272:

YEAS—21.

NAYS—None.

Senate Bill No. 272 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 346.

Bill read third time.

Roll call on Senate Bill No. 346:

YEAS—19.

NAYS—Titus, Wiener—2.

Senate Bill No. 346 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 381.

Bill read third time.

Roll call on Senate Bill No. 381:

YEAS—21.

NAYS—None.

Senate Bill No. 381 having received a two-thirds majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Joint Resolution No. 8.

Resolution read third time.

Remarks by Senators Carlton, Cegavske, Beers, Raggio, Coffin and Titus.

Roll call on Senate Joint Resolution No. 8:

YEAS—10.

NAYS—Beers, Care, Carlton, Coffin, Heck, Horsford, Lee, Mathews, Tiffany, Titus, Wiener—11.

Senate Joint Resolution No. 8 having failed to receive a constitutional majority, Madam President declared it lost.

Assembly Joint Resolution No. 13 of the 72nd Session.

Resolution read third time.

Roll call on Assembly Joint Resolution No. 13 of the 72nd Session:

YEAS—16.

NAYS—Amodei, Beers, Carlton, Mathews, Townsend—5.

Assembly Joint Resolution No. 13 of the 72nd Session having received a constitutional majority, Madam President declared it passed.

Resolution ordered transmitted to the Assembly.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the President and Secretary signed Assembly Concurrent Resolution No. 16.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Mathews, the privilege of the floor of the Senate Chamber for this day was extended to the following students and teachers from the Dilworth Middle School: Alex Balballero, Randee Davidson, Ray Dixon, Andrew Estabrook, Hector Estrada, David Franco, Devin Gamoa, Adriana Garcia, Samatha Greco, Arielle Heinrich, Ryan Leach, Jacquelyn Lee, D. J. Martinez, Mayra Padilla, Luis Palma, Eddy Perez, Juan Rodriguez, Megan Salzirnis, Lupe Torres, Christian Zaragoza, Luis Aguirre, Cynthia Alcala, Fernando Alejo, Tania Camarene, Anthony Campanile, Taylor Carter, Chase Carthen, Richard Castro, Austin Dowell, Alma Gil, Jancy Hernandez, Mariela Martinez, Daniel Meza, Oscar Parra, Jamie Rodriguez, Maria Rodriguez, Efrin Segura, Edward Spalione, Malia Taufu, Jose Torres, Adriana Navidad Marcos, Sarah Bozman, Euseblo Castillo, Naomi Chavez, Cody Cotter, Isidro Esparza, Edgar Garcia, Brenda Gomez Estrada, Lacey Hampton, Edward Kaulitzke, Joseph Moore, Maribel Morales, Ana Nunez, Ralph Ortega, Corwin Owings, Consuelo Ramirez Candia, Hadriana Raymundo, Brenda Robledo, Erika Rojas, Amanda Sprague, Calli Stafford, Virginia Thomason, Janelle Voorhees, Rachel Wilde, Michael Abasta, Roberto Acosta, Eduardo Aguirre, Kenny Alcabedos, Nayeli Almanza, Giovana Armendariz, Cynthia Barajas, Victor Ian Baysa, Leonardo Hernandez, Andrea Lopez, Francisco Magana, Alma Martinez, Nico Lyle Millan, Miguel Padilla, Jesus Palomino, Karina Preciado, Christian Reyes, Marixa Rodriguez, Marcela Servin, Eduardo Torres, Ricardo Torres, Maritza Valencia, Monica Valle, Diana Acuna, Jose Arias-Soto, Adrianna Arroyo, Breanna Bailey, Sloan Igarta, Charles Kight, Jessica Koptke, Arik Marsh, Aubrey Martinez, William Martinez, Cassandra Morris, Jami Murga, Charles Patterson, Kyle Perez, Diego Saldierna, Samuel Stockton, Tiffany Sudberry, Stephanie Tinoco, Carlos Valencia, Vito Vitale, Brittany Williams, teachers: Tara Sala, Karin Hensel, Casey Carter, Nicolette Andrini, Renee Andrini and Shannon Kanekoa.

On request of Senator Raggio, the privilege of the floor of the Senate Chamber for this day was extended to the following students and teachers from the Elmcrest Elementary School: Thomas Adams, Adriana Arauz-Rosiles, Sesilia Bogarin, Brian Chavez, John Chavez, Kevin Chavez, Tyler Codman, Zusan Cruz-Ramos, Cady Davis, Valeria Garcia, Corey Gooch, Mireya Gutierrez, Devan Guttke, Cassandra Kishpaugh, Ashley Manning, Sammantha McClean Black, Elsa Montes, Joseph Pangelinan, Isaac Perez, Lonnie Phillips-Jackson, Aaron Podratz, Margarita Ramos, Joseph Spence, Samantha Yuhas, Amanda Acuna, Mallory Ames, Brenda Barajas, Samuel Bogarin, Edwin Chavez, Janet Chumpol, Austin Danner, Bryan Dedeurwaerder, Thomas Dziminski, Jordan Harvey, Brian Holloway, Salvador Jimenez, Eva Margolis, Christopher Miller, Taylor Novotny, Angel Sanders, Joel Schmidt, Juan Solis, Teresa Thurman, Jasmine Ude, Rachel Valentino, Tobias Weiss, Justin Williams; teachers: Mr. Young and Mr. Gregory.

Senator Raggio moved that the Senate adjourn until Monday, April 18, 2005, at 11 a.m.

Motion carried.

Senate adjourned at 12:46 p.m.

Approved:

LORRAINE T. HUNT
President of the Senate

Attest: CLAIRE J. CLIFT

Secretary of the Senate