

THE ONE HUNDRED AND SIXTH DAY

CARSON CITY (Monday), May 23, 2005

Senate called to order at 11:43 a.m.

President Hunt presiding.

Roll called.

All present except Senator Horsford, who was excused.

Prayer by the Chaplain, Reverend Dixie Jennings-Teats.

Come, Thou fount of every blessing,

Tune our hearts to sing Thy praise.

Align us in true wisdom for all the work of the Legislature this day allowing us to act with compassion in acts of charity and justice.

Remind us of our daily blessings and help us to work from that center in order that the work of this Legislature will become a true blessing for all the people of Nevada.

We give thanks this day for the streams of Your unceasing mercy.

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 Assembly Bills Nos. 63, 186, 260, 290, 340, 343, 427, 437, 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. 512, 514, 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 were referred Assembly Bills Nos. 125, 158, 440; Assembly Joint Resolution No. 11 of the 72nd Session, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

WARREN B. HARDY II, *Chair**Madam President:*

Your Committee on Human Resources and Education, to which were referred Assembly Bills Nos. 202, 327, 377; Assembly Joint Resolution No. 6, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MAURICE E. WASHINGTON, *Chair**Madam President:*

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 143, 221, 528, 531, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which was referred Assembly Bill No. 452, has had the same under consideration, and begs leave to report the same back with the recommendation: Without recommendation.

MARK E. AMODEI, *Chair*

Madam President:

Your Committee on Legislative Operations and Elections, to which was referred Assembly Bill No. 546, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BARBARA K. CEGAVSKE, *Chair*

WAIVERS AND EXEMPTIONS

NOTICE OF EXEMPTION

May 18, 2005

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the exemption of: Senate Bill No. 209.

MARK STEVENS
Fiscal Analysis Division

May 20, 2005

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the exemption of: Senate Bills Nos. 126, 216, 493.

MARK STEVENS
Fiscal Analysis Division

WAIVER OF JOINT STANDING RULE(S)

A Waiver requested by Senator Dennis Nolan.

For: Assembly Bill No. 505.

To Waive:

Subsections 1 and 2 of Joint Standing Rule No. 14 and Joint Standing Rule Nos. 14.2 and 14.3.

Has been granted effective: May 20, 2005.

WILLIAM J. RAGGIO
Senate Majority Leader

RICHARD D. PERKINS
Speaker of the Assembly

MOTIONS, RESOLUTIONS AND NOTICES

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

Senate Concurrent Resolution No. 43—Memorializing former District Court Judge John W. Barrett.

WHEREAS, The members of the Nevada Legislature were saddened to learn of the passing of native Nevadan and former District Court Judge John W. Barrett on June 19, 2004; and

WHEREAS, John W. Barrett was born in Reno, Nevada, on June 9, 1917, to Esther Catherine Johns Barrett and William Patrick Barrett, both of pioneer families from Reno and the Carson Valley; and

WHEREAS, Although the Barrett family included three generations of stonemasons, including John's grandfather who crafted the Nevada Memorial Stone on the Washington

National Monument, William Barrett did not encourage John to join the family business, instead he encouraged him to embark on a different career path; and

WHEREAS, After graduating from the University of Nevada, Reno, in 1939, John enlisted in the United States Army Reserve and witnessed the attack on Pearl Harbor on December 7, 1941, while he was stationed at Schofield Barracks; and

WHEREAS, John continued bravely serving his country in the United States Army until the end of World War II, receiving a Silver Star, a Bronze Star and a Combat Infantry Badge before retiring from military service as a Lieutenant Colonel; and

WHEREAS, After graduating from the University of California, Hastings College of the Law in 1949, John returned to Nevada to practice law in Reno and Hawthorne before serving as a Deputy Attorney General for the State of Nevada; and

WHEREAS, Upon the death of Judge Mastretti in 1961, Governor Grant Sawyer appointed John Barrett to the Washoe County District Court, Department Number 2, where Judge Barrett continued to preside, unchallenged at any election since 1962, until his retirement from the bench in 1985; and

WHEREAS, In presiding over numerous trials during his 24 years on the bench, including the Priscilla Ford trial, Judge John W. Barrett is best remembered for his strong sense of fairness and adherence to the law, his instrumental role in working with Judge Tom Craven to bring the National Judicial College to Reno and for being a founding member of the Nevada Judicial Historical Society; and

WHEREAS, Although Judge Barrett was soft spoken, his family and friends knew him as an avid outdoorsman with a great sense of humor, a gift for storytelling and a deep love for his wife, whom John affectionately referred to as "M," and his children, grandchildren and great-granddaughter and the rest of his family; 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 offer their sincere condolences to the family and friends of Judge John W. Barrett; and be it further

RESOLVED, That the legacy of Judge John W. Barrett's exemplary judicial career and tireless effort to preserve the history of the courts of Nevada will continue to inspire judges for generations to come; and be it further

RESOLVED, That the Secretary of the Senate prepare and transmit a copy of this resolution to John Barrett's beloved family.

Senator Raggio moved the adoption of the resolution.

Remarks by Senator Raggio.

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

Thank you, Madam President. The Barrett family can trace its history to the pioneering days of Nevada. Judge Barrett's grandfather participated in the construction of the Washington Monument where stones were placed from all of the states. The family goes back to the beginning of statehood of Nevada.

Judge Barrett should be recognized in two capacities. He was one of the longest serving judges in the State. He was a judge for 24 years. He was first appointed by Governor Grant Sawyer. I remember it well. I was a young attorney practicing at that time. We had just lost Judge Tony Mastretti. He was one of the oldest judges to serve on the bench. People felt he was irreplaceable, but Governor Sawyer, in his wisdom, chose John Barrett to take his place. John Barrett had already established himself as a unique individual. He was never challenged in an election and served for 24 years until his retirement in 1985. He was admired by his peers on the bench, by the members of the legal community and by the citizens of the county.

Judge Barrett was also a hero in the military. He was stationed at Pearl Harbor, Hawaii, and witnessed the attack on December 7, 1941, at Schofield Barracks. He served during the war and earned the Bronze Star and the Silver Star. Those awards do not come easily.

He was a leader in the effort to preserve the judicial history of Nevada. Not only was he an attorney, he served as a Deputy Attorney General and as a Washoe County District Judge. He presided over the trial of Priscilla Ford, who hit many people with her car on Thanksgiving Day in Reno. Her trial was one of the longest in the history of the Second Judicial District Court.

Judge Barrett listened tirelessly, and he made you listen tirelessly too. He was highly respected and was a model for those who serve on the bench.

I ask the Senate to join in memorializing Judge John Bennett's life. He was a devoted family man, military man and a dedicated jurist.

Resolution adopted.

Senator Raggio moved that all rules be suspended and that Senate Concurrent Resolution No. 43 be immediately transmitted to the Assembly.

Motion carried unanimously.

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

Motion carried.

Senate in recess at 11:57 a.m.

SENATE IN SESSION

At 11:59 p.m.

President Hunt presiding.

Quorum present.

Senator Amodei moved that Assembly Bill No. 190 be taken from the Secretary's desk and placed on the General File for the next legislative day.

Remarks by Senator Amodei.

Motion carried.

Senator Amodei moved that Assembly Bill No. 215 be taken from the Secretary's desk and placed on the General File for the next legislative day.

Remarks by Senator Amodei.

Motion carried.

Senator Amodei moved that Assembly Bill No. 232 be taken from the Secretary's desk and placed on the General File for the next legislative day.

Remarks by Senator Amodei.

Motion carried.

Senator Cegavske moved that Assembly Joint Resolution No. 8 be taken from the Secretary's desk and placed on top of the Assembly Bills on the General File.

Remarks by Senator Cegavske.

Motion carried.

Senator Washington moved that Assembly Bills Nos. 162, 168, 180 be taken from the General File and placed on the General File for the next legislative day.

Remarks by Senator Washington.

Motion carried.

Senator McGinness moved that Assembly Bill No. 404 be taken from the General File and placed on the General File for the next legislative day.

Remarks by Senator McGinness.

Motion carried.

Senator Raggio moved that the Secretary of the Senate dispense with reading the histories and titles of all bills and resolutions until House passage on May 27.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Finance:

Senate Bill No. 516—AN ACT making an appropriation to the Department of Cultural Affairs for the purchase of state artifacts; and providing other matters properly relating thereto.

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

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 156.

Bill read second time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 779.

Amend the bill as a whole by deleting sections 1 through 6, renumbering sec. 7 as sec. 2, and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. The Legislature hereby encourages the Board of Regents of the University of Nevada to:

1. Establish within the College of Agriculture of the University of Nevada, Reno, a program of agronomy, horticulture, landscape ecology, and design and plant sciences;

2. Offer a bachelor of science degree in those areas;

3. In addition to offering courses in those areas at the University of Nevada, Reno, offer courses in those areas at the Community College of Southern Nevada, other campuses within the University and Community College System of Nevada and through distance education, as determined appropriate by the Board of Regents; and

4. Submit a report to the 74th Session of the Nevada Legislature regarding the status of any action the Board of Regents has taken to establish a program of agronomy, horticulture, landscape ecology, and design and plant sciences in accordance with this section."

Amend the title of the bill to read as follows:

"AN ACT relating to higher education; encouraging the Board of Regents to establish a program of agronomy, horticulture, landscape ecology, and design and plant sciences within the College of Agriculture of the University of Nevada, Reno; and providing other matters properly relating thereto."

Amend the summary of the bill to read as follows:

"SUMMARY—Encourages establishment of program of agronomy, horticulture, landscape ecology, and design and plant sciences within College of Agriculture of University of Nevada, Reno. (BDR S-823)".

Senator Raggio moved the adoption of the amendment.

Remarks by Senator Raggio.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 510.

Bill read second time and ordered to third reading.

Senate Bill No. 511.

Bill read second time and ordered to third reading.

Assembly Bill No. 15.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources:

Amendment No. 790.

Amend section 1, page 2, by deleting lines 23 and 24 and inserting:
"Heritage Trust Account an amount of money not greater than *75 percent of the money deposited in the Account pursuant to subsection 2 during the previous year and the total amount of interest earned on the money in the Account during the previous*".

Amend the title of the bill, fourth line, after "State;" by inserting:
"authorizing the expenditure of certain annual deposits in the Account;".

Senator Rhoads moved the adoption of the amendment.

Remarks by Senator Rhoads.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 51.

Bill read second time.

The following amendment was proposed by Senator Washington:

Amendment No. 801.

Amend the bill as a whole by renumbering sections 1 through 11 as sections 2 through 12 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. NRS 125.480 is hereby amended to read as follows:

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

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

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

(a) To both parents jointly ~~[pursuant to NRS 125.490 or to either parent.]~~, *if the parents have agreed to an award of joint custody or so agree in open court at a hearing for the purpose of determining the custody of the child.*

(b) *To both parents jointly, or to either parent, according to the best interest of the child, based upon the best judgment of the court considering the facts of the case and subject to such conditions and limitations as the court deems equitable.* If the court does not enter an order awarding joint custody of a child after either parent has applied for joint custody, the court shall state in its decision the reason for its denial of the parent's application. ~~[When awarding custody to either parent, the court shall consider, among other factors, which parent is more likely to allow the child to have frequent associations and a continuing relationship with the noncustodial parent.]~~

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

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

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

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

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

(b) Any nomination by a parent or a guardian for the child. ~~[, and]~~

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

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

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

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

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

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

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

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

(k) *The ability of each parent to prioritize the needs of the child.*

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

5. Except as otherwise provided in subsection 6 or NRS 125C.210, a determination by the court after an evidentiary hearing and finding by clear and convincing evidence that either parent or any other person seeking custody has engaged in one or more acts of domestic violence against the

child, a parent of the child or any other person residing with the child creates a rebuttable presumption that sole or joint custody of the child by the perpetrator of the domestic violence is not in the best interest of the child. Upon making such a determination, the court shall set forth:

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

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

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

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

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

(c) The likelihood of future injury;

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

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

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

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

Amend section 1, page 2, line 2, by deleting: "2 to 7," and inserting: "3 to 8,".

Amend sec. 3, page 3, lines 13 and 32, by deleting "2" and inserting "3".

Amend sec. 4, page 4, line 6, by deleting "2" and inserting "3".

Amend sec. 5, page 4, line 16, by deleting "2" and inserting "3".

Amend sec. 5, page 4, line 22, by deleting "6" and inserting "7".

Amend sec. 5, page 4, line 26, by deleting "*section 2*" and inserting "*section 3*".

Amend sec. 5, page 4, line 28, by deleting "2" and inserting "3".

Amend sec. 5, page 4, line 30, by deleting "6" and inserting "7".

Amend sec. 5, page 4, line 34, by deleting "*section 2*" and inserting "*section 3*".

Amend sec. 5, page 4, line 38, by deleting "7" and inserting "8".

Amend sec. 6, page 4, line 41, by deleting "2" and inserting "3".

Amend sec. 6, page 5, line 1, by deleting "*11*" and inserting "*12*".

Amend sec. 7, page 5, line 8, by deleting "2" and inserting "3".

Amend sec. 8, page 5, line 36, by deleting: "2 to 7," and inserting: "3 to 8,".

Amend sec. 9, page 6, line 12, by deleting: "5 or 7" and inserting: "6 or 8".

Amend sec. 9, page 6, line 17, by deleting "5" and inserting "6".

Amend sec. 9, page 6, line 19, by deleting "11" and inserting "12".

Amend sec. 10, page 6, lines 30 and 31, by deleting: "2 to 7," and inserting: "3 to 8,".

Amend sec. 11, page 6, line 41, by deleting "2" and inserting "3".

Amend sec. 11, page 6, line 43, by deleting "4" and inserting "5".

Amend sec. 11, page 7, line 3, by deleting "4" and inserting "5".

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

"Sec. 13. NRS 125.490 is hereby repealed.

TEXT OF REPEALED SECTION

125.490 Joint Custody.

1. There is a presumption, affecting the burden of proof, that joint custody would be in the best interest of a minor child if the parents have agreed to an award of joint custody or so agree in open court at a hearing for the purpose of determining the custody of the minor child or children of the marriage.

2. The court may award joint legal custody without awarding joint physical custody in a case where the parents have agreed to joint legal custody.

3. For assistance in making a determination whether an award of joint custody is appropriate, the court may direct that an investigation be conducted."

Amend the title of the bill, first line, by deleting "adoption;" and inserting: "domestic relations; revising the provisions relating to the determination of custody of a minor after the parents' separation or dissolution of marriage;".

Amend the summary of the bill to read as follows:

"SUMMARY—Makes various changes to provisions relating to domestic relations. (BDR 11-457)".

Senator Washington moved the adoption of the amendment.

Remarks by Senator Washington.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 59.

Bill read second time and ordered to third reading.

Assembly Bill No. 83.

Bill read second time and ordered to third reading.

Assembly Bill No. 114.

Bill read second time and ordered to third reading.

Assembly Bill No. 137.

Bill read second time and ordered to third reading.

Assembly Bill No. 145.

Bill read second time and ordered to third reading.

Assembly Bill No. 156.

Bill read second time and ordered to third reading.

Assembly Bill No. 259.

Bill read second time and ordered to third reading.

Assembly Bill No. 323.

Bill read second time and ordered to third reading.

Assembly Bill No. 407.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources:

Amendment No. 789.

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. Chapter 565 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Notwithstanding any provision of this chapter to the contrary, if a governmental entity seizes any privately owned animals subject to brand inspection pursuant to this chapter, the Department or its authorized inspector shall not issue brand inspection clearance certificates or permits to remove the animals from a brand inspection district or for the transfer of ownership of the animals by sale or otherwise unless:

(a) Before the seizure, the governmental entity obtains approval for the seizure from a court of competent jurisdiction; and

(b) The governmental entity submits a copy of the order approving the seizure to the Department or its authorized inspector.

2. The provisions of this section do not apply to:

(a) An estray, as defined in NRS 569.0075;

(b) Feral livestock, as defined in NRS 569.008;

(c) A wild horse or burro, as defined in 16 U.S.C. § 1332;

(d) An animal that is impounded or sold by the Department pursuant to NRS 575.060; or

(e) An animal that is seized by a governmental entity to protect the health and safety of the public or to prevent cruelty to animals."

Amend the title of the bill to read as follows:

"AN ACT relating to animals; prohibiting the State Department of Agriculture or its authorized inspector from issuing a brand inspection clearance certificate or permit to remove animals from a brand inspection

district under certain circumstances; and providing other matters properly relating thereto."

Amend the summary of the bill to read as follows:

"SUMMARY—Prohibits State Department of Agriculture from issuing brand inspection clearance certificate or permit to remove animals from brand inspection district under certain circumstances. (BDR 50-685)".

Senator Rhoads moved the adoption of the amendment.

Remarks by Senator Rhoads.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 443.

Bill read second time.

The following amendment was proposed by the Committee on Legislative Operations and Elections:

Amendment No. 758.

Amend sec. 6, page 4, line 20, by deleting "*December*" and inserting "*January*".

Amend sec. 9, page 6, line 11, by deleting "*December*" and inserting "*January*".

Amend sec. 14, page 8, line 27, by deleting "*2001*" and inserting "*2005*".

Senator McGinness moved the adoption of the amendment.

Remarks by Senator Cegavske.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 471.

Bill read second time and ordered to third reading.

Assembly Bill No. 523.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 34.

Bill read third time.

Senator Nolan moved that Senate Bill No. 34 be taken from the General File and placed on the General File for the next legislative day.

Remarks by Senator Nolan.

Motion carried.

Senate Bill No. 56.

Bill read third time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 819.

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

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

385.347 1. The board of trustees of each school district in this State, in cooperation with associations recognized by the State Board as representing licensed personnel in education in the district, shall adopt a program providing for the accountability of the school district to the residents of the district and to the State Board for the quality of the schools and the educational achievement of the pupils in the district, including, without limitation, pupils enrolled in charter schools in the school district. The board of trustees of a school district shall report the information required by subsection 2 for each charter school within the school district, regardless of the sponsor of the charter school.

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

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

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

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

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

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

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

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

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

(III) Pupils with disabilities;

(IV) Pupils who are limited English proficient; and

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

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

(6) The percentage of pupils who were not tested;

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

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

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

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

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

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

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

(1) The percentage of teachers who are:

(I) Providing instruction pursuant to NRS 391.125;

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) Withdraw from school to attend another school.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(w) The number of habitual truants who are reported to a school police officer or law enforcement agency pursuant to paragraph (a) of subsection 2

of NRS 392.144 and the number of habitual truants who are referred to an advisory board to review school attendance pursuant to paragraph (b) of subsection 2 of NRS 392.144, for each school in the district and for the district as a whole.

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

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

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

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

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

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

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

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

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

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

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

3. The records of attendance maintained by a school for purposes of paragraph (i) of subsection 2 must include the number of teachers who are in attendance at school and the number of teachers who are absent from school.

A teacher shall be deemed in attendance if the teacher is excused from being present in the classroom by the school in which he is employed for one of the following reasons:

- (a) Acquisition of knowledge or skills relating to the professional development of the teacher; or
- (b) Assignment of the teacher to perform duties for cocurricular or extracurricular activities of pupils.

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

- (a) Comply with 20 U.S.C. § 6311(h)(2) and the regulations adopted pursuant thereto; and
- (b) Be presented in an understandable and uniform format and to the extent practicable, provided in a language that parents can understand.

5. The Superintendent of Public Instruction shall:

- (a) Prescribe forms for the reports required pursuant to subsection 2 and provide the forms to the respective school districts.
- (b) Provide statistical information and technical assistance to the school districts to ensure that the reports provide comparable information with respect to each school in each district and among the districts throughout this State.

(c) Consult with a representative of the:

- (1) Nevada State Education Association;
- (2) Nevada Association of School Boards;
- (3) Nevada Association of School Administrators;
- (4) Nevada Parent Teacher Association;
- (5) Budget Division of the Department of Administration; and
- (6) Legislative Counsel Bureau,

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

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

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

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

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

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

- (a) Submit the report required pursuant to subsection 2 to the:

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

(b) Provide for public dissemination of the annual report of accountability prepared pursuant to subsection 2 in the manner set forth in 20 U.S.C. § 6311(h)(2)(E) to the schools in the school district, including, without limitation, each charter school in the district, the residents of the district, and the parents and guardians of pupils enrolled in schools in the district, including, without limitation, each charter school in the district.

9. As used in this section:

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

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

Amend sec. 10, page 19, by deleting lines 9 through 15 and inserting: "meeting in the county in which the charter school is located."

Amend sec. 11, pages 19 and 20, by deleting lines 37 through 43 on page 19 and lines 1 through 8 on page 20, and inserting: "school received from this State for that purpose."

Amend sec. 13, page 24, line 40, by deleting "1" and inserting "2".

Amend sec. 13, page 25, line 4, by deleting "1" and inserting "2".

Amend sec. 15, page 28, by deleting lines 4 through 6 and inserting: "*Department in a format prescribed by the Department for inclusion in the report of the school district in which the charter school is located that is prepared pursuant to that section.*"

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

"AN ACT relating to education;".

Senator Raggio moved the adoption of the amendment.

Remarks by Senator Raggio.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 183.

Bill read third time.

Remarks by Senator Rhoads.

Roll call on Senate Bill No. 183:

YEAS—20.

NAYS—None.

EXCUSED—Horsford.

Senate Bill No. 183 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 242.

Bill read third time.

Roll call on Senate Bill No. 242:

YEAS—19.

NAYS—Carlton.

EXCUSED—Horsford.

Senate Bill No. 242 having received a constitutional majority,
Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 265.

Bill read third time.

Roll call on Senate Bill No. 265:

YEAS—20.

NAYS—None.

EXCUSED—Horsford.

Senate Bill No. 265 having received a constitutional majority,
Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 310.

Bill read third time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 811.

Amend sec. 3, page 2, line 27, by deleting "7" and inserting "14".

Amend sec. 3, page 2, by deleting lines 31 and 32 and inserting: "*freeway,
highway, road or street, or portion thereof*".

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

"1. *Upon the receipt of credible evidence indicating the existence of a
dangerous condition, take initial*".

Amend sec. 4, page 3, line 12, by deleting: "*Within 7 days, commence*" and
inserting "*Commence*".

Senator Nolan moved the adoption of the amendment.

Remarks by Senators Nolan and Carlton.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 369.

Bill read third time.

Roll call on Senate Bill No. 369:

YEAS—20.

NAYS—None.

EXCUSED—Horsford.

Senate Bill No. 369 having received a constitutional majority,
Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

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

Motion carried.

Senate in recess at 12:30 p.m.

SENATE IN SESSION

At 12:31 p.m.

President pro Tempore Amodei presiding.

Quorum present.

Senate Bill No. 392.

Bill read third time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 948.

Amend sec. 7, page 3, line 17, by deleting "\$55,000." and inserting "\$27,500."

Amend sec. 7, page 3, line 25, by deleting "\$40,000." and inserting "\$20,000."

Amend the bill as a whole by renumbering sections 46 and 47 as sections 49 and 50 and adding new sections designated sections 46 through 48, following sec. 45, to read as follows:

"Sec. 46. 1. There is hereby appropriated from the State General Fund to the Department of Taxation for expenses relating to the annual salaries of the Chairman and the members of the Tax Commission:

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years and must be reverted to the State General Fund on or before September 15, 2006, and September 21, 2007, respectively.

Sec. 47. 1. There is hereby appropriated from the State General Fund to the Department of Taxation for expenses relating to the printing of the Taxpayers' Bill of Rights:

For the Fiscal Year 2005-2006..... \$2,300

For the Fiscal Year 2006-2007..... \$2,300

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years and must be reverted to the State General Fund on or before September 15, 2006, and September 21, 2007, respectively.

Sec. 48. 1. There is hereby appropriated from the State Highway Fund to the Department of Motor Vehicles for expenses relating to the printing and mailing of the Taxpayers' Bill of Rights:

For the Fiscal Year 2005-2006..... \$3,920

For the Fiscal Year 2006-2007..... \$3,920

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years and must be reverted to the State Highway Fund on or before September 15, 2006, and September 21, 2007, respectively."

Amend the title of the bill, eighth line, after "Fuels;" by inserting "making appropriations;".

Senator Raggio moved the adoption of the amendment.

Remarks by Senator Raggio.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 404.

Bill read third time.

The following amendment was proposed by Senators Titus and Horsford:

Amendment No. 827.

Amend the bill as a whole by deleting sections 1 through 19 and adding new sections designated sections 1 through 6, following the enacting clause, to read as follows:

"Section 1. Chapter 387 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The Trust Fund for Educational Excellence is hereby created in the State General Fund, to be administered by the State Board. The Superintendent of Public Instruction may accept gifts and grants of money from any source for deposit in the Trust Fund. The interest and income earned on the money in the Trust Fund must be credited to the Trust Fund. Any money remaining in the Trust Fund at the end of a fiscal year does not revert to the State General Fund and the balance in the Trust Fund must be carried forward to the next fiscal year.*

2. *The Superintendent of Public Instruction shall adopt regulations prescribing the process for the:*

(a) *Submission of applications by individual schools for grants of money from the Trust Fund, including, without limitation, a requirement that each school submit its plan for improvement prepared pursuant to NRS 385.357;*

(b) *Criteria for approval of applications, which must include a review of the plan for improvement submitted with the application; and*

(c) *Evaluation of the effectiveness of programs for which grants of money are made from the Trust Fund.*

3. *To the extent that money is available in the Trust Fund, the State Board shall provide grants of money to individual schools whose applications are approved in accordance with the criteria prescribed pursuant to subsection 2.*

Sec. 2. There is hereby appropriated from the State General Fund to the Trust Fund for Educational Excellence created by section 1 of this act the sum of \$25,000,000 for the support of pupils enrolled in kindergarten

through grade 8. An individual public school that provides education to pupils enrolled in one or more of those grades may submit an application in accordance with section 1 of this act for a grant of money from the Trust Fund if the school is identified as needing improvement in accordance with the provisions of the No Child Left Behind Act of 2001, 20 U.S.C. §§ 6301 et seq.

Sec. 3. There is hereby appropriated from the State General Fund to the Trust Fund for Educational Excellence the sum of \$25,000,000 for all public schools. An individual public school may submit an application in accordance with section 1 of this act for a grant of money from the Trust Fund if the school has demonstrated the use of its plan for improvement but the school is determined to be on the "watch list" for failing to make adequate yearly progress and may be identified as needing improvement pursuant to the No Child Left Behind Act of 2001, 20 U.S.C. §§ 6301 et seq., if it fails again to make adequate yearly progress.

Sec. 4. There is hereby appropriated from the State General Fund to the Trust Fund for Educational Excellence the sum of \$50,000,000 for educational programs for all public schools. An individual public school may submit an application in accordance with section 1 of this act for a grant of money from the Trust Fund for a program that the school has determined would assist in the achievement and proficiency of pupils enrolled in the school, including, without limitation, the provision of full-day kindergarten and programs for English-language learners.

Sec. 5. There is hereby appropriated from the State General Fund to the Trust Fund for Educational Excellence the sum of \$13,000,000 for the support of programs for pupils enrolled in grades 9 through 12. An individual public school that provides education to pupils enrolled in one or more of those grades may submit an application in accordance with section 1 of this act for a grant of money from the Trust Fund for:

1. Programs of remediation to assist in the achievement of proficiency of pupils and to assist pupils in passing the high school proficiency examination; or

2. If the school has failed to make adequate yearly progress in accordance with the No Child Left Behind Act, 20 U.S.C. §§ 6301 et seq., to assist the school in making adequate yearly progress,

➤ or any combination thereof.

Sec. 6. This act becomes effective upon passage and approval."

Amend the title of the bill to read as follows:

"AN ACT relating to education; creating the Trust Fund for Educational Excellence to be administered by the State Board of Education; requiring the Superintendent of Public Instruction to adopt regulations prescribing the process for submission of applications by individual schools and the distribution of grants of money from the Trust Fund; making appropriations to the Trust Fund to provide grants of money to individual schools; and providing other matters properly relating thereto."

Amend the summary of the bill to read as follows:

"SUMMARY—Creates Trust Fund for Educational Excellence and makes appropriations. (BDR 34-1365)".

Senator Titus moved the adoption of the amendment.

Remarks by Senators Titus, Raggio, Carlton and Washington.

Senators Raggio, Heck and Hardy requested a roll call vote on Senator Titus' motion.

Roll call on Senator Titus' motion:

YEAS—8.

NAYS—Amodei, Beers, Cegavske, Hardy, Heck, McGinness, Nolan, Raggio, Rhoads, Tiffany, Townsend, Washington—12.

EXCUSED—Horsford.

The motion having failed to receive a majority, Mr. President pro Tempore declared it lost.

Roll call on Senate Bill No. 404:

YEAS—15.

NAYS—Care, Carlton, Coffin, Titus, Wiener—5.

EXCUSED—Horsford.

Senate Bill No. 404 having received a constitutional majority, Mr. President pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 461.

Bill read third time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 818.

Amend the bill as a whole by deleting sec. 52 and adding:

"Sec. 52. (Deleted by amendment.)".

Amend the title of the bill by deleting the sixteenth through eighteenth lines and inserting: "school for profoundly gifted pupils; requiring the".

Senator Washington moved the adoption of the amendment.

Remarks by Senator Washington.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 485.

Bill read third time.

Roll call on Senate Bill No. 485:

YEAS—20.

NAYS—None.

EXCUSED—Horsford.

Senate Bill No. 485 having received a constitutional majority, Mr. President pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Joint Resolution No. 8.

Resolution read third time.

Roll call on Assembly Joint Resolution No. 8:

YEAS—20.

NAYS—None.

EXCUSED—Horsford.

Assembly Joint Resolution No. 8 having received a constitutional majority,

Mr. President pro Tempore declared it passed.

Resolution ordered transmitted to the Assembly.

Assembly Bill No. 26.

Bill read third time.

Roll call on Assembly Bill No. 26:

YEAS—20.

NAYS—None.

EXCUSED—Horsford.

Assembly Bill No. 26 having received a constitutional majority,

Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 32.

Bill read third time.

Roll call on Assembly Bill No. 32:

YEAS—20.

NAYS—None.

EXCUSED—Horsford.

Assembly Bill No. 32 having received a constitutional majority,

Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 70.

Bill read third time.

Roll call on Assembly Bill No. 70:

YEAS—20.

NAYS—None.

EXCUSED—Horsford.

Assembly Bill No. 70 having received a constitutional majority,

Mr. President pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 84.

Bill read third time.

Remarks by Senator Washington.

Roll call on Assembly Bill No. 84:

YEAS—20.

NAYS—None.

EXCUSED—Horsford.

Assembly Bill No. 84 having received a constitutional majority,
Mr. President pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 104.

Bill read third time.

Roll call on Assembly Bill No. 104:

YEAS—20.

NAYS—None.

EXCUSED—Horsford.

Assembly Bill No. 104 having received a constitutional majority,
Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 105.

Bill read third time.

Roll call on Assembly Bill No. 105:

YEAS—20.

NAYS—None.

EXCUSED—Horsford.

Assembly Bill No. 105 having received a constitutional majority,
Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 124.

Bill read third time.

Roll call on Assembly Bill No. 124:

YEAS—20.

NAYS—None.

EXCUSED—Horsford.

Assembly Bill No. 124 having received a constitutional majority,
Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 141.

Bill read third time.

Roll call on Assembly Bill No. 141:

YEAS—20.

NAYS—None.

EXCUSED—Horsford.

Assembly Bill No. 141 having received a constitutional majority,
Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 165.

Bill read third time.

Roll call on Assembly Bill No. 165:

YEAS—20.

NAYS—None.

EXCUSED—Horsford.

Assembly Bill No. 165 having received a constitutional majority,
Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 337.

Bill read third time.

Roll call on Assembly Bill No. 337:

YEAS—20.

NAYS—None.

EXCUSED—Horsford.

Assembly Bill No. 337 having received a two-thirds majority,
Mr. President pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 346.

Bill read third time.

Roll call on Assembly Bill No. 346:

YEAS—20.

NAYS—None.

EXCUSED—Horsford.

Assembly Bill No. 346 having received a constitutional majority,
Mr. President pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 351.

Bill read third time.

Roll call on Assembly Bill No. 351:

YEAS—20.

NAYS—None.

EXCUSED—Horsford.

Assembly Bill No. 351 having received a constitutional majority,
Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 379.

Bill read third time.

Senator Washington moved that Assembly Bill No. 379 be taken from the
General File and placed on the General File for the next legislative day.

Remarks by Senator Washington.

Motion carried.

Assembly Bill No. 395.

Bill read third time.

Roll call on Assembly Bill No. 395:

YEAS—19.

NAYS—Beers.

EXCUSED—Horsford.

Assembly Bill No. 395 having received a constitutional majority, Mr. President pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 418.

Bill read third time.

The following amendment was proposed by Senator Cegavske:

Amendment No. 957.

Amend sec. 9, page 3, line 37, after "Used" by inserting: "only as approved pursuant to section 13 of this act and only".

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

"Sec. 13. 1. A police department shall not expend proceeds received from any sales and use tax imposed pursuant to this act unless the expenditure has been approved by the body designated pursuant to this section for the approval of expenditures of that police department. The body designated pursuant to this section must approve the expenditure of the proceeds by the police department if it determines that:

(a) The proposed use of the money conforms to all provisions of this act; and

(b) The proposed use will not replace or supplant existing funding for the police department.

2. The body designated to approve an expenditure for:

(a) The Boulder City Police Department is the City Council of the City of Boulder City;

(b) The Henderson Police Department is the City Council of the City of Henderson;

(c) The Las Vegas Metropolitan Police Department is the Metropolitan Police Committee on Fiscal Affairs;

(d) The Mesquite Police Department is the City Council of the City of Mesquite; and

(e) The North Las Vegas Police Department is the City Council of the City of North Las Vegas.

3. In determining whether a proposed use meets the requirement set forth in paragraph (b) of subsection 1, a body designated pursuant to paragraph (a), (b), (d) or (e) of subsection 2, shall determine whether the percentage of the current budget of the city which is expended for the support of the police department, not including any money received or expended pursuant to this act, is equal to or greater than the percentage of the immediately preceding budget of that city which was expended for the support of the police department.

4. In determining whether a proposed use meets the requirements set forth in paragraph (b) of subsection 1, a body designated pursuant to paragraph (c) of subsection 2 shall determine whether:

(a) The percentage of the current budget of the City of Las Vegas which is expended for the support of the police department, not including any money received or expended pursuant to this act, is equal to or greater than the average of the percentage of the five immediately preceding budgets of the city which were expended for the support of the police department; and

(b) The percentage of the current budget of the County which is expended for the support of the police department, not including any money received or expended pursuant to this act, is equal to or greater than the average of the percentage of the five immediately preceding budgets of the County which were expended for the support of the police department."

Senator Cegavske moved the adoption of the amendment.

Remarks by Senators Cegavske and Carlton.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Raggio moved that Assembly Bills Nos. 421, 426, 454, 458, 475, 477, 483, 495, 509, 510, 519, 521, 532, 542 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

UNFINISHED BUSINESS

CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 77.

The following Assembly amendment was read:

Amendment No. 691.

Amend section 1, page 3, line 7, by deleting "50" and inserting "70".

Amend section 1, page 3, by deleting lines 9 through 11 and inserting:
"allow the person to participate in counseling sessions in a program for the treatment of persons who commit domestic violence that has been certified pursuant to NRS 228.470 every other week for the number of months required pursuant to paragraph (a) or (b) so long as the number of hours of counseling is not less than 6 hours per month."

Amend section 1, page 4, by deleting lines 6 through 22 and inserting:

"8. As used in this section:"

Amend sec. 2, pages 5 and 6, by deleting lines 42 through 44 on page 5 and lines 1 through 3 on page 6, and inserting: *"submit to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature a written report concerning the effectiveness of participation in counseling sessions in a program for the treatment of persons who commit domestic violence ordered by a court pursuant to NRS 200.485 and the effect of such counseling sessions on recidivism of the offenders who commit battery which constitutes domestic violence pursuant to NRS 33.018; and"*

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

"Sec. 3. The report submitted to the Legislature by the Court Administrator in 2007 and 2009 pursuant to subsection 13 of NRS 1.360, as amended by this act, must include information concerning the effectiveness of biweekly counseling sessions and the effect, if any, of participating in biweekly counseling sessions on recidivism of offenders.

Sec. 4. On or before February 15, 2009, the Administrator of the Division of Mental Health and Developmental Services of the Department of Human Resources shall submit to the Director of the Legislative Counsel Bureau for transmittal to the 75th Session of the Nevada Legislature a written report concerning the efforts and progress made by the Division in certifying programs for the treatment of persons who commit domestic violence provided by rural mental health clinics."

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

"Sec. 5. 1. This act becomes effective on July 1, 2005.

2. The amendatory provisions of section 1 of this act expire by limitation on June 30, 2009."

Amend the title of the bill to read as follows:

"AN ACT relating to domestic violence; authorizing a court to order a person convicted of domestic violence to participate in counseling sessions on a biweekly basis in certain circumstances; requiring the Court Administrator to submit reports to the Legislature concerning the effectiveness of court-ordered participation in programs for the treatment of persons who commit domestic violence; requiring the Administrator of the Division of Mental Health and Developmental Services of the Department of Human Resources to report to the Legislature concerning certification of such programs in rural mental health clinics; and providing other matters properly relating thereto."

Senator Care moved that the Senate concur in the Assembly amendment to Senate Bill No. 77.

Remarks by Senator Care.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 382.

The following Assembly amendment was read:

Amendment No. 690.

Amend sec. 2, page 2, lines 8, 16 and 23, by deleting "1,000" and inserting "150".

Amend sec. 3, page 3, lines 5 and 15, by deleting "1,000" and inserting "150".

Senator Care moved that the Senate concur in the Assembly amendment to Senate Bill No. 382.

Remarks by Senator Care.

Motion carried by a constitutional majority.
Bill ordered enrolled.

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the President and Secretary signed Senate Bills Nos. 205, 261; Senate Concurrent Resolution No. 21.

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 the following students, chaperones and teachers from the Bordewich-Bray Elementary School: Walker Barnett, Riley Beckwith, Gabie Bucchianeri, Katie Coleman, Sydney Darney, Cody (Reno) Elliot, Hannah Fagon, Logan Hansen, Hannah Hartman, Sean Johnson, Rebecca Mattox, Shawnee McFaddan, Will McLaughlin, Taylor Moyers, Shiloh Heilhart, Jonathan Porter, Jasmine Reynolds, Joel Robinson, Marshall Ruf, Lessly Soriano, Jake Valdez, Ascha Wheeler, McKena Young, Deyera Baker, Laura Gilhousen, Megan Streeter, Nichole Thayer, Tim Spencer, Antonio Arroyo, Christopher Barchus, John Bland, Miranda Callahan, Michaela Cox, Ethan Cruse, Dexter Cummings, Austin Fulmer, Ashley Gates, Keilani Geronimo, Tristyn Gunter, Daniel Haralson, Alissa Hayes, Michael Hughes, Sierra Martin, Brooke Mathis, Jacqueline Mejia, Veronica Ortiz, Danielle Perinn, Hannah Rickman, Beatriz Rodriguez-Nava, Anthony Rogers, Andres Sandoval, Tiffany Sodrok, Aldean Street Jr., McKennah Tackett, Kassandra Townsend, Ashley Welch, Jermaine Andrus Jr., Eduardo Arreola, Megan Barrette, Kyle Bell, Jolene Bowers, Antonio Cano, Brian Castillo, Coby Clark, Erica Cone, Jackie Lynn Fischer, Morgan Foore, Jerry Gifford, Luisa Gomez, Jorge Guterrez, Abigail Hersey, Patricia Hoffman, Dallas Jackson, Nathan King, Christopher Lopez, Derek Lopez, Ricky Lopez, Tiara McCullen, Andrea Ramirez, Steven Rivera, Olivia Rupert, Evelyn Russell, Benjamin Zilgar, Saul Acevedo, Brittney Arias, Salvador Arreguin, Carly Cazel, Pricilla DeLuna, Jessica DeBisschop, Olivia Garcia, Keira Gray, Joshua Hackle, Grant Jaffe, Aishwarya Krishnamoorthy, Zachary Leonard, Nicole Litherland, Ramon Marquez-Montalvo, Janae McCulley, Dylan Mireles, Karen Moreno-Ramirez, Paola Navarro-Cruz, Brian Nelson, Matthew Nolan, Alaina Pratt, Sean Roysdon, Antonio Rubio, Yesenia Solano, Tania Solano-Cossio, Yvette Torres, Jennifer Vergara, Desiree Wenzel, Donald Amos, Ricardo Casteneda, Andres Castro, Cleo Curtis, Rebecca Davis, Kyle Hurst, Kevin Iriarte, Colten Kromrey, Hope Ortega Jacinto, Abigail Rodriguez, Jeremy Smith, Dusty Woodbridge; chaperones: Corazon Rough, Angela Torres, Lynn DeBisschop, Brenda Grigsby, Donna Amos, Candi Ruf, Allison McLaughlin, Ann Johnson, Jackie Barnett, Tina Benzler, Marie Moyers, Teri Bucchianeri, Kristin Rupert, Tammy Fulmer, Georgette Maddox, Char Brooks, Kay Foley, Alejandra Ort, Philip Callahan, Sandy Bowers, Susan Hoffman, Tina Cone, Lisa Rudyk; teachers: Sharon Meier, Beth Prause, Jorja Longero and Konnie McGruder.

On request of Senator Lee, the privilege of the floor of the Senate Chamber for this day was extended to Summer Leilani Lee and Thad Brandis Alger.

On request of Senator Mathews, the privilege of the floor of the Senate Chamber for this day was extended to the Reno Christian Academy.

On request of Senator Raggio, the privilege of the floor of the Senate Chamber for this day was extended to Mary Margaret Barrett, Jo Schebler, Bob Schebler, Jack Barrett, Jeanne Barrett, Kay Barrett Fagan, Betty Melarkey, John Melarkey, Jim Schebler, Renee Schebler, Anne Schebler, Caitlin Fagan, Patrick Barrett, Kevin Barrett and Jill Barrett.

On request of Senator Tiffany, the privilege of the floor of the Senate Chamber for this day was extended to the following students, chaperones and teachers from the Green Valley Christian School: Marty Mazzara, Emily Dwyer, Allie Sanford, Caitlin Burke, Ali Robertson, Jennifer Hahn, Whitney Mudd, Brendan Olsen, Robert Watkins, Jonathan Denny, Rachel Porter, Breanna Gregorio, Samantha Ma, Christian Dunbar, Alexa Cachero, Matthew Lychock, Taylor Sanoja, Milan Montero, Tyler Emes; chaperones and teachers: Victor Turville, Jennifer Calhoun, Leah Dwyer, Sandra Sanford, Tracey Burke, Larry Robertson, Jeannine Robertson, Christy Olsen, Monica Porter, Maria Gregorio, Anna Chan, Danny Cachero, Jeanette Montero, Glen Emes, Laura Lychock and Art Sanoja.

Senator Raggio moved that the Senate adjourn until Wednesday, May 25, 2005, at 11 a.m.

Motion carried.

Senate adjourned at 1:15 p.m.

Approved:

MARK E. AMODEI
President pro Tempore of the Senate

Attest: CLAIRE J. CLIFT
Secretary of the Senate