

THE SEVENTY-SECOND DAY

CARSON CITY (Tuesday), April 19, 2005

Senate called to order at 11:06 a.m.

President Hunt presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Stan Pesis.

Almighty God,

Bless us with Your presence, and by that presence encourage us so to work as to bring justice to all Your people, that we may live righteously with one another.

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 were referred Senate Bills Nos. 37, 47, 123, 135, 163, 225, 240, 300, 332, 333, 335, 434, 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 was referred Senate Bill No. 91, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

WILLIAM J. RAGGIO, *Chair*

Madam President:

Your Committee on Human Resources and Education, to which were referred Senate Bills Nos. 368, 403, 458, 460, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MAURICE E. WASHINGTON, *Chair*

Madam President:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 79, 178, 227, 243, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Judiciary, to which were referred Senate Bills Nos. 28, 173, 191, 444, 450, 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 Natural Resources, to which were referred Senate Bills Nos. 208, 295, 396, 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*

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, April 18, 2005

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day passed Assembly Bills Nos. 67, 68, 163, 181, 235, 256, 292, 341, 368, 372, 377, 416, 420, 445.

Also, I have the honor to inform your honorable body that the Assembly on this day passed, as amended, Assembly Bills Nos. 20, 58, 78, 80, 84, 91, 126, 139, 157, 166, 167, 169, 179, 182, 184, 187, 190, 197, 203, 206, 215, 237, 276, 345, 346, 348, 436.

DIANE KEETCH

Assistant Chief Clerk of the Assembly

MOTIONS, RESOLUTIONS AND NOTICES

Senator Raggio moved that through April 26, the Secretary of the Senate dispense with reading the histories and titles of all bills and resolutions.

Remarks by Senator Raggio.

Motion carried.

By Senators Wiener, Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Nolan, Raggio, Rhoads, Schneider, Tiffany, Titus, Townsend, Washington; Assemblymen Leslie, Allen, Anderson, Angle, Arberry Jr., Atkinson, Buckley, Carpenter, Christensen, Claborn, Conklin, Denis, Gansert, Gerhardt, Giunchigliani, Goicoechea, Grady, Hardy, Hettrick, Hogan, Holcomb, Horne, Kirkpatrick, Koivisto, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Munford, Ocegüera, Ohrenschall, Parks, Parnell, Perkins, Pierce, Seale, Sherer, Sibley, Smith and Weber:

Senate Concurrent Resolution No. 18—Recognizing the mission and accomplishments of the Nevada Alliance for Chronic Disease Prevention.

WHEREAS, The prevalence of chronic disease is increasing throughout the United States and it is projected that more than half of all Nevadans will develop one or more chronic diseases in their lifetime, many of which will impact the quality of life for the person and his family; and

WHEREAS, Chronic disease is the cause of 70 percent of all deaths in Nevada; and

WHEREAS, The disabling conditions of many chronic diseases cause major limitations in activity for those afflicted and can result in costly, ongoing medical care; and

WHEREAS, With a vision of improving community health and decreasing the prevalence of chronic disease in Nevada, the Health Division of the Department of Human Resources, the Clark County Health District and the Washoe County District Health Department joined forces in 2002 to form the Nevada Alliance for Chronic Disease Prevention; and

WHEREAS, Since its formation, the Alliance has made steps toward reducing the incidence of chronic disease in Nevada, which include increasing communication between public health agencies and other partners to enhance the gathering and sharing of data on chronic diseases and their prevention and leveraging the use of funding for chronic disease programs; and

WHEREAS, Aided by valuable contributions from the University and Community College System of Nevada, the Department of Education, HealthSmart in Carson City, Great Basin Primary Care Association, members of the Intertribal Council of Nevada and other agencies and organizations throughout Nevada, the Alliance is promoting education and early detection to reduce the incidence of chronic diseases and their tragic consequences; now, therefore, be it

RESOLVED BY THE SENATE OF THE STATE OF NEVADA, THE ASSEMBLY CONCURRING, That the members of the 73rd Session of the Nevada Legislature commend the Health Division of the Department of Human Resources, the Clark County Health District and the Washoe County District Health Department for their vision of cooperation among Nevada agencies and organizations that led to the formation of the Nevada Alliance for Chronic Disease Prevention; and be it further

RESOLVED, That the Alliance is recognized for its ongoing efforts to promote health and wellness through communication and partnership with organizations that encourage healthy lifestyles through education; and be it further

RESOLVED, That the Alliance is encouraged to continue moving forward in the prevention of chronic disease in Nevada and a reduction in the burden these diseases place on all Nevadans; and be it further

RESOLVED, That the Secretary of the Senate prepare and transmit a copy of this resolution to Alex Haartz, Administrator of the Health Division of the Department of Human Resources, Donald Kwalick, M.D., Chief Health Officer for Clark County Health District and Barbara Hunt, Health Officer for Washoe County District Health Department.

Senator Wiener moved the adoption of the resolution.

Remarks by Senator Wiener.

Senator Wiener requested that her remarks be entered in the Journal.

Madam President, I rise in support of Senate Concurrent Resolution No. 18. Chronic diseases affect the lives of nearly every American. According to the Centers for Disease Control and Prevention (CDC), chronic diseases account for 70 percent of all deaths in the United States. In 2003, chronic diseases accounted for nearly three-fourths of all deaths in Nevada.

What is a chronic disease? It is a health condition that lasts for at least one year, limits functionality and may require ongoing medical care. Examples include: cardiovascular disease, diabetes, arthritis and obesity. Chronic diseases are the most common, the most costly and the most preventable of health problems. Prevention can be as simple as adopting healthy behaviors, such as eating healthy foods and increasing physical activity.

Prevention of chronic disease, however, is a challenge. Fortunately, the Nevada Alliance for Chronic Disease Prevention is committed to preventing and reducing chronic diseases in our State. When the Alliance began in 2002, access to data on chronic disease was limited in Nevada. Since then, the Alliance has enhanced communication between public health agencies, increased data sharing and developed a partnership with the University of Nevada System. In addition, the Alliance has established subcommittees on policy development, data collection, environmental public health and obesity.

The Alliance continues to set and work toward important health-improvement goals. It is leveraging funds between health authorities and establishing community partners for statewide surveys and information campaigns on specific issues. Future plans include collaborating with the "Partnership for Prevention." This national organization is dedicated to improving people's health by preventing disease and injury. Working together, the alliance and the partnership will implement a Chronic Disease Integration and Development Plan for Nevada.

The Alliance for Chronic Disease Prevention has made great strides in its work for Nevada. With our support, the Alliance will continue to provide essential communications and education to all Nevadans.

With this knowledge, we can help ourselves and others improve our health and live longer and more productive lives.

Resolution adopted.

Senator Wiener moved that all rules be suspended and that Senate Concurrent Resolution No. 18 be immediately transmitted to the Assembly.

Motion carried unanimously.

Senator Raggio moved that the Senate recess subject to the call of the Chair.

Senate in recess at 11:35 a.m.

SENATE IN SESSION

At 11:38 a.m.

President Hunt presiding.

Quorum present.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, April 19, 2005

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day adopted Assembly Concurrent Resolution No. 21.

DIANE KEETCH

Assistant Chief Clerk of the Assembly

MOTIONS, RESOLUTIONS AND NOTICES

Assembly Concurrent Resolution No. 21—Commending Evelyn Mount for her many years of dedicated service to the people of Reno and Sparks.

WHEREAS, Since 1979, thousands of families in northern Nevada have had food on their holiday tables thanks to the generosity and efforts of Evelyn Mount; and

WHEREAS, For 25 years, on Thanksgiving and again on Christmas, Evelyn Mount and her volunteers at Community Outreach have accepted donations of food and prepared and distributed bags and boxes with all the fixings for a holiday meal; and

WHEREAS, Community Outreach, cofounded by Evelyn and her late husband, Leon, is headquartered in Mount's garage at 2530 Cannan Street in Reno, which overflows with food donations as the holidays draw near and becomes a hub of activity as families approved by the organization drive in to pick up their food packages; and

WHEREAS, After the holiday rush, Evelyn slows down but continues to cook and deliver meals throughout the year for low-income seniors and grandparents raising grandchildren on tight budgets; and

WHEREAS, Born in Lundell, Arkansas, and raised in Louisiana and California, Evelyn Mount was surrounded by a family that passed on a desire to help others less fortunate than themselves; and

WHEREAS, When she's not actively dispensing food to those in need, Evelyn likes to garden, sew and make crafts, and she's also active in the Pilgrims Rest Baptist Church, where she assists in Sunday school every other week and sings in the choir; and

WHEREAS, After the death of her husband shortly before the 2002 holiday season, Evelyn continued her mission with the help of family, friends, neighbors and volunteer workers and has vowed to keep Community Outreach going in honor of Leon's memory; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the 73rd Nevada Legislature recognizes the generosity of Evelyn Mount and commends her for her benevolent and tireless efforts to bring joy to others; and be it further

RESOLVED, That Evelyn's spirit of giving is an inspiration to the residents of Nevada to share their lives and good fortune with the people in their communities who need a helping hand; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Evelyn Mount, whose abiding kindness to her fellow travelers on this earth makes her an example for all to emulate.

Senator Mathews moved the adoption of the resolution.

Remarks by Senators Mathews, Raggio and Washington.

Senator Mathews requested that the following remarks be entered in the Journal.

SENATOR MATHEWS:

I have known Evelyn Mount since she first came to Nevada. I am pleased that we are honoring her here, today. The University of Nevada is going to honor her as a distinguished Nevadan on May 13, 2005. I am pleased to know this lady.

Long before she was feeding people in Reno, she was feeding people in other places as well. In Herlong, California, Evelyn was an important part of her church. She worked her heart out. She and her husband Leon were faithful members. She fed and saw to the children. She worked hard and was a great inspiration.

In this day and age, most of us do not want people to know where we live but not Evelyn. People know where she lives, and they go there to partake of the garage pantry which is always available to the needy. Though many people worry about the strangers coming to her house, Evelyn has never let that bother her. For 25 years, she has been feeding people in the Reno area out of her house on Cannon St. She feeds people not only at Christmas and Thanksgiving but also at any time during the year. If a person needs clothing and food, she will have it for them. If children need coats, she will have coats for them. If she does not have something, she will find it for the people in need.

I am pleased to call her my friend. I was also pleased to have called her late husband my friend. I knew Leon before I knew Evelyn. They were married for 24 years when Leon passed away at the age of 91. They had a wonderful union.

Evelyn is a friend, a constituent, a neighbor and AquaSize partner. She is a great motivator.

SENATOR RAGGIO:

Evelyn Mount and her late husband are an institution in our community and in northern Nevada. A visit to her house on Cannon St. in Reno during a holiday, especially during Thanksgiving and Christmas, is necessary. There are people everywhere. Food comes in by the truckload. What she does is a wonderful undertaking. Evelyn and her volunteers have been doing this for 25 years, and we thank you for everything you do for the needy in northern Nevada.

SENATOR WASHINGTON:

Evelyn is a mainstay in our community. She had the opportunity to go to Chicago and appear on the Oprah Winfrey Show, and she did northern Nevada proud. I want to say congratulations to her.

Resolution adopted.

Resolution ordered transmitted to the Assembly.

INTRODUCTION, FIRST READING AND REFERENCE

Assembly Bill No. 20.

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

Motion carried.

Assembly Bill No. 58.

Senator Nolan moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Assembly Bill No. 67.

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

Motion carried.

Assembly Bill No. 68.

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

Motion carried.

Assembly Bill No. 78.

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

Motion carried.

Assembly Bill No. 80.

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

Motion carried.

Assembly Bill No. 84.

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

Motion carried.

Assembly Bill No. 91.

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

Motion carried.

Assembly Bill No. 126.

Senator Nolan moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Assembly Bill No. 139.

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

Motion carried.

Assembly Bill No. 157.

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

Motion carried.

Assembly Bill No. 163.

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

Motion carried.

Assembly Bill No. 166.

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

Motion carried.

Assembly Bill No. 167.

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

Motion carried.

Assembly Bill No. 169.

Senator Nolan moved that the bill be referred to the Committee on Transportation and Homeland Security.

Motion carried.

Assembly Bill No. 179.

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

Motion carried.

Assembly Bill No. 181.

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

Motion carried.

Assembly Bill No. 182.

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

Motion carried.

Assembly Bill No. 184.

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

Motion carried.

Assembly Bill No. 187.

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

Motion carried.

Assembly Bill No. 190.

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

Motion carried.

Assembly Bill No. 197.

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

Motion carried.

Assembly Bill No. 203.

Senator Nolan moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Assembly Bill No. 206.

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

Motion carried.

Assembly Bill No. 215.

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

Motion carried.

Assembly Bill No. 235.

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

Motion carried.

Assembly Bill No. 237.

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

Motion carried.

Assembly Bill No. 256.

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

Motion carried.

Assembly Bill No. 276.

Senator Nolan moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Assembly Bill No. 292.

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

Motion carried.

Assembly Bill No. 341.

Senator Nolan moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Assembly Bill No. 345.

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

Motion carried.

Assembly Bill No. 346.

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

Motion carried.

Assembly Bill No. 348.

Senator Nolan moved that the bill be referred to the Committee on Transportation and Homeland Security.

Motion carried.

Assembly Bill No. 368.

Senator Nolan moved that the bill be referred to the Committee on Transportation and Homeland Security.

Motion carried.

Assembly Bill No. 372.

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

Motion carried.

Assembly Bill No. 377.

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

Motion carried.

Assembly Bill No. 416.

Senator Nolan moved that the bill be referred to the Committee on Transportation and Homeland Security.

Motion carried.

Assembly Bill No. 420.

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

Motion carried.

Assembly Bill No. 436.

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

Motion carried.

Assembly Bill No. 445.

Senator Nolan moved that the bill be referred to the Committee on Transportation and Homeland Security.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 4.

Bill read second time and ordered to third reading.

Senate Bill No. 43.

Bill read second time and ordered to third reading.

Senate Bill No. 150.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 285.

Amend section 1, page 1, line 3, after "*files*" by inserting: "*with the employer of a public employee*".

Amend section 1, page 1, line 4, by deleting: "*public officer or*".

Amend section 1, page 2, line 1, by deleting: "*public officer or*".

Amend section 1, page 2, line 6, after "*thereof*." by inserting: "*The term does not include a person elected to public office while performing duties related to his public office*".

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

"AN ACT relating to public employees; prohibiting a false or fraudulent complaint against a public employee;"

Amend the summary of the bill to read as follows:

"SUMMARY—Prohibits false or fraudulent complaint against public employee. (BDR 23-1168)".

Senator Amodei moved the adoption of the amendment.

Remarks by Senator Amodei.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 181.

Bill read second time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 220.

Amend section 1, page 3, by deleting lines 21 through 26 and inserting:

"2. *A board may not adopt any ordinance authorized by this section unless:*

(a) In a county for all or part of which a streets and highways plan has been adopted as a part of the master plan by the county or regional planning commission pursuant to NRS 278.150, the board first:

(1) Imposes a tax pursuant to paragraph (b) of subsection 1 of NRS 373.030 at the maximum rate authorized pursuant to that paragraph; or

(2) Submits to the voters of the county at a general or special election the question of whether to impose a tax pursuant to paragraph (b) of subsection 1 of NRS 373.030 at the maximum rate authorized pursuant to that paragraph; and

(b) A question concerning the imposition of the tax pursuant to this section is first approved by a majority of the registered voters of the county voting upon the question which the board may submit to the voters at any general election. The Committee on Local Government Finance shall annually provide to each city clerk, county clerk and district attorney in this State forms for submitting a question to the registered voters of a county pursuant to this paragraph. Any question submitted to the registered voters of a county pursuant to this paragraph must be in the form most recently provided by the Committee on Local Government Finance.

3. *An ordinance adopted pursuant to this section in a county whose population is less than 100,000:*

(a) *Must be reapproved, in addition to the approval required by paragraph (b) of subsection 2, at least once every 8 years by a majority of the registered voters of the county voting on the question which the board may submit to the voters at any general election; and*

(b) *Expires by limitation no later than the last day of the 8th calendar year following the calendar year in which the ordinance was:*

(1) *Approved in accordance with paragraph (b) of subsection 2; or*

(2) *Most recently reapproved in accordance with this subsection,*

➡ *whichever occurs later.*

4. Any ordinance authorized by this section may be adopted in".

Amend section 1, page 3, lines 32 and 33, by deleting: "increases.

~~{3-}~~ 4." and inserting: "increases ~~+~~

~~3-}~~ before the ordinance expires by limitation.

5."

Amend section 1, page 4, line 11, by deleting "5." and inserting "6."

Amend section 1, page 4, lines 18, 28 and 38, by deleting "on" and inserting: "~~on~~ no later than".

Amend section 1, page 5, line 3, by deleting "on" and inserting: "~~on~~ no later than".

Amend sec. 2, page 5, line 7, after "2." by inserting:

"1. Notwithstanding the amendatory provisions of section 1 of this act, the provisions of paragraph (a) of subsection 2 of NRS 373.065, as amended by section 1 of this act, do not apply to any ordinances adopted before July 1, 2005, by the Board of County Commissioners of Washoe County.

2."

Senator McGinness moved the adoption of the amendment.

Remarks by Senator McGinness.

Conflict of interest declared by Senator Raggio.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 198.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 287.

Amend section 1, pages 2 and 3, by deleting lines 5 through 37 on page 1 and lines 1 through 25 on page 3, and inserting:

"(b) "Drawee" means a person ordered in a draft to make payment.

(c) "Drawer" means a person who signs or is identified in a draft as a person ordering payment.

(d) "Good faith" means honesty in fact and the observance of reasonable commercial standards of fair dealing.

(e) "Maker" means a person who signs or is identified in a note as a person undertaking to pay.

(f) "Order" means a written instruction to pay money signed by the person giving the instruction. The instruction may be addressed to any person, including the person giving the instruction, or to one or more persons jointly or in the alternative but not in succession. An authorization to pay is not an order unless the person authorized to pay is also instructed to pay.

(g) "Ordinary care" in the case of a person engaged in business means observance of reasonable commercial standards, prevailing in the area in which he is located, with respect to the business in which he is engaged. In the case of a bank that takes an instrument for processing for collection or payment by automated means, reasonable commercial standards do not require the bank to examine the instrument if the failure to examine does not violate its prescribed procedures and its procedures do not vary unreasonably from general banking usage not disapproved by this Article or Article 4.

(h) "Party" means a party to an instrument.

(i) "Promise" means a written undertaking to pay money signed by the person undertaking to pay. An acknowledgment of an obligation by the obligor is not a promise unless the obligor also undertakes to pay the obligation.

(j) "Prove" with respect to a fact means to meet the burden of establishing the fact (subsection 8 of NRS 104.1201).

(k) *"Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.*

(l) "Remitter" means a person who purchases an instrument from its issuer if the instrument is payable to an identified person other than the purchaser.

(m) *"Remotely-created item" means an item drawn on an account, which is not created by the payor bank and does not bear a signature purporting to be the signature of the drawer."*

Amend sec. 3, page 5, lines 39 through 42, by deleting the brackets and strike-through.

Amend sec. 5, page 7, by deleting lines 12 through 26.

Amend sec. 8, page 10, line 1, by deleting "consumer".

Amend sec. 8, page 10, between lines 17 and 18, by inserting:

"5. No claim for breach of warranty in paragraph (f) of subsection 1 is available against a person to which an item was transferred to the extent that under applicable law, including the applicable choice-of-law principles, the person that transferred the item did not make the warranty in paragraph (f) of subsection 1."

Amend sec. 9, page 10, line 32, by deleting "consumer".

Amend sec. 9, page 11, between lines 30 and 31, by inserting:

"7. No claim for breach of warranty in paragraph (d) of subsection 1 is available against a person to which an item was transferred to the extent that under applicable law, including the applicable choice-of-law principles, the

person that transferred the item did not make the warranty in paragraph (d) of subsection 1."

Amend the bill as a whole by deleting sec. 13 and inserting:

"Sec. 13. (Deleted by amendment.)".

Amend sec. 14, page 20, line 21, by deleting "consumer".

Amend sec. 15, page 20, line 41, by deleting "consumer".

Amend sec. 15, page 21, between lines 22 and 23, by inserting:

"6. No claim for breach of warranty in paragraph (f) of subsection 1 is available against a person to which an item was transferred to the extent that under applicable law, including the applicable choice-of-law principles, the person that transferred the item did not make the warranty in paragraph (f) of subsection 1."

Amend sec. 16, page 21, line 37, by deleting "consumer".

Amend sec. 16, page 22, between lines 33 and 34, by inserting:

"7. No claim for breach of warranty in paragraph (d) of subsection 1 is available against a person to which an item was transferred to the extent that under applicable law, including the applicable choice-of-law principles, the person that transferred the item did not make the warranty in paragraph (d) of subsection 1."

Senator Care moved the adoption of the amendment.

Remarks by Senator Care.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 201.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 288.

Amend sec. 15, page 11, by deleting lines 1 through 44 and inserting:

"Sec. 15. 1. Except as otherwise provided in this section, when a transaction bears a reasonable relation to this State and also to another state or nation the parties may agree that the law either of this State or of such other state or nation shall govern their rights and duties.

2. In the absence of an agreement effective under subsection 1, and except as otherwise provided in subsection 3, the Uniform Commercial Code applies to transactions bearing an appropriate relation to this State.

3. If one of the following provisions of the Uniform"

Amend the bill as a whole by adding a new section designated sec. 85.5, following sec. 85, to read as follows:

"Sec. 85.5. NRS 104.9207 is hereby amended to read as follows:

104.9207 1. Except as otherwise provided in subsection 4, a secured party shall use reasonable care in the custody and preservation of collateral in the secured party's possession. In the case of chattel paper or an instrument, reasonable care includes taking necessary steps to preserve rights against prior parties unless otherwise agreed.

2. Except as otherwise provided in subsection 4, if a secured party has possession of collateral:

(a) Reasonable expenses, including the cost of insurance and payment of taxes or other charges, incurred in the custody, preservation, use or operation of the collateral are chargeable to the debtor and are secured by the collateral;

(b) The risk of accidental loss or damage is on the debtor to the extent of a deficiency in any effective insurance coverage;

(c) The secured party shall keep the collateral identifiable, but fungible collateral may be commingled; and

(d) The secured party may use or operate the collateral:

(1) For the purpose of preserving the collateral or its value;

(2) As permitted by an order of a court having competent jurisdiction; or

(3) Except in the case of consumer goods, in the manner and to the extent agreed by the debtor.

3. Except as otherwise provided in subsection 4, a secured party having possession of collateral or control of collateral under NRS 104.9104, 104.9105, 104.9106 or 104.9107 ~~[-]~~ *or section 30 of this act*:

(a) May hold as additional security any proceeds, except money or funds, received from the collateral;

(b) Shall apply money or funds received from the collateral to reduce the secured obligation, unless remitted to the debtor; and

(c) May create a security interest in the collateral.

4. If the secured party is a buyer of accounts, chattel paper, payment intangibles or promissory notes or a consignor:

(a) Subsection 1 does not apply unless the secured party is entitled under an agreement:

(1) To charge back uncollected collateral; or

(2) Otherwise to full or limited recourse against the debtor or a secondary obligor based on the nonpayment or other default of an account debtor or other obligor on the collateral; and

(b) Subsections 2 and 3 do not apply."

Senator Care moved the adoption of the amendment.

Remarks by Senator Care.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 307.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 218.

Amend section 1, page 3, line 34, after "uses" by inserting: "*three or fewer*".

Amend the title of the bill, third line, by deleting "certain" and inserting: "*three or fewer*".

Amend the summary of the bill to read as follows:

"SUMMARY—Requires local assessment of unscheduled air transport companies that only use three or fewer small planes. (BDR 32-1289)".

Senator McGinness moved the adoption of the amendment.

Remarks by Senator McGinness.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 316.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 289.

Amend section 1, page 2, by deleting lines 1 through 7.

Amend section 1, page 2, line 8, by deleting "3." and inserting "2.".

Amend section 1, page 2, line 11, by deleting "[3-] 4." and inserting "3.".

Amend sec. 2, page 4, by deleting lines 7 through 40 and inserting:

"8. Any person who ~~is~~

~~(a) Has successfully completed a course in cardiopulmonary resuscitation and training in the operation and use of an automated external defibrillator that were conducted in accordance with the standards of the American Heart Association or the American National Red Cross; and~~

~~(b) Gratuitously} gratuitously and in good faith renders emergency medical care involving the use of an automated external defibrillator ~~in accordance with his training,~~~~

~~→} is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, by that person in rendering that care.~~

9. ~~{A person or governmental entity that provided the requisite training set forth in subsection 8 to a person who renders emergency care in accordance with subsection 8 is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, by the person rendering such care.~~

~~10.} A business or organization that has placed an automated external defibrillator for use on its premises is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, by the person rendering such care or for providing the automated external defibrillator to the person for the purpose of rendering such care if the business or organization:~~

~~(a) Complies with all current federal and state regulations governing the use and placement of an automated external defibrillator;~~

~~(b) {Ensures that only a person who has at least the qualifications set forth in subsection 8 uses the automated external defibrillator to provide care;~~

~~(c)} Ensures that the automated external defibrillator is maintained and tested according to the operational guidelines established by the manufacturer; and~~

~~{(d) Establishes and maintains a program to ensure compliance with current regulations, requirements for training,}~~

(c) *Establishes requirements for the*."

Amend sec. 2, page 4, line 43, by deleting "11." and inserting "~~11.~~ 10."

Amend sec. 2, page 5, lines 1 and 2, by deleting: "~~for receiving~~ to the person rendering" and inserting "for receiving".

Amend the title of the bill to read as follows:

"AN ACT relating to civil liability; revising the provisions limiting the liability of a volunteer of a charitable organization; revising the provisions relating to limiting the liability of a person who renders gratuitous medical care involving the use of an automated external defibrillator; revising the provisions limiting the liability of certain medical providers who render gratuitous care or assistance for certain entities; and providing other matters properly relating thereto."

Amend the summary of the bill to read as follows:

"SUMMARY—Revises provisions limiting civil liability of certain persons providing gratuitous services. (BDR 3-739)".

Senator Amodei moved the adoption of the amendment.

Remarks by Senator Amodei.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 331.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 290.

Amend section 1, page 2, line 11, after "(h)" by inserting: "*The Director of the Department of Corrections;*

(i)".

Amend section 1, page 2, line 14, by deleting "(i)" and inserting "~~(i)~~ (j)".

Amend the bill as a whole by deleting sections 2 and 3.

Amend the title of the bill by deleting the fourth through seventh lines and inserting: "Sentencing; and providing other".

Senator Amodei moved the adoption of the amendment.

Remarks by Senator Amodei.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 339.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 219.

Amend section 1, page 4, line 30, by deleting "*received*" and inserting "*requested*".

Amend the title of the bill, sixth line, after "without" by inserting "requesting".

Senator McGinness moved the adoption of the amendment.

Remarks by Senator McGinness.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 347.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 403.

Amend sec. 14, page 8, line 25, by deleting "*Before*" and inserting "*When*".

Amend sec. 14, page 8, by deleting lines 32 through 40 and inserting:
"written notice must:

(a) *Include, without limitation, the following information:*

(1) *The policies and procedures adopted by the issuer to protect the personal identifying information and credit information of the cardholder from any unlawful use by another person; and*

(2) *The legal rights and responsibilities of the cardholder if another person unlawfully uses the personal identifying information and credit information of the cardholder; and*

(b) *Be printed in a separate box created by bold lines that includes:*

(1) *A heading indicating the general subject matter of the notice that is printed in at least 12-point type; and*

(2) *The text of the notice that is printed in at least 10-point type."*

Amend the bill as a whole by deleting sections 16 and 17, renumbering sections 18 through 22 as sections 17 through 21 and adding a new section designated sec. 16, following sec. 15, to read as follows:

"Sec. 16. Chapter 239B of NRS is hereby amended by adding thereto a new section to read as follows:

1. *If a public body maintains a website on the Internet, the public body shall not disclose on that website personal information unless the disclosure is required by a federal or state statute or regulation.*

2. *If it appears that a public body has engaged in or is about to engage in any act or practice which violates subsection 1, the Attorney General or the appropriate district attorney may file an action in any court of competent jurisdiction for an injunction to prevent the occurrence or continuance of that act or practice.*

3. *An injunction:*

(a) *May be issued without proof of actual damage sustained by any person.*

(b) *Does not preclude the criminal prosecution and punishment of an act or practice that may otherwise be prohibited by law.*

4. *As used in this section:*

(a) *"Personal information" has the meaning ascribed to it in section 21 of this act.*

(b) *"Public body" has the meaning ascribed to it in NRS 205.462."*

Amend sec. 18, page 12, lines 29 and 30, by deleting: "19 to 25," and inserting: "18 to 26,".

Amend sec. 18, page 12, line 32, by deleting: "20, 21 and 22" and inserting: "19, 20 and 21".

Amend sec. 20, page 12, line 35, before "compromises" by inserting "materially".

Amend sec. 22, page 13, by deleting lines 6 through 8 and inserting: "one or more of the following data elements, when the name and data elements are not encrypted:

1. Social security number or employer identification number."

Amend sec. 22, page 13, line 16, by deleting "records." and inserting: "records or from widely distributed media."

Amend the bill as a whole by renumbering sections 23 through 26 as sections 24 through 27 and adding new sections designated sections 22 and 23, following sec. 22, to read as follows:

"Sec. 22. 1. A business that maintains records which contain personal information concerning the customers of the business shall take reasonable measures to ensure the destruction of those records when the business decides that it will no longer maintain the records.

2. As used in this section:

(a) "Business" means a proprietorship, corporation, partnership, association, trust, unincorporated organization or other enterprise doing business in this State.

(b) "Reasonable measures to ensure the destruction" means any method that modifies the records containing the personal information in such a way as to render the personal information contained in the records unreadable or undecipherable, including, without limitation:

(1) Shredding of the record containing the personal information; or

(2) Erasing of the personal information from the records.

Sec. 23. 1. A data collector that maintains records which contain personal information of a resident of this State shall implement and maintain reasonable security measures to protect those records from unauthorized access, acquisition, destruction, use, modification or disclosure.

2. A contract for the disclosure of the personal information of a resident of this State which is maintained by a data collector must include a provision requiring the person to whom the information is disclosed to implement and maintain reasonable security measures to protect those records from unauthorized access, acquisition, destruction, use, modification or disclosure.

3. If a state or federal law requires a data collector to provide greater protection to records that contain personal information of a resident of this State which are maintained by the data collector and the data collector is in compliance with the provisions of that state or federal law, the data collector shall be deemed to be in compliance with the provisions of this section."

Amend sec. 23, page 14, line 15, by deleting "which maintains" and inserting: "which:

(a) Maintains".

Amend sec. 23, page 14, between lines 22 and 23, by inserting:

"(b) Is subject to and complies with the privacy and security provisions of the Gramm-Leach-Bliley Act, 15 U.S.C. §§ 6801, et seq., shall be deemed to be in compliance with the notification requirements of this section.

6. If a data collector determines that notification is required to be given pursuant to the provisions of this section to more than 1,000 persons at any one time, the data collector shall also notify, without unreasonable delay, any consumer reporting agency, as that term is defined in 15 U.S.C. § 1681a, that compiles and maintains files on consumers on a nationwide basis, of the time the notification is distributed and the content of the notification."

Amend sec. 25, page 14, by deleting lines 25 through 35 and inserting:

"Sec. 26. If the Attorney General or a district attorney of any county has reason to believe that any person is violating, proposes to violate or has violated the provisions of this chapter, he may bring an action against that person to obtain a temporary or permanent injunction against the violation."

Amend sec. 26, page 14, line 39, by deleting "identifying".

Amend sec. 26, page 15, by deleting lines 1 and 2 and inserting:

"(b) "Personal information" has the meaning ascribed to it in section 21 of this act."

Amend the bill as a whole by deleting sections 27 and 28 and adding a new section designated sec. 28, following sec. 26, to read as follows:

"Sec. 28. 1. This section and sections 1 to 13, inclusive, of this act become effective on October 1, 2005.

2. Sections 14 to 27, inclusive, of this act become effective on January 1, 2006."

Amend the title of the bill, eighth line, by deleting "before" and inserting "when".

Senator Wiener moved the adoption of the amendment.

Remarks by Senators Wiener and Raggio.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 472.

Bill read second time.

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

Amendment No. 237.

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 484.474 is hereby amended to read as follows:

484.474 1. Except as otherwise provided in subsection ~~[5.]~~ 7, any person who is transporting a child who is less than 6 years of age and who weighs 60 pounds or less in a motor vehicle operated in this State which is equipped to carry passengers shall secure the child in a child restraint system which:

(a) Has been approved by the United States Department of Transportation in accordance with the Federal Motor Vehicle Safety Standards set forth in 49 C.F.R. Part 571;

(b) Is appropriate for the size and weight of the child; and

(c) Is installed within and attached safely and securely to the motor vehicle:

(1) In accordance with the instructions for installation and attachment provided by the manufacturer of the child restraint system; or

(2) In another manner that is approved by the National Highway Traffic Safety Administration.

2. ~~{A person who violates}~~ *If a defendant pleads or is found guilty of violating the provisions of subsection 1* ~~{shall be:~~

~~(a) Required}~~, *the court shall:*

(a) *In addition to any other penalty imposed by law, order the defendant to complete a program of training conducted by a person or agency approved by the Department of Public Safety in the installation and use of child restraint systems* ~~{;}~~, *except that the court shall waive the requirements of this paragraph if the defendant is not a resident of the State of Nevada; and*

(b) *Except as otherwise provided in this paragraph,* ~~{punished by}~~ *order the defendant to pay a fine of not less than \$50 nor more than \$500, or* ~~{required}~~ *order the defendant to perform not less than 8 hours nor more than 50 hours of community service. The court may :*

(1) *For a first offense by a defendant who completes a program of training described in paragraph (a), waive any amount of the fine or any amount of the community service; and*

(2) *For a second or subsequent offense by a defendant who completes a program of training described in paragraph (a), waive any amount of the fine in excess of \$50 or any amount of the community service in excess of 8 hours ,*

➡ *if* ~~{a}~~ *the person or agency* ~~{approved by the Department of Public Safety}~~ *which provided the program of training to the defendant certifies to the court that the* ~~{violate has}~~

~~(1) Completed}~~ *defendant has completed the program of training required by paragraph (a)* ~~{; and~~

~~(2) Presented}~~, *has paid the fee, if any, established for the program pursuant to subsection 4 and has presented for inspection by the person or agency an installed child restraint system that satisfies the provisions of subsection 1. The provisions of this paragraph do not authorize the waiver of any fee established by a person or agency pursuant to subsection 4.*

3. The court shall make available a list of persons and agencies approved by the Department of Public Safety to conduct programs of training and perform inspections of child restraint systems.

~~{3-}~~ *The list must include, without limitation, an indication of the fee, if any, established by the person or agency pursuant to subsection 4.*

4. *A person or agency approved by the Department of Public Safety to conduct programs of training and perform inspections of child restraint systems may, in cooperation with the Department, establish a fee to be paid by defendants who are ordered to complete a program of training. The amount of the fee, if any:*

(a) *Must be reasonable; and*

(b) *May, if a defendant desires to acquire a child restraint system from such a person or agency, include the cost of a child restraint system provided by the person or agency to the defendant.*

➡ *A program of training may not be operated for profit.*

5. For the purposes of NRS 483.473, a violation of this section is not a moving traffic violation.

~~{4-}~~ 6. A violation of this section may not be considered:

(a) Negligence in any civil action; or

(b) Negligence or reckless driving for the purposes of NRS 484.377.

~~{5-}~~ 7. This section does not apply:

(a) To a person who is transporting a child in a means of public transportation, including a taxi, school bus or emergency vehicle.

(b) When a physician determines that the use of such a child restraint system for the particular child would be impractical or dangerous because of such factors as the child's weight, physical unfitness or medical condition. In this case, the person transporting the child shall carry in the vehicle the signed statement of the physician to that effect.

~~{6-}~~ 8. As used in this section, "child restraint system" means any device that is designed for use in a motor vehicle to restrain, seat or position children. The term includes, without limitation:

(a) Booster seats and belt-positioning seats that are designed to elevate or otherwise position a child so as to allow the child to be secured with a safety belt;

(b) Integrated child seats; and

(c) Safety belts that are designed specifically to be adjusted to accommodate children."

Senator Nolan moved the adoption of the amendment.

Remarks by Senator Nolan.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 97.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Nolan moved that Senate Bill No. 13 be taken from the General File and placed on the General File for the next legislative day.

Remarks by Senator Nolan.

Motion carried.

Senator Nolan moved that Senate Bill No. 475 be taken from the General File and placed on the Secretary's desk.

Remarks by Senator Nolan.

Motion carried.

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

Remarks by Senator Townsend.

Motion carried.

Senator Hardy moved that Senate Bill No. 30 be taken from the General File and placed on the General File for the next legislative day.

Remarks by Senator Hardy.

Motion carried.

Senator Hardy moved that Senate Bill No. 110 be taken from the General File and placed on the General File for the next legislative day.

Remarks by Senator Hardy.

Motion carried.

Senator Hardy moved that Senate Bill No. 306 be taken from the General File and placed on the General File for the next legislative day.

Remarks by Senator Hardy.

Motion carried.

Senator McGinness moved that Senate Bill No. 167 be taken from the General File and placed on the General File for the next legislative day.

Remarks by Senator McGinness.

Motion carried.

Senator Townsend moved that Senate Bill No. 126 be taken from the General File and placed on the General File for the next legislative day.

Remarks by Senator Townsend.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 20.

Bill read third time.

Roll call on Senate Bill No. 20:

YEAS—20.

NAYS—Tiffany.

Senate Bill No. 20 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 29.

Bill read third time.

Roll call on Senate Bill No. 29:

YEAS—20.

NAYS—None.

NOT VOTING—Raggio.

Senate Bill No. 29 having received a constitutional majority,
Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 77.

Bill read third time.

Remarks by Senator Amodei.

Roll call on Senate Bill No. 77:

YEAS—13.

NAYS—Care, Carlton, Coffin, Horsford, Mathews, Schneider, Titus, Wiener—8.

Senate Bill No. 77 having received a constitutional majority,
Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 80.

Bill read third time.

Roll call on Senate Bill No. 80:

YEAS—19.

NAYS—Carlton.

NOT VOTING—Raggio.

Senate Bill No. 80 having received a constitutional majority,
Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 107.

Bill read third time.

Roll call on Senate Bill No. 107:

YEAS—16.

NAYS—Beers, Cegavske, McGinness, Tiffany, Washington—5.

Senate Bill No. 107 having received a constitutional majority,
Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 136.

Bill read third time.

Roll call on Senate Bill No. 136:

YEAS—21.

NAYS—None.

Senate Bill No. 136 having received a constitutional majority,
Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 139.

Bill read third time.

Roll call on Senate Bill No. 139:

YEAS—21.

NAYS—None.

Senate Bill No. 139 having received a constitutional majority,
Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 187.

Bill read third time.

Roll call on Senate Bill No. 187:

YEAS—21.

NAYS—None.

Senate Bill No. 187 having received a constitutional majority,
Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 250.

Bill read third time.

Roll call on Senate Bill No. 250:

YEAS—18.

NAYS—Beers, Cegavske—2.

NOT VOTING—Raggio.

Senate Bill No. 250 having received a two-thirds majority,
Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 255.

Bill read third time.

Remarks by Senators Townsend and Carlton.

Senator Townsend disclosed that his wife does property management work
for one of the companies that may be affected by this bill.

Senator Carlton disclosed that this bill was lobbied by an organization that
she works with and that she is a voluntary shop steward.

Roll call on Senate Bill No. 255:

YEAS—21.

NAYS—None.

Senate Bill No. 255 having received a constitutional majority,
Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 290.

Bill read third time.

Roll call on Senate Bill No. 290:

YEAS—20.

NAYS—Carlton.

Senate Bill No. 290 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 311.

Bill read third time.

Remarks by Senator Nolan.

Roll call on Senate Bill No. 311:

YEAS—18.

NAYS—Care, Titus, Wiener—3.

Senate Bill No. 311 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 318.

Bill read third time.

Roll call on Senate Bill No. 318:

YEAS—21.

NAYS—None.

Senate Bill No. 318 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 327.

Bill read third time.

Roll call on Senate Bill No. 327:

YEAS—21.

NAYS—None.

Senate Bill No. 327 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 382.

Bill read third time.

The following amendment was proposed by Senator Titus:

Amendment No. 395.

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

"Sec. 2. NRS 111.1031 is hereby amended to read as follows:

111.1031 1. A nonvested property interest is invalid unless:

(a) When the interest is created, it is certain to vest or terminate no later than 21 years after the death of a natural person then alive; or

(b) The interest either vests or terminates within ~~[90]~~ 1,000 years after its creation.

2. A general power of appointment not presently exercisable because of a condition precedent is invalid unless:

(a) When the power is created, the condition precedent is certain to be satisfied or become impossible to satisfy no later than 21 years after the death of a natural person then alive; or

(b) The condition precedent either is satisfied or becomes impossible to satisfy within ~~90~~ 1,000 years after its creation.

3. A nongeneral power of appointment or a general testamentary power of appointment is invalid unless:

(a) When the power is created, it is certain to be irrevocably exercised or otherwise to terminate no later than 21 years after the death of a natural person then alive; or

(b) The power is irrevocably exercised or otherwise terminates within ~~90~~ 1,000 years after its creation.

4. In determining whether a nonvested property interest or a power of appointment is valid under paragraph (a) of subsection 1, paragraph (a) of subsection 2 or paragraph (a) of subsection 3, the possibility that a child will be born to a person after his or her death is disregarded.

5. If, in measuring a period from the creation of a trust or other property arrangement, language in a governing instrument seeks to disallow the vesting or termination of any interest or trust beyond, seeks to postpone the vesting or termination of any interest or trust until, or seeks to operate in effect in any similar fashion upon, the later of:

(a) The expiration of a period of time not exceeding 21 years after the death of the survivor of specified lives in being at the creation of the trust or other property arrangement; or

(b) The expiration of a period of time that exceeds or might exceed 21 years after the death of the survivor of lives in being at the creation of the trust or other property arrangement,

↳ that language is inoperative to the extent it produces a period of time that exceeds 21 years after the death of the survivor of the specified lives.

Sec. 3. NRS 111.1035 is hereby amended to read as follows:

111.1035 Upon the petition of an interested person, a court shall reform a disposition in the manner that most closely approximates the transferor's manifested plan of distribution and is within the ~~90~~ 1,000 years allowed by paragraph (b) of subsection 1, paragraph (b) of subsection 2 or paragraph (b) of subsection 3 of NRS 111.1031 if:

1. A nonvested property interest or a power of appointment becomes invalid under NRS 111.1031;

2. A class gift is not but might become invalid under NRS 111.1031 and the time has arrived when the share of any class member is to take effect in possession or enjoyment; or

3. A nonvested property interest that is not validated by paragraph (a) of subsection 1 of NRS 111.1031 can vest but not within ~~90~~ 1,000 years after its creation."

Amend the title of the bill to read as follows:

"AN ACT relating to property; authorizing a fiduciary to transfer trust property to a corporation, limited-liability company or other entity formed by the fiduciary; authorizing such an entity that acts as a fiduciary or trustee to be owned or controlled by the trust under certain circumstances; extending the time within which a nonvested property interest must vest or terminate; and providing other matters properly relating thereto."

Amend the summary of the bill to read as follows:

"SUMMARY—Makes various changes relating to property. (BDR 13-727)".

Senator Titus moved the adoption of the amendment.

Remarks by Senators Titus and Amodei.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 395.

Bill read third time.

Roll call on Senate Bill No. 395:

YEAS—21.

NAYS—None.

Senate Bill No. 395 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 398.

Bill read third time.

Roll call on Senate Bill No. 398:

YEAS—21.

NAYS—None.

Senate Bill No. 398 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 409.

Bill read third time.

Roll call on Senate Bill No. 409:

YEAS—21.

NAYS—None.

Senate Bill No. 409 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 410.

Bill read third time.

Roll call on Senate Bill No. 410:

YEAS—21.

NAYS—None.

Senate Bill No. 410 having received a constitutional majority,
Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 415.

Bill read third time.

Roll call on Senate Bill No. 415:

YEAS—20.

NAYS—Mathews.

Senate Bill No. 415 having received a constitutional majority,
Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 423.

Bill read third time.

Remarks by Senators Horsford and Hardy.

Roll call on Senate Bill No. 423:

YEAS—21.

NAYS—None.

Senate Bill No. 423 having received a constitutional majority,
Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 428.

Bill read third time.

Roll call on Senate Bill No. 428:

YEAS—17.

NAYS—Care, Carlton, Horsford, Titus—4.

Senate Bill No. 428 having received a constitutional majority,
Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 438.

Bill read third time.

Roll call on Senate Bill No. 438:

YEAS—21.

NAYS—None.

Senate Bill No. 438 having received a constitutional majority,
Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 443.

Bill read third time.

Roll call on Senate Bill No. 443:

YEAS—21.

NAYS—None.

Senate Bill No. 443 having received a constitutional majority,
Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 466.

Bill read third time.

Roll call on Senate Bill No. 466:

YEAS—21.

NAYS—None.

Senate Bill No. 466 having received a constitutional majority,
Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 479.

Bill read third time.

Roll call on Senate Bill No. 479:

YEAS—21.

NAYS—None.

Senate Bill No. 479 having received a constitutional majority,
Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 489.

Bill read third time.

Roll call on Senate Bill No. 489:

YEAS—21.

NAYS—None.

Senate Bill No. 489 having received a constitutional majority,
Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 491.

Bill read third time.

Roll call on Senate Bill No. 491:

YEAS—21.

NAYS—None.

Senate Bill No. 491 having received a constitutional majority,
Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 504.

Bill read third time.

Roll call on Senate Bill No. 504:

YEAS—21.

NAYS—None.

Senate Bill No. 504 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 188.

Bill read third time.

Roll call on Senate Bill No. 188:

YEAS—20.

NAYS—None.

NOT VOTING—Raggio.

Senate Bill No. 188 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Raggio gave notice that on the next legislative day he would move to reconsider the vote whereby Senate Bill No. 107 was this day passed.

Senator Raggio gave notice that on the next legislative day he would move to reconsider the vote whereby Senate Bill No. 491 was this day passed.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the President and Secretary signed Assembly Joint Resolution No. 13 of the 72nd Session.

REMARKS FROM THE FLOOR

Senator Raggio requested that his remarks be entered in the Journal.

Thank you, Madam President. I would like to note today that a special event has occurred. A new Pope has been elected. He is Cardinal Joseph Ratzinger, Pope Benedict the XVI.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Amodei, the privilege of the floor of the Senate Chamber for this day was extended to Sally Edwards.

On request of Senator Beers, the privilege of the floor of the Senate Chamber for this day was extended to Sara Jones.

On request of Senator Care, the privilege of the floor of the Senate Chamber for this day was extended to Laura Jane Spina.

On request of Senator Carlton, the privilege of the floor of the Senate Chamber for this day was extended to Sheila Linn.

On request of Senator Cegavske, the privilege of the floor of the Senate Chamber for this day was extended to Len Crocker and Chris Ho.

On request of Senator Coffin, the privilege of the floor of the Senate Chamber for this day was extended to Bonnie Saviers.

On request of Senator Hardy, the privilege of the floor of the Senate Chamber for this day was extended to Thomas Fay.

On request of Senator Heck, the privilege of the floor of the Senate Chamber for this day was extended to Kristy Price.

On request of Senator Horsford, the privilege of the floor of the Senate Chamber for this day was extended to Daniel Walters.

On request of Senator Lee, the privilege of the floor of the Senate Chamber for this day was extended to Martin Jones.

On request of Senator Mathews, the privilege of the floor of the Senate Chamber for this day was extended to Ellen Fockler, Lou Verna Mitchell, Tim Shade, Patricia Williams, Don Henson and Evelyn Mount.

On request of Senator McGinness, the privilege of the floor of the Senate Chamber for this day was extended to Luise Davis-Ruff.

On request of Senator Raggio, the privilege of the floor of the Senate Chamber for this day was extended to Nancy Cummings and Martha Gould.

On request of Senator Rhoads, the privilege of the floor of the Senate Chamber for this day was extended to Laura Oki.

On request of Senator Schneider, the privilege of the floor of the Senate Chamber for this day was extended to Susan Bruno.

On request of Senator Tiffany, the privilege of the floor of the Senate Chamber for this day was extended to D. J. Allen.

On request of Senator Titus, the privilege of the floor of the Senate Chamber for this day was extended to Joan Vaughan.

On request of Senator Townsend, the privilege of the floor of the Senate Chamber for this day was extended to Karla Mundt and Beth Ross.

On request of Senator Washington, the privilege of the floor of the Senate Chamber for this day was extended to Lucille Adine.

On request of Senator Wiener, the privilege of the floor of the Senate Chamber for this day was extended to Alex Haartz, Barbara Hunt, Dr. Lawrence Sands and Jeanne Palmer.

On request of President Hunt, the privilege of the floor of the Senate Chamber for this day was extended to Kelly Benavidez.

Senator Raggio moved that the Senate adjourn until Wednesday, April 20, 2005, at 11 a.m.

Motion carried.

Senate adjourned at 12:51 p.m.

Approved:

LORRAINE T. HUNT
President of the Senate

Attest: CLAIRE J. CLIFT
Secretary of the Senate