

THE ONE HUNDRED AND EIGHTH DAY

CARSON CITY (Wednesday) May 25, 2005

Senate called to order at 12:31 p.m.

President Hunt presiding.

Roll called.

All present except Senator Horsford, who was excused.

Prayer by the Chaplain, Reverend Dixie Jennings-Teats.

We pray today for the work of the Senate:

O Thou our help in ages past,
Our hope for years to come,
Awaken in us the dream of a future
Of hope and peace,
Of goodness and mercy.
In this land of silver and sage,
Give us a new perspective of
A future horizon.
Guide us in the work of the Legislature
In paths of new hope for the people of Nevada and the world.

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. 87, 183, 193, 254, 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. 105, 357, 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 Government Affairs, to which were referred Assembly Bills Nos. 39, 142, 188, 201, 334, 355, 371, 425, 456, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

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

Your Committee on Human Resources and Education, to which were referred Assembly Bills Nos. 42, 43, 296, 342, 493, 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 Human Resources and Education, to which was rereferred Assembly Bill No. 380, 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 Legislative Operations and Elections, to which were referred Assembly Bills Nos. 64, 314, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BARBARA K. CEGAVSKE, *Chair*

Madam President:

Your Committee on Taxation, to which was referred Senate Bill No. 515, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Taxation, to which was referred Assembly Bill No. 553, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MIKE MCGINNESS, *Chair*

Madam President:

Your Committee on Transportation and Homeland Security, to which were referred Assembly Bills Nos. 169, 255, 315, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DENNIS NOLAN, *Chair*

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, May 23, 2005

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day passed Assembly Bill No. 101; Senate Bills Nos. 15, 19, 81, 131, 135, 138, 169, 180, 184, 395, 424, 443, 483; Senate Joint Resolution No. 12.

Also, I have the honor to inform your honorable body that the Assembly on this day passed, as amended, Assembly Bills Nos. 313, 526.

Also, I have the honor to inform your honorable body that the Assembly amended, and on this day passed, as amended, Senate Bill No. 36, Amendment No. 737; Senate Bill No. 70, Amendment No. 752; Senate Bill No. 93, Amendment No. 695; Senate Bill No. 193, Amendment No. 738; Senate Bill No. 331, Amendment No. 734, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Assembly on this day adopted Assembly Concurrent Resolution No. 28; Senate Concurrent Resolution No. 43.

Also, I have the honor to inform your honorable body that the Assembly on this day concurred in the Senate Amendment No. 699 to Assembly Bill No. 341.

DIANE KEETCH

Assistant Chief Clerk of the Assembly

ASSEMBLY CHAMBER, Carson City, May 24, 2005

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day passed, as amended, Assembly Bills Nos. 35, 93.

Also, I have the honor to inform your honorable body that the Assembly on this day adopted Assembly Concurrent Resolution No. 10.

Also, I have the honor to inform your honorable body that the Assembly on this day concurred in the Senate Amendment No. 763 to Assembly Bill No. 70; Senate Amendment No. 672 to Assembly Bill No. 465.

Also, I have the honor to inform your honorable body that the Assembly on this day respectfully refused to concur in the Senate Amendment No. 676 to Assembly Bill No. 465.

DIANE KEETCH

Assistant Chief Clerk of the Assembly

WAIVERS AND EXEMPTIONS
WAIVER OF JOINT STANDING RULE(S)

A Waiver requested by the Committee on Taxation.

For: Senate Bill No. 509.

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

Senator Raggio moved that Assembly Bill No. 248 be taken from the Secretary's desk and placed on the bottom of the General File.

Remarks by Senator Raggio.

Motion carried.

Senator Titus moved that Assembly Bill No. 137 be taken from the General File and placed on the Secretary's desk.

Remarks by Senator Titus.

Motion carried.

Senator Nolan moved that Senate Bill No. 34 be taken from the General File and placed on the Secretary's desk.

Remarks by Senator Nolan.

Motion carried.

Senator Hardy moved that Assembly Bill No. 509 be taken from the General File and placed on the General File for the next legislative day.

Remarks by Senator Hardy.

Motion carried.

Senator Cegavske moved that Assembly Bill No. 418 be taken from the General File and placed on the General File for the next legislative day.

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 Secretary's desk.

Remarks by Senator Washington.

Motion carried.

Senator Raggio moved that Assembly Bill No. 495 be taken from the General File and placed on the General File for the next legislative day.

Remarks by Senator Raggio.

Motion carried.

Senator Washington moved that Assembly Bill No. 532 be taken from the General File and placed on the Secretary's desk.

Remarks by Senator Washington.

Motion carried.

Assembly Concurrent Resolution No. 10.

Senator Nolan moved that the resolution be referred to the Committee on Finance.

Motion carried.

Assembly Concurrent Resolution No. 28.

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

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Assembly Bill No. 35.

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

Motion carried.

Assembly Bill No. 93.

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

Motion carried.

Assembly Bill No. 101.

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

Motion carried.

Assembly Bill No. 313.

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

Motion carried.

Assembly Bill No. 526.

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

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Amodei moved that Assembly Bill No. 452 be taken from the Second Reading File and placed on the Secretary's desk.

Remarks by Senator Amodei.

Motion carried.

Senator Raggio moved that Assembly Bill No. 377 be taken from the Second Reading File and placed on the Secretary's desk.

Remarks by Senator Raggio.

Motion carried.

Senator Raggio moved that Assembly Bill No. 523 be taken from the General File and placed on the Secretary's desk.

Remarks by Senator Raggio.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 512.

Bill read second time and ordered to third reading.

Senate Bill No. 514.

Bill read second time and ordered to third reading.

Assembly Bill No. 63.

Bill read second time.

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

Amendment No. 919.

Amend section 1, page 2, line 3, by deleting "*subsection 2,*" and inserting "*this section,*".

Amend section 1, page 2, between lines 26 and 27, by inserting:

"3. *The provisions of this section do not prohibit an insurer from including in a policy of health insurance a provision which excludes the insurer from liability for a claim that involves an injury sustained by an insured as a consequence of being intoxicated or under the influence of a prohibited substance if the provision is limited to injuries for which there is a notation in a medical record or law enforcement record indicating that, within a reasonable period before or after the injury, the insured was tested and had:*

(a) *A concentration of alcohol of 0.08 or more in his blood or breath; or*

(b) *An amount of a prohibited substance in his blood or urine that is equal to or greater than:*

	<i>Urine</i>	<i>Blood</i>
<i>Prohibited substance</i>	<i>Nanograms</i>	<i>Nanograms</i>
	<i>per milliliter</i>	<i>per milliliter</i>
<i>(1) Amphetamine</i>	<i>500</i>	<i>100</i>
<i>(2) Cocaine</i>	<i>150</i>	<i>50</i>
<i>(3) Cocaine metabolite</i>	<i>150</i>	<i>50</i>
<i>(4) Heroin</i>	<i>2,000</i>	<i>50</i>
<i>(5) Heroin metabolite:</i>		
<i>(I) Morphine</i>	<i>2,000</i>	<i>50</i>
<i>(II) 6-monoacetyl morphine</i>	<i>10</i>	<i>10</i>
<i>(6) Lysergic acid diethylamide</i>	<i>25</i>	<i>10</i>
<i>(7) Marijuana</i>	<i>10</i>	<i>2</i>
<i>(8) Marijuana metabolite</i>	<i>15</i>	<i>5</i>
<i>(9) Methamphetamine</i>	<i>500</i>	<i>100</i>
<i>(10) Phencyclidine</i>	<i>25</i>	<i>10</i>

4. As used in this section, "concentration of alcohol of 0.08 or more in his blood or breath" means 0.08 gram or more of alcohol per 100 milliliters of the blood of a person or per 210 liters of his breath."

Amend sec. 3, page 3, line 9, by deleting "subsection 2," and inserting "this section,".

Amend sec. 3, page 3, between lines 32 and 33, by inserting:

"3. The provisions of this section do not prohibit an insurer from including in a policy of group health insurance a provision which excludes the insurer from liability for a claim that involves an injury sustained by an insured as a consequence of being intoxicated or under the influence of a prohibited substance if the provision is limited to injuries for which there is a notation in a medical record or law enforcement record indicating that, within a reasonable period before or after the injury, the insured was tested and had:

- (a) A concentration of alcohol of 0.08 or more in his blood or breath; or
- (b) An amount of a prohibited substance in his blood or urine that is equal to or greater than:

	Urine	Blood
Prohibited substance	Nanograms per milliliter	Nanograms per milliliter
(1) Amphetamine	500	100
(2) Cocaine	150	50
(3) Cocaine metabolite	150	50
(4) Heroin	2,000	50
(5) Heroin metabolite:		
(I) Morphine	2,000	50
(II) 6-monoacetyl morphine	10	10
(6) Lysergic acid diethylamide	25	10
(7) Marijuana	10	2
(8) Marijuana metabolite	15	5
(9) Methamphetamine	500	100
(10) Phencyclidine	25	10

4. As used in this section, "concentration of alcohol of 0.08 or more in his blood or breath" means 0.08 gram or more of alcohol per 100 milliliters of the blood of a person or per 210 liters of his breath."

Amend sec. 4, page 3, line 35, by deleting "subsection 2," and inserting "this section,".

Amend sec. 4, page 4, between lines 13 and 14, by inserting:

"3. The provisions of this section do not prohibit a carrier from including in a health benefit plan a provision which excludes the carrier from liability for a claim that involves an injury sustained by an insured as a consequence of being intoxicated or under the influence of a prohibited substance if the provision is limited to injuries for which there is a notation in a medical record or law enforcement record indicating that, within a reasonable period before or after the injury, the insured was tested and had:

- (a) A concentration of alcohol of 0.08 or more in his blood or breath; or
 (b) An amount of a prohibited substance in his blood or urine that is equal to or greater than:

<i>Prohibited substance</i>	<i>Urine Nanograms per milliliter</i>	<i>Blood Nanograms per milliliter</i>
(1) <i>Amphetamine</i>	500	100
(2) <i>Cocaine</i>	150	50
(3) <i>Cocaine metabolite</i>	150	50
(4) <i>Heroin</i>	2,000	50
(5) <i>Heroin metabolite:</i>		
(I) <i>Morphine</i>	2,000	50
(II) <i>6-monoacetyl morphine</i>	10	10
(6) <i>Lysergic acid diethylamide</i>	25	10
(7) <i>Marijuana</i>	10	2
(8) <i>Marijuana metabolite</i>	15	5
(9) <i>Methamphetamine</i>	500	100
(10) <i>Phencyclidine</i>	25	10

4. As used in this section, "concentration of alcohol of 0.08 or more in his blood or breath" means 0.08 gram or more of alcohol per 100 milliliters of the blood of a person or per 210 liters of his breath."

Amend sec. 5, page 4, line 16, by deleting "subsection 2," and inserting "this section,".

Amend sec. 5, page 4, between lines 37 and 38, by inserting:

"3. The provisions of this section do not prohibit a society from including in a benefit contract a provision which excludes the society from liability for a claim that involves an injury sustained by an insured as a consequence of being intoxicated or under the influence of a prohibited substance if the provision is limited to injuries for which there is a notation in a medical record or law enforcement record indicating that, within a reasonable period before or after the injury, the insured was tested and had:

- (a) A concentration of alcohol of 0.08 or more in his blood or breath; or
 (b) An amount of a prohibited substance in his blood or urine that is equal to or greater than:

<i>Prohibited substance</i>	<i>Urine Nanograms per milliliter</i>	<i>Blood Nanograms per milliliter</i>
(1) <i>Amphetamine</i>	500	100
(2) <i>Cocaine</i>	150	50
(3) <i>Cocaine metabolite</i>	150	50
(4) <i>Heroin</i>	2,000	50
(5) <i>Heroin metabolite:</i>		
(I) <i>Morphine</i>	2,000	50
(II) <i>6-monoacetyl morphine</i>	10	10
(6) <i>Lysergic acid diethylamide</i>	25	10

(7) Marijuana	10	2
(8) Marijuana metabolite	15	5
(9) Methamphetamine	500	100
(10) Phencyclidine	25	10

4. As used in this section, "concentration of alcohol of 0.08 or more in his blood or breath" means 0.08 gram or more of alcohol per 100 milliliters of the blood of a person or per 210 liters of his breath."

Amend sec. 6, page 4, line 40, by deleting "subsection 2," and inserting "this section,".

Amend sec. 6, page 5, between lines 19 and 20, by inserting:

"3. The provisions of this section do not prohibit a medical services corporation from including in a contract for hospital, medical or dental services a provision which excludes the medical services corporation from liability for a claim that involves an injury sustained by an insured as a consequence of being intoxicated or under the influence of a prohibited substance if the provision is limited to injuries for which there is a notation in a medical record or law enforcement record indicating that, within a reasonable period before or after the injury, the insured was tested and had:

- (a) A concentration of alcohol of 0.08 or more in his blood or breath; or
- (b) An amount of a prohibited substance in his blood or urine that is equal to or greater than:

Prohibited substance	Urine Nanograms per milliliter	Blood Nanograms per milliliter
(1) Amphetamine	500	100
(2) Cocaine	150	50
(3) Cocaine metabolite	150	50
(4) Heroin	2,000	50
(5) Heroin metabolite:		
(I) Morphine	2,000	50
(II) 6-monoacetyl morphine	10	10
(6) Lysergic acid diethylamide	25	10
(7) Marijuana	10	2
(8) Marijuana metabolite	15	5
(9) Methamphetamine	500	100
(10) Phencyclidine	25	10

4. As used in this section, "concentration of alcohol of 0.08 or more in his blood or breath" means 0.08 gram or more of alcohol per 100 milliliters of the blood of a person or per 210 liters of his breath."

Amend sec. 7, page 5, line 22, by deleting "subsection 2," and inserting "this section,".

Amend sec. 7, page 5, line 40, by deleting "insured's" and inserting "enrollee's".

Amend sec. 7, page 5, after line 45, by inserting:

"3. The provisions of this section do not prohibit a health maintenance organization from including in a health care plan a provision which excludes the health maintenance organization from liability for a claim that involves an injury sustained by an enrollee as a consequence of being intoxicated or under the influence of a prohibited substance if the provision is limited to injuries for which there is a notation in a medical record or law enforcement record indicating that, within a reasonable period before or after the injury, the enrollee was tested and had:

- (a) A concentration of alcohol of 0.08 or more in his blood or breath; or
- (b) An amount of a prohibited substance in his blood or urine that is equal to or greater than:

	Urine	Blood
Prohibited substance	Nanograms per milliliter	Nanograms per milliliter
(1) Amphetamine	500	100
(2) Cocaine	150	50
(3) Cocaine metabolite	150	50
(4) Heroin	2,000	50
(5) Heroin metabolite:		
(I) Morphine	2,000	50
(II) 6-monoacetyl morphine	10	10
(6) Lysergic acid diethylamide	25	10
(7) Marijuana	10	2
(8) Marijuana metabolite	15	5
(9) Methamphetamine	500	100
(10) Phencyclidine	25	10

4. As used in this section, "concentration of alcohol of 0.08 or more in his blood or breath" means 0.08 gram or more of alcohol per 100 milliliters of the blood of a person or per 210 liters of his breath."

Amend sec. 8, page 6, line 3, by deleting "subsection 2," and inserting "this section,".

Amend sec. 8, page 6, line 21, by deleting "insured's" and inserting "member's".

Amend sec. 8, page 6, between lines 26 and 27, by inserting:

"3. The provisions of this section do not prohibit an organization for dental care from including in a plan for dental care a provision which excludes the organization from liability for a claim that involves an injury sustained by a member as a consequence of being intoxicated or under the influence of a prohibited substance if the provision is limited to injuries for which there is a notation in a medical record or law enforcement record indicating that, within a reasonable period before or after the injury, the member was tested and had:

- (a) A concentration of alcohol of 0.08 or more in his blood or breath; or
- (b) An amount of a prohibited substance in his blood or urine that is equal to or greater than:

<i>Prohibited substance</i>	<i>Urine Nanograms per milliliter</i>	<i>Blood Nanograms per milliliter</i>
(1) <i>Amphetamine</i>	500	100
(2) <i>Cocaine</i>	150	50
(3) <i>Cocaine metabolite</i>	150	50
(4) <i>Heroin</i>	2,000	50
(5) <i>Heroin metabolite:</i>		
(I) <i>Morphine</i>	2,000	50
(II) <i>6-monoacetyl morphine</i>	10	10
(6) <i>Lysergic acid diethylamide</i>	25	10
(7) <i>Marijuana</i>	10	2
(8) <i>Marijuana metabolite</i>	15	5
(9) <i>Methamphetamine</i>	500	100
(10) <i>Phencyclidine</i>	25	10

4. As used in this section, "concentration of alcohol of 0.08 or more in his blood or breath" means 0.08 gram or more of alcohol per 100 milliliters of the blood of a person or per 210 liters of his breath."

Amend sec. 10, page 7, line 11, by deleting "subsection 2," and inserting "this section,".

Amend sec. 10, page 7, between lines 34 and 35, by inserting:

"3. The provisions of this section do not prohibit a managed care organization from including in a health care plan a provision which excludes the managed care organization from liability for a claim that involves an injury sustained by an insured as a consequence of being intoxicated or under the influence of a prohibited substance if the provision is limited to injuries for which there is a notation in a medical record or law enforcement record indicating that, within a reasonable period before or after the injury, the insured was tested and had:

- (a) A concentration of alcohol of 0.08 or more in his blood or breath; or
- (b) An amount of a prohibited substance in his blood or urine that is equal to or greater than:

<i>Prohibited substance</i>	<i>Urine Nanograms per milliliter</i>	<i>Blood Nanograms per milliliter</i>
(1) <i>Amphetamine</i>	500	100
(2) <i>Cocaine</i>	150	50
(3) <i>Cocaine metabolite</i>	150	50
(4) <i>Heroin</i>	2,000	50
(5) <i>Heroin metabolite:</i>		
(I) <i>Morphine</i>	2,000	50
(II) <i>6-monoacetyl morphine</i>	10	10
(6) <i>Lysergic acid diethylamide</i>	25	10
(7) <i>Marijuana</i>	10	2
(8) <i>Marijuana metabolite</i>	15	5

(9) <i>Methamphetamine</i>	500	100
(10) <i>Phencyclidine</i>	25	10

4. *As used in this section, "concentration of alcohol of 0.08 or more in his blood or breath" means 0.08 gram or more of alcohol per 100 milliliters of the blood of a person or per 210 liters of his breath."*

Amend the title of the bill, eighth line, after "circumstances;" by inserting: "allowing certain health insurers to include a provision in a policy or contract of health insurance that excludes the insurer from liability when an injury occurs as a consequence of the insured being intoxicated or under the influence of a prohibited substance in certain circumstances;"

Amend the summary of the bill to read as follows:

"SUMMARY—Makes various changes relating to practices by health insurers with regard to injuries sustained by insured while under influence of alcohol or prohibited substance. (BDR 57-207)".

Senator Heck moved the adoption of the amendment.

Remarks by Senator Heck.

Conflict of interest declared by Senator Raggio.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 125.

Bill read second time and ordered to third reading.

Assembly Bill No. 143.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 846.

Amend section 1, page 2, line 2, by deleting: "2 and 3" and inserting: "2, 3 and 4".

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

"Sec. 2. *"Eligible railroad" means a railroad in existence on or before July 1, 2005:*

1. *That is located in a county whose population is less than 100,000; and*
2. *Of which not less than one-half of the ownership interest in the railroad is held by a governmental entity or nonprofit organization, or both."*

Amend sec. 2, page 2, line 13, by deleting "*summary*" and inserting "*copy*".

Amend sec. 2, page 3, line 1, by deleting "*summary*" and inserting "*copy*".

Amend sec. 2, page 3, line 2, by deleting "*based*" and inserting "*based;*".

Amend sec. 2, page 3, by deleting lines 3 and 4.

Amend sec. 2, page 3, line 7, after "*request;*" by inserting "*and*".

Amend sec. 2, page 3, by deleting lines 8 through 11.

Amend sec. 2, page 3, line 12, by deleting "(7)" and inserting "(6)".

Amend sec. 2, page 3, line 18, by deleting "*Except*".

Amend sec. 2, page 3, by deleting lines 19 through 21 and inserting: "*If there is more than one owner of the property, notice must be sent to all owners of the property. If the written offer of*".

Amend sec. 2, page 3, by deleting lines 23 and 24 and inserting "*required*".

Amend sec. 2, page 3, between lines 28 and 29, by inserting:

"3. *If the owner of the property has an appraisal performed on his own behalf, the owner must provide the agency with a copy of the appraisal report.*".

Amend sec. 4, page 3, line 38, by deleting: "*2 and 3*" and inserting: "*2, 3 and 4*".

Amend the bill as a whole by renumbering sec. 5 as sec. 7 and adding a new section designated sec. 6, following sec. 4, to read as follows:

"Sec. 6. NRS 279.384 is hereby amended to read as follows:

279.384 As used in NRS 279.382 to 279.685, inclusive, *and section 2 of this act*, unless the context otherwise requires, the words and terms defined in NRS 279.386 to 279.414, inclusive, *and section 2 of this act* have the meanings ascribed to them in those sections."

Amend sec. 5, page 3, line 41, by deleting ""Blighted" and inserting: "~~1. Blighted~~

1. *Except as otherwise provided in subsection 2, "blighted"*.

Amend sec. 5, page 3, line 43, by deleting "1." and inserting "~~1.1~~ (a)".

Amend sec. 5, page 4, by deleting lines 5 through 35 and inserting:

~~1.1(a)~~ (1) Defective design and character of physical construction.

~~1.1(b)~~ (2) Faulty arrangement of the interior and spacing of buildings.

~~1.1(c) Overcrowding.~~

~~1.1(d)~~ (3) Inadequate provision for ventilation, light, sanitation, open spaces and recreational facilities.

~~1.1(e)~~ (4) Age, obsolescence, deterioration, dilapidation, mixed character or shifting of uses.

~~1.2~~ (b) An economic dislocation, deterioration or disuse . ~~1.2 resulting from faulty planning.~~

~~1.3~~ (c) The subdividing and sale of lots of irregular form and shape and inadequate size for proper usefulness and development.

~~1.4~~ (d) The laying out of lots in disregard of the contours and other physical characteristics of the ground and surrounding conditions.

~~1.5~~ (e) The existence of inadequate streets, open spaces and utilities.

~~1.6~~ (f) The existence of lots or other areas which may be submerged.

~~1.7~~ (g) Prevalence of depreciated values, impaired investments and social and economic maladjustment to such an extent that the capacity to pay taxes is *substantially* reduced and tax receipts are inadequate for the cost of public services rendered.

~~1.8~~ (h) A growing or total lack of proper utilization of some parts of the area, resulting in a stagnant and unproductive condition of land which is

potentially useful and valuable for contributing to the public health, safety and welfare.

~~[(9)]~~ (i) A loss of population and a reduction of proper use of some parts of the area, resulting in its further deterioration and added costs to the taxpayer for the creation of new public facilities and services elsewhere.

(j) *The environmental contamination of buildings or property.*

(k) *The existence of an abandoned mine.*

2. *If the subject of the redevelopment is an eligible railroad or facilities related to an eligible railroad, "blighted area" means an area which is characterized by at least four of the factors set forth in subsection 1 or characterized by one or more of the following factors:*

(a) *The existence of railroad facilities, used or intended to be used, for commercial, industrial or other purposes, or any combination thereof, which are unfit or unsafe for those purposes because of age, obsolescence, deterioration or dilapidation.*

(b) *A growing or total lack of proper utilization of the railroad facilities resulting in a stagnant and unproductive condition of land which is potentially useful and valuable for contributing to the public health, safety and welfare.*

(c) *The lack of adequate rail facilities has resulted or will result in an economic hardship to the community."*

Amend the bill as a whole by renumbering sections 6 and 7 as sections 9 and 10 and adding a new section designated sec. 8, following sec. 5, to read as follows:

"Sec. 8. NRS 279.408 is hereby amended to read as follows:

279.408 1. "Redevelopment" means the planning, development, replanning, redesign, clearance, reconstruction or rehabilitation, or any combination of these, of all or part of a redevelopment area, and the provision of such residential, commercial, industrial, public or other structures or spaces as may be appropriate or necessary in the interest of the general welfare, including:

(a) Recreational and other facilities appurtenant thereto.

(b) *Eligible railroads or facilities related to eligible railroads.*

(c) The alteration, improvement, modernization, reconstruction or rehabilitation, or any combination thereof, of existing structures in a redevelopment area.

~~[(c)]~~ (d) Provision for uses involving open space, such as:

(1) Streets and other public grounds;

(2) Space around buildings, structures and improvements;

(3) Improvements of recreational areas; and

(4) Improvement of other public grounds.

~~[(d)]~~ (e) The replanning, redesign or original development of undeveloped areas where:

(1) The areas are stagnant or used improperly because of defective or inadequate layouts of streets, faulty layouts of lots in relation to size, shape, accessibility or usefulness, or for other causes; or

(2) The areas require replanning and assembly of land for reclamation or development in the interest of the general welfare because of widely scattered ownership, tax delinquency or other reasons.

2. "Redevelopment" does not exclude the continuance of existing buildings or uses whose demolition and rebuilding or change of use are not deemed essential to the redevelopment and rehabilitation of the area."

Amend sec. 6, page 4, line 43, by deleting "2" and inserting "3".

Amend sec. 7, page 5, line 18, by deleting "2" and inserting "3".

Amend the bill as a whole by renumbering sections 8 through 10 as sections 14 through 16 and adding new sections designated sections 11 through 13, following sec. 7, to read as follows:

"Sec. 11. NRS 279.519 is hereby amended to read as follows:

279.519 1. A redevelopment area need not be restricted to buildings, improvements or lands which are detrimental or inimical to the public health, safety or welfare, but may consist of an area in which such conditions predominate and injuriously affect the entire area. A redevelopment area may include, in addition to blighted areas, lands, buildings or improvements which are not detrimental to the public health, safety or welfare, but whose inclusion is found necessary for the effective redevelopment of the area of which they are a part.

2. At least 75 percent of the area included within a redevelopment area must be improved land and may include, without limitation:

(a) Public land upon which public buildings have been erected or improvements have been constructed.

(b) Land on which an abandoned mine, landfill or other similar use is located and which is surrounded by or directly abuts the improved land.

3. The area included within a redevelopment area may be contiguous or noncontiguous.

4. *If the subject of the redevelopment is an eligible railroad or facilities related to an eligible railroad, the area included within a redevelopment area may consist of contiguous or noncontiguous vacant land that:*

(a) Is located near the eligible railroad; and

(b) May accommodate commercial or industrial facilities that may use the eligible railroad.

5. The taxable property in a redevelopment area must not be included in any subsequently created redevelopment area until at least 50 years after the effective date of creation of the first redevelopment area in which the property was included.

~~{5.}~~ 6. As used in this section, "improved land" means ~~[land]~~ :

~~(a)~~ Land that contains structures which:

~~{(a)}~~ (1) Are used for residential, commercial, industrial or governmental purposes; and

~~[(b)]~~ (2) Have been connected to water facilities, sewer facilities or roads, or any combination thereof ~~[-~~

↪ ~~and any~~];

(b) Any areas related to ~~[such structures,]~~ *the structures described in paragraph (a), including, without limitation, landscaping areas, parking areas, parks and streets [-]*; and

(c) *If the subject of the redevelopment is an eligible railroad or facilities related to an eligible railroad:*

(1) *Land on which the eligible railroad is located; and*

(2) *Any areas related to the eligible railroad, including, without limitation, land on which is located railroad tracks, a railroad right-of-way or a facility related to the eligible railroad.*

Sec. 12. NRS 279.586 is hereby amended to read as follows:

279.586 1. If the legislative body determines that:

(a) The redevelopment area includes a blighted area, the redevelopment of which is necessary to effectuate the public purposes declared in NRS 279.382 to 279.685, inclusive;

(b) The redevelopment plan would redevelop the area in conformity with NRS 279.382 to 279.685, inclusive, and is in the interests of the peace, health, safety and welfare of the community;

(c) The redevelopment plan conforms to the general plan of the community;

(d) The condemnation of real property, if provided for in the redevelopment plan, is necessary to the execution of the redevelopment plan and adequate provisions have been made for payment for property to be acquired as provided by law;

(e) Adequate permanent housing is or will be made available in the community for displaced occupants of the redevelopment area at rents comparable to those in the community at the time of displacement, if the redevelopment plan may result in the temporary or permanent displacement of any occupants of housing in the redevelopment area;

(f) All noncontiguous areas of a redevelopment area ~~[are either]~~ :

(1) *Are blighted or necessary for effective redevelopment; or*

(2) *Satisfy the requirements set forth in subsection 4 of NRS 279.519;*

(g) Inclusion of any lands, buildings or improvements which are not detrimental to the public health, safety or welfare is necessary for the effective redevelopment of the area of which they are a part; and

(h) Adequate provisions have been made for the payment of the principal of and interest on any bonds which may be issued by the agency, if provided for in the redevelopment plan,

↪ the legislative body may adopt, by ordinance, the plan as the official redevelopment plan for the redevelopment area.

2. The ordinance must:

(a) Contain a legal description of the boundaries of the redevelopment area covered by the redevelopment plan;

(b) Set forth the purposes and intent of the legislative body with respect to the redevelopment area;

(c) Designate the approved plan as the official redevelopment plan of the redevelopment area and incorporate it by reference; and

(d) Contain the determinations of the legislative body as set forth in subsection 1.

Sec. 13. Chapter 37 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Notwithstanding any other provision of law, an agency may not exercise the power of eminent domain to acquire a parcel of property or group of contiguous parcels of property that is more than 40 acres in area for the purpose of open-space use unless:

(a) Before the governing body of the agency votes to commence an action in eminent domain to acquire the property, the agency has negotiated with the owner of the property, in good faith, for a period of not less than 24 months beginning on the date on which the agency provided the written offer of compensation to the owner of the property pursuant to subsection 2, to reach an agreement regarding the amount of compensation to be paid for the property;

(b) The use of the property for the purpose of open-space use conforms with any applicable provisions of the applicable:

(1) Master plan adopted pursuant to chapter 278 of NRS;

(2) Zoning regulations adopted pursuant to chapter 278 of NRS; and

(3) Open-space plan adopted pursuant to chapter 376A of NRS;

(c) Each acre of the property is necessary for the purpose of open-space use and will be devoted in perpetuity to open-space use; and

(d) If the agency is seeking to acquire water rights appurtenant to the property, the agency uses the water beneficially on the property for the purpose of open-space use.

2. To satisfy the requirement to have negotiated with the owner of the property in good faith, pursuant to paragraph (a) of subsection 1, an agency must, at a minimum:

(a) Provide to the owner of the property, by personal delivery or by certified mail, return receipt requested, a written offer of compensation that includes:

(1) A copy of the appraisal report upon which the offer of compensation is based;

(2) A detailed description of the nature of the intended use of each acre of the property and the specific reasons for the necessity of acquiring each acre of the property for the purpose of open-space use;

(3) If the agency is seeking to acquire any water rights appurtenant to the property, a detailed description of the intended beneficial use of the water rights on the property and the specific reasons for the necessity of acquiring the water rights; and

(4) *The value of the property, plus damages, if any, as appraised by the agency; and*

(b) *Attempt to engage in meaningful negotiations with the owner of the property at least once per calendar month during the period described in paragraph (a) of subsection 1.*

3. *As used in this section:*

(a) *"Agency" means the State of Nevada, any political subdivision of the State or any other governmental entity that possesses the power of eminent domain.*

(b) *"Open-space plan" has the meaning ascribed to it in NRS 376A.010.*

(c) *"Open-space use" means the use of property:*

(1) *To promote the conservation of open space and the protection of other natural and scenic resources from unreasonable impairment; or*

(2) *To protect, conserve or preserve wildlife habitat."*

Amend sec. 9, page 5, line 41, by deleting "5" and inserting "7".

Amend sec. 9, page 5, line 43, by deleting: "the effective date of this act," and inserting: "October 1, 2005,".

Amend sec. 9, page 5, line 45, by deleting: "the effective date of this act." and inserting: "October 1, 2005,".

Amend the title of the bill, sixth line, after "Law;" by inserting: "establishing certain requirements that a governmental entity must meet before exercising the power of eminent domain to acquire certain property for the purpose of open-space use;".

Senator Amodei moved the adoption of the amendment.

Remarks by Senator Amodei.

Conflict of interest declared by Senator Raggio.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 158.

Bill read second time and ordered to third reading.

Assembly Bill No. 186.

Bill read second time.

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

Amendment No. 861.

Amend section 1, page 2, lines 31 through 33, by deleting: ", including, without limitation, any amount of money that the Administrator has determined is required to fund the payments required pursuant to section 2 of this act,".

Amend section 1, pages 2 and 3, by deleting line 39 on page 1 and line 1 on page 2, and inserting: "expenditures for claims of each group of insurers. After allocating the".

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

Amend sec. 2, page 4, by deleting lines 3 through 24 and inserting: "*the payments calculated pursuant to subsection 3.*".

Amend sec. 2, page 4, line 25, by deleting "4." and inserting "3."

Amend sec. 2, page 4, by deleting lines 26 and 27 and inserting: "*method for the equitable distribution of the money withdrawn from the Account pursuant to subsection 2. The regulations must.*".

Amend sec. 2, page 4, line 29, by deleting: "*collected from the assessment*".

Amend sec. 2, page 4, line 35, by deleting "5." and inserting "4."

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

"Sec. 3. Notwithstanding the provisions of subsection 4 of section 2 of this act, the Administrator shall make the first payment required by section 2 of this act to each claimant and dependant of the claimant who is entitled to the payment not later than December 31, 2005."

Senator Townsend moved the adoption of the amendment.

Remarks by Senator Townsend.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 202.

Bill read second time and ordered to third reading.

Assembly Bill No. 221.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 888.

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

"Sec. 9. 1. *Except as otherwise provided in subsection 2:*

(a) *On and after July 1, 2006, a person who owns or operates an establishment shall ensure that at least one employee who has successfully completed an alcoholic beverage awareness program certified by the Commission pursuant to section 10 of this act is on the premises during the hours the establishment is open for business.*

(b) *On and after January 1, 2008, a person who owns or operates an establishment shall not:*

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

(I) *The person hired to sell or serve alcoholic beverages or perform the duties of a security guard at the establishment has already successfully completed an alcoholic beverage awareness program certified by the Commission pursuant to section 10 of this act; or*

(II) *The person who owns or operates the establishment ensures that the person hired to sell or serve alcoholic beverages or perform the duties of a security guard at the establishment successfully completes, within 30 days*

after the date on which he is hired, an alcoholic beverage awareness program certified by the Commission pursuant to section 10 of this act; or

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

(I) The person who continues to be employed to sell or serve alcoholic beverages or perform the duties of a security guard at the establishment has already successfully completed an alcoholic beverage awareness program certified by the Commission pursuant to section 10 of this act; or

(II) The person who owns or operates the establishment ensures that the person who continues to be employed to sell or serve alcoholic beverages or perform the duties of a security guard at the establishment successfully completes, not later than January 31, 2008, an alcoholic beverage awareness program certified by the Commission pursuant to section 10 of this act.

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

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

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

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

(d) Any money collected by the Department from fines pursuant to paragraph (c) must be deposited with the State Treasurer for credit to the Fund for the Compensation of Victims of Crime created by NRS 217.260.

(e) Any law enforcement agency whose officer discovers a violation of this section shall report the violation to the Department.

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

(a) Is located in a county whose population is 400,000 or more; and

(b) Before October 1, 2005, has, by ordinance, rule or regulation, established requirements and standards for the education of persons who sell or serve alcoholic beverages at an establishment."

Amend sec. 11, page 5, by deleting line 32 and inserting:

"Sec. 11. 1. Except as otherwise provided in subsection 2 and sections 4 to 11,".

Amend sec. 11, page 5, after line 36, by inserting:

"2. The prohibition set forth in subsection 1 does not apply with respect to a jurisdiction in which the provisions of section 9 of this act do not apply."

Senator Amodei moved the adoption of the amendment.

Remarks by Senators Amodei and Carlton.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 260.

Bill read second time.

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

Amendment No. 866.

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

"Sec. 3. *"Certificate of registration" or "certificate" means a certificate of registration as an environmental health specialist or environmental health specialist trainee issued by the Board pursuant to this chapter."*

Amend sec. 4, page 2, by deleting lines 9 through 15 and inserting:

"Sec. 4. 1. *"Environmental health specialist" means a person who is engaged in the practice of environmental health and who holds a certificate of registration as an environmental health specialist issued by the Board pursuant to this chapter.*

2. *The term does not include any person who practices in a field excluded from the definition of the "practice of environmental health" pursuant to subsection 2 of section 6 of this act, unless the person holds a certificate of registration as an environmental health specialist issued by the Board pursuant to this chapter."*

Amend sec. 5, page 2, by deleting lines 17 and 18 and inserting: *"person who is engaged in the practice of environmental health and who holds a certificate of registration as an environmental health specialist trainee issued by the Board pursuant to this chapter."*

Amend sec. 6, pages 2 and 3, by deleting lines 20 through 42 on page 2 and line 1 on page 3, and inserting: *"use of public health principles in the application of the sanitary sciences, the biological sciences or the physical sciences to investigate, prevent or reduce environmentally acquired disease or illness."*

Amend sec. 6, page 3, by deleting lines 20 through 22 and inserting:

"(f) Mining performed by an employee or contractor of a mining company engaged in mining operations in this State;

(g) Building inspections performed by a person whose primary purpose is to determine compliance with building and safety codes; or

(h) Epidemiological investigations performed by a person whose primary profession or employment is as an epidemiologist or disease investigator."

Amend sec. 7, page 3, by deleting lines 23 through 27 and inserting:

"Sec. 7. 1. *On and after July 1, 2007, a person shall not engage in the practice of environmental health in this State unless the person holds a certificate of registration as an environmental health specialist or an environmental health specialist trainee issued by the Board pursuant to this chapter.*

2. *Any person who violates any provision of this section is guilty of a misdemeanor."*

Amend sec. 8, page 3, line 28, by deleting: "*may be employed*" and inserting: "*is eligible to engage*".

Amend sec. 8, pages 3 and 4, by deleting lines 37 through 44 on page 3 and lines 1 through 16 on page 4, and inserting: "*environmental health specialist trainee, a person:*

(a) *Must be employed as a part of a training program in which the person engages in the practice of environmental health under the direct supervision of one or more other persons who hold certificates of registration as environmental health specialists; and*

(b) *Must file with the Board an application for a certificate of registration as an environmental health specialist trainee not later than 90 days after the date on which the person initially becomes employed as a part of the training program.*

3. *Except as otherwise provided in this subsection, the certificate of registration of a person as an environmental health specialist trainee expires 3 years after the date on which the person initially becomes employed as a part of the training program in which the person engages in the practice of environmental health as an environmental health specialist trainee. If, upon completion of the 3-year period, the person has met all requirements to be issued a certificate of registration as an environmental health specialist other than passing the examination required pursuant to NRS 625A.120, the Board may, upon a showing of good cause, grant the person a 1-year extension of the person's certificate of registration as an environmental health specialist trainee before the person must pass the examination. A request for such an extension must be submitted by the person in writing and received by the Board at least 60 days before the date on which the person's certificate of registration as an environmental health specialist trainee expires."*

Amend sec. 10, page 4, by deleting lines 26 through 29 and inserting: "*person who practices in a field excluded from the definition of the "practice of environmental health" pursuant to subsection 2 of section 6 of this act from being issued a certificate of registration by the Board if the person otherwise meets the requirements for the issuance of the certificate."*

Amend sec. 11, page 4, by deleting lines 32 through 37 and inserting: "*specialists and environmental health specialist trainees is to protect the public health and safety and the general welfare of the people of this State. Any certificate of registration issued pursuant to this chapter is a revocable privilege, and no holder of such a certificate of registration acquires thereby any vested right."*

Amend sec. 13, page 5, line 20, by deleting "specialist;" and inserting: "*specialist ~~or~~ or environmental health specialist trainee;*".

Amend sec. 13, page 5, line 22, by deleting "specialist." and inserting: "*specialist ~~or~~ or environmental health specialist trainee."*

Amend sec. 14, page 5, by deleting lines 39 and 40 and inserting: "*environmental health specialist trainees.*".

Amend sec. 14, page 6, by deleting lines 4 through 6 and inserting: "*specialists ~~[-]~~ or environmental health specialist trainees, or any combination thereof.*".

Amend sec. 15, page 6, by deleting lines 13 through 15 and inserting: "*environmental health specialist ~~[which contains]~~ or environmental health specialist trainee. The register must contain.*".

Amend sec. 15, page 6, by deleting lines 27 through 29 and inserting:

"2. ~~[Environmental]~~ Persons who hold certificates of registration as environmental health specialists ~~[currently registered]~~ or environmental health specialist trainees. The register must contain:

(a) The name of the person;

(b) The name and address of the employer of the person or the address of the place of business of the person;

(c) The number of the certificate of registration, if any, issued to the person; and

(d) Such other information as the Board considers necessary."

Amend sec. 16, page 6, by deleting lines 32 through 34 and inserting: "*an environmental health specialist ~~[must]~~ or environmental health specialist trainee shall submit to the Board, through*".

Amend sec. 16, page 6, by deleting lines 38 and 39 and inserting:

"(b) *A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report;*

(c) The required fee; and

~~[(c)]~~ (d) Proof of ~~[his]~~ the applicant's educational qualifications,".

Amend sec. 17, page 7, by deleting lines 4 and 5 and inserting: "*specialist trainee shall submit to the Board, through*".

Amend sec. 17, page 7, by deleting lines 9 and 10 and inserting:

"(b) *A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report;*

(c) The required fee; and

~~[(c)]~~ (d) Proof of ~~[his]~~ the applicant's educational qualifications,".

Amend sec. 18, page 7, line 14, by deleting: "the issuance of" and inserting: "~~[the issuance of]~~"

Amend sec. 18, page 7, by deleting lines 16 and 17 and inserting: "*health specialist trainee or the holder of such a certificate shall submit to the Board*".

Amend sec. 18, page 7, by deleting lines 28 and 29 and inserting: "*specialist or environmental health specialist trainee*".

Amend sec. 19, page 8, line 3, by deleting: "*subsections 2 and 3,*" and inserting "*this section,*".

Amend sec. 19, pages 8 and 9, by deleting lines 21 through 45 on page 8 and lines 1 through 23 on page 9, and inserting: "Board in ~~[this field of public health.~~

~~2.—The] the practice of environmental health;~~

(b) *Must possess a baccalaureate or higher degree in environmental health or environmental health science from an institution of higher education approved by the Board and have passed the written examination pursuant to NRS 625A.120; or*

(c) *Must possess a master's degree in public health from an institution of higher education approved by the Board and have passed the written examination pursuant to NRS 625A.120.*

2. *Except as otherwise provided in this subsection, the Board may ~~[register]~~ issue a certificate of registration as an environmental health specialist to a person who is not qualified under subsection 1 ~~[, if he:]~~ if the Board determines to its satisfaction that the person:*

(a) *Was actively ~~[employed in this field of public]~~ engaged in the practice of environmental health in this State on July 1, ~~[1987;~~*

~~(b) Is a graduate of an accredited high school;~~

~~(c) Has had] 2005; and~~

(b) *Has completed at least ~~[4]~~ 2 years of successful experience in ~~[this field;~~*

~~(d) Passes a written or oral examination administered by the Board; and~~

~~(e) Completes all the requirements of this subsection before July 1, 1991.~~

~~3.—The Board may register, upon written application, any person who:~~

~~(a) Was employed in this field of public health in this State on July 1, 1987, and was a registered sanitarian in this State before July 1, 1977; or~~

~~(b) Is registered as an] the practice of environmental health.~~

➔ *To be eligible to be issued a certificate of registration pursuant to this subsection, a person must apply to the Board for a certificate of registration not later than July 1, 2006.*

3. *Notwithstanding the provisions of subsection 1 to the contrary, upon written application, the Board may issue a certificate of registration as an environmental health specialist to a person by reciprocity if the person is registered as:*

(a) *An environmental health specialist with the National Environmental Health Association ~~[and is a resident of this State.]~~ ; or*

(b) *An environmental health specialist, environmental health scientist or registered sanitarian in another jurisdiction recognized by the Board as having requirements for that registration which are substantially similar to the requirements for the issuance of a certificate of registration as an environmental health specialist in this State."*

Amend sec. 20, page 9, by deleting lines 25 through 28 and inserting:

"625A.120 1. Except for an applicant ~~[applying pursuant to subsection 2 or 3 of]~~ who may be issued a certificate of registration as an environmental health specialist without an examination pursuant to NRS 625A.110, an applicant who ~~[is otherwise eligible]~~ applies for a certificate of registration ~~[, has paid the fee and presented the required credentials]~~ as an environmental health specialist and who is otherwise qualified for the issuance of the certificate must appear".

Amend sec. 21, page 10, by deleting lines 7 and 8 and inserting: "specialist trainee must pay a fee set by the Board not".

Amend sec. 21, page 10, by deleting lines 14 through 29 and inserting:

"3. Each ~~[registered]~~ person who holds a certificate of registration as an environmental health specialist or environmental health specialist trainee must pay to the Secretary of the Board on or before the date fixed by the Board an annual fee for the certificate of registration to be set by the Board not to exceed \$100. The annual fee for the certificate of registration must be collected for the year in which ~~[an environmental health specialist]~~ the person is initially ~~[registered]~~.

~~4. The~~ issued the certificate of registration and for each year thereafter in which the person holds the certificate of registration.

4. If a person holds a certificate of ~~[any]~~ registration as an environmental health specialist ~~[who]~~ or environmental health specialist trainee and the person fails to submit the statement required pursuant to NRS 625A.105 or pay the annual fee for the certificate of registration within 60 days after it is due, the person's certificate of registration is automatically suspended. The Board must notify the ~~[environmental health specialist]~~ person that his certificate of registration has been suspended".

Amend sec. 22, pages 10 and 11, by deleting lines 35 through 45 on page 10 and lines 1 through 10 on page 11, and inserting: "specialist trainee must pay a fee set by the Board not to exceed \$250.

2. Each applicant for a certificate of registration as an environmental health specialist who fails an examination and who desires to be reexamined ~~[shall]~~ must pay a fee set by the Board not to exceed \$200 for each reexamination.

3. Each ~~[registered]~~ person who holds a certificate of registration as an environmental health specialist ~~[shall]~~ or environmental health specialist trainee must pay to the Secretary of the Board on or before the date fixed by the Board an annual fee for the certificate of registration to be set by the Board not to exceed \$100. The annual fee for registration must be collected for the year in which ~~[an environmental health specialist]~~ the person is initially ~~[registered]~~.

~~4. The~~ issued the certificate of registration and for each year thereafter in which the person holds the certificate of registration.

4. If the person holds a certificate of ~~[any]~~ registration as an environmental health specialist ~~[who]~~ or environmental health specialist trainee and the person fails to pay the annual fee for registration within

60 days after it is due, *the person's certificate of registration* is automatically suspended. The Board must notify the ~~environmental health specialist~~ *person* that his *certificate of registration* has been suspended for nonpayment of the".

Amend sec. 23, page 11, line 15, after "certificate" by inserting "*of registration*".

Amend sec. 23, page 11, by deleting lines 25 through 29 and inserting:

~~"[4.] 5. The Great Seal of the Board.~~

~~5.—Signatures] State of Nevada.~~

6. *The signatures of the [members] Chairman and Secretary*".

Amend sec. 26, page 12, by deleting lines 17 through 36 and inserting: "*environmental health specialist trainee*, the Board shall deem the certificate of registration issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the Board receives a letter issued to the holder of the certificate of registration by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the certificate of registration has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The Board shall reinstate a certificate of registration as an environmental health specialist *or environmental health specialist trainee* that has been suspended by a district court pursuant to NRS 425.540 if the Board receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose certificate of registration was suspended stating that the person whose certificate of registration was suspended has".

Amend the bill as a whole by adding a new section designated sec. 26.5, following sec. 26, to read as follows:

"Sec. 26.5. NRS 625A.170 is hereby amended to read as follows:

625A.170 The following acts, among others established by the Board, constitute unprofessional conduct:

1. Willfully making a false or fraudulent statement or submitting a forged or false document in applying for a certificate ~~of~~ *of registration*;

2. Habitual drunkenness or addiction to the use of a controlled substance;

3. Engaging in any conduct in his professional activities which is intended to deceive or which the Board has determined is unethical; or

4. Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of or conspiring to violate any provision of this chapter or a regulation of the Board."

Amend sec. 27, pages 12 and 13, by deleting lines 43 and 44 on page 12 and line 1 on page 13, and inserting:

"(a) Place the environmental health specialist *or environmental health specialist trainee* on probation for".

Amend sec. 27, page 13, by deleting lines 4 through 7 and inserting:

"(c) Suspend or revoke his certificate ~~of~~ *of registration*."

2. If the order places an environmental health specialist *or environmental health specialist trainee* on".

Amend the bill as a whole by adding a new section designated sec. 27.5, following sec. 27, to read as follows:

"Sec. 27.5. NRS 625A.190 is hereby amended to read as follows:

625A.190 1. Upon denial of an application for ~~registration~~ or renewal of a certificate *of registration* or other disciplinary action, the Board shall give the person written notice of its decision mailed to him at his last known address by certified mail, return receipt requested. The notice must:

- (a) State the reason for the denial or disciplinary action; and
- (b) Inform the person that he has the right to a hearing before the Board.

2. A written request for a hearing must be filed with the Board within 30 days after the notice is mailed. If a hearing is requested, the Board shall set a time and place for a formal hearing and notify the person of the time and place set for the hearing. The Board shall hold the hearing at the time and place designated in the notice."

Amend sec. 28, page 13, by deleting lines 15 through 24 and inserting:

"625A.200 1. ~~{Only a person who holds a valid certificate of registration issued by the Board may}~~ A person shall not use the title "registered environmental health ~~{specialist}~~ or *specialist*," "environmental health ~~{specialist}~~ *specialist*," "registered sanitarian" or "sanitarian," or the abbreviation ~~{"R.E.H.S." or}~~ "R.E.H.S.," "E.H.S." or "R.S." after his name ~~{, unless the person holds a certificate of registration as an environmental health specialist issued by the Board pursuant to this chapter.~~

2. A person shall not use the title "environmental health specialist trainee," or any abbreviation or letters after his name that would suggest that the person is an environmental health specialist trainee, unless the person holds a certificate of registration as an environmental health specialist trainee issued by the Board pursuant to this chapter.

3. Any person who violates *any provision* of this section is guilty of a".

Amend the bill as a whole by deleting sec. 29 and renumbering sec. 30 as sec. 29.

Amend sec. 30, page 13, line 42, by deleting "29," and inserting "28,".

Amend the title of the bill to read as follows:

"AN ACT relating to environment health specialists; defining the practice of environmental health; authorizing the Board of Registered Environmental Health Specialists to employ certain persons; requiring the Chairman of the Board to be elected biennially on or before a certain date; requiring persons who engage in the practice of environmental health to hold a certificate of registration as an environmental health specialist or environmental health specialist trainee; revising the requirements relating to the issuance and renewal of a certificate of registration; authorizing the Board to issue a certificate of registration to certain persons by reciprocity; exempting certain retired persons from the requirements for continuing education; requiring

certain application, examination and renewal fees; providing penalties; and providing other matters properly relating thereto."

Senator Heck moved the adoption of the amendment.

Remarks by Senator Heck.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 290.

Bill read second time.

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

Amendment No. 867.

Amend sec. 3, page 1, by deleting lines 8 through 10 and inserting:

"Sec. 3. 1. *Except as otherwise provided in the declaration, an association may not require a unit's owner to secure or obtain any approval from the association in order to rent or lease his unit.*

2. *The provisions of this section do not prohibit an association from enforcing any provisions which govern the renting or leasing of units and which are contained in this chapter or in any other applicable federal, state or local laws or regulations.*"

Amend the bill as a whole by deleting sec. 7 and adding:

"Sec. 7. (Deleted by amendment.)"

Amend sec. 9, page 6, line 37, by deleting: "subsection ~~{2}~~ 3 of" and inserting: "~~{subsection 2 of}~~".

Amend sec. 10, page 6, by deleting lines 42 through 44 and inserting: "subsection 2 of NRS 116.4101, a unit's owner *or his authorized agent* shall furnish to a purchaser ~~{before an offer to purchase a unit becomes binding on the purchaser}~~ a resale package containing all the following:"

Amend sec. 10, page 7, by deleting lines 7 through 10 and inserting:

"(c) ~~{The}~~ A copy of the current operating budget of the association and ~~{a}~~ current year-to-date financial statement for the association, which must include a summary of the ~~{financial components of the study of the}~~ reserves of the association required by NRS 116.31152 ~~{}~~ and *which must include, without limitation, a summary of the information described in paragraphs (a) to (e), inclusive, of subsection 2 of NRS 116.31152; and*"

Amend sec. 10, page 7, by deleting lines 15 through 38 and inserting:

"2. The ~~{association, within}~~ purchaser may, by written notice, cancel the contract of purchase until midnight of the fifth calendar day following the date of receipt of the resale package described in subsection 1, and the contract for purchase must contain a provision to that effect. If the purchaser elects to cancel a contract pursuant to this subsection, he must hand deliver the notice of cancellation to the unit's owner or his authorized agent or mail the notice of cancellation by prepaid United States mail to the unit's owner or his authorized agent. Cancellation is without penalty, and all payments made by the purchaser before cancellation must be refunded promptly. If the

purchaser has accepted a conveyance of the unit, the purchaser is not entitled to:

(a) Cancel the contract pursuant to this subsection; or

(b) Damages, rescission or other relief based solely on the ground that the unit's owner or his authorized agent failed to furnish the resale package, or any portion thereof, as required by this section.

3. *Within 10 days after receipt of a written request by a unit's owner ~~[]~~ or his authorized agent, the association shall furnish ~~a certificate containing~~ all the following to the unit's owner or his authorized agent for inclusion in the resale package:*

(a) Copies of the documents required pursuant to paragraphs (a) and (c) of subsection 1; and

(b) A certificate containing the information necessary to enable the unit's owner to comply with paragraphs (b) and (d) of subsection 1. ~~[A unit's owner providing a]~~

4. *If the association furnishes the documents and certificate pursuant to subsection ~~[1 is not]~~ 3:*

(a) The unit's owner or his authorized agent shall include the documents and certificate in the resale package provided to the purchaser, and neither the unit's owner nor his authorized agent is liable to the purchaser for any erroneous information provided by the association and included in the documents and certificate.

~~[3.]~~ *(b) The association may charge the unit's owner a reasonable fee to cover the cost of preparing the certificate furnished pursuant to subsection 3. Such a fee must be based on the actual cost the association incurs to fulfill the requirements of this section in preparing the certificate. The Commission shall adopt regulations establishing the maximum amount of the fee an association may charge for preparing the certificate.*

(c) The association may charge the unit's owner a reasonable fee, not to exceed 25 cents per page, to cover the cost of copying the other documents furnished pursuant to subsection 3.

(d) Except for the fees permitted pursuant to paragraphs (b) and (c), the association may not charge the unit's owner any other fees for preparing or furnishing the documents and certificate pursuant to subsection 3.

5. *Neither a purchaser nor the purchaser's interest in a unit is liable for any unpaid assessment or fee greater than the amount set forth in the documents and certificate prepared by the association. If the association fails to furnish the documents and certificate within the 10 days allowed by ~~[subsection 2,]~~ this section, the seller is not liable for the delinquent assessment.*

~~[4.]~~ 6. *Upon the request of a unit's owner ~~[]~~ or his authorized agent or upon the request of a purchaser to whom the unit's owner has provided a ~~[certificate]~~ resale package pursuant to ~~[subsection 1 or an]~~ this section or his authorized agent, ~~[of the unit's owner or the purchaser,]~~ the".*

Amend sec. 11, page 8, by deleting lines 11 through 18 and inserting:

"1. *YOU GENERALLY HAVE 5 DAYS TO CANCEL THE PURCHASE AGREEMENT?*

When you enter into a purchase agreement to buy a home or unit in a common-interest community, in most cases you should receive either a public offering statement, if you are the original purchaser of the home or unit, or a resale package, if you are not the original purchaser. The law generally provides for a 5-day period in which you have the right to cancel the purchase agreement. The 5-day period begins on different starting dates, depending on whether you receive a public offering statement or a resale package. Upon receiving a public offering statement or a resale package, you should make sure you are informed of the deadline for exercising your right to cancel. In order to exercise your right to cancel, the law generally requires that you hand deliver the notice of cancellation to the seller within the 5-day period, or mail the notice of cancellation to the seller by prepaid United States mail within the 5-day period. For more information regarding your right to cancel, see Nevada Revised Statutes 116.4108, if you received a public offering statement, or Nevada Revised Statutes 116.4109, if you received a resale package.

2. *YOU ARE AGREEING TO RESTRICTIONS ON HOW YOU CAN USE YOUR PROPERTY?*

These restrictions are contained in a document known as the Declaration of Covenants, Conditions and Restrictions ~~{(C, C & R's) that should be provided for your review before making your purchase. The C, C & R's}~~ (CC&Rs). *The CC&Rs become a part of the".*

Amend sec. 11, page 8, lines 21 and 26, by deleting: "C, C & R's," and inserting: "~~{C, C & R's}~~ CC&Rs,".

Amend sec. 11, page 8, line 28, by deleting: "C, C&R's" and inserting: "~~{C, C&R's}~~ CC&Rs".

Amend sec. 11, page 8, line 31, by deleting "2." and inserting "~~{2.}~~ 3.".

Amend sec. 11, page 8, lines 36 and 38, by deleting "homeowner's" and inserting "~~{homeowner's}~~ homeowners".

Amend sec. 11, page 8, line 44, after "components" by inserting: "*of the common elements*".

Amend sec. 11, page 9, line 2, by deleting "maintain adequate" and inserting: "~~{maintain}~~ *provide adequate funding for*".

Amend sec. 11, page 9, line 5, by deleting "3." and inserting "~~{3.}~~ 4.".

Amend sec. 11, page 9, by deleting lines 14 through 17 and inserting:

"~~{4.}~~ 5. *YOU MAY BECOME A MEMBER OF A ~~{HOMEOWNER'S}~~ HOMEOWNERS' ASSOCIATION THAT HAS THE POWER TO AFFECT HOW YOU USE AND ENJOY YOUR PROPERTY?*

Many common-interest communities have a ~~{homeowner's}~~ homeowners".

Amend sec. 11, page 9, line 26, by deleting: "day to day" and inserting: "~~{day to day}~~ *day-to-day*".

Amend sec. 11, page 9, line 31, after "professional" by inserting "community".

Amend sec. 11, page 9, line 33, by deleting "Homeowner's" and inserting "[~~Homeowner's~~] Homeowners".

Amend sec. 11, page 9, line 38, by deleting: "C, C & R's" and inserting: "[~~C, C & R's~~] CC&Rs".

Amend sec. 11, page 10, by deleting lines 6 through 35 and inserting: "bodies that are more responsive to your needs. If [~~persons controlling the association or its management are not complying with state laws or the governing documents, your remedy is typically to seek~~] you have a dispute with the association, its executive board or other governing bodies, you may be able to resolve the dispute through the complaint, investigation and intervention process administered by the Office of the Ombudsman for Owners in Common-Interest Communities, the Nevada Real Estate Division and the Commission for Common-Interest Communities. However, to resolve some disputes, you may have to mediate or arbitrate the dispute and, if mediation or arbitration is unsuccessful, you may have to file a lawsuit and ask a court to resolve the dispute. In addition to your personal cost in mediation or arbitration, or to prosecute a lawsuit, you may be responsible for paying your share of the association's cost in defending against your claim. [~~There is no government agency in this State that investigates or intervenes to resolve disputes in homeowner's associations.~~]

~~5.]~~ 6. YOU ARE REQUIRED TO PROVIDE PROSPECTIVE [~~BUYERS~~] PURCHASERS OF YOUR PROPERTY WITH INFORMATION ABOUT LIVING IN YOUR COMMON-INTEREST COMMUNITY?

The law requires you to provide [~~to~~] a prospective purchaser of your property [~~before you enter into a purchase agreement,~~] with a copy of the community's governing documents, including the [~~C, C & R's,~~] CC&Rs, association bylaws, and rules and regulations, as well as a copy of this document. You are also required to provide a copy of the association's current year-to-date financial statement, including, without limitation, the most recent audited or reviewed financial statement, a copy of the association's operating budget and information regarding the amount of the monthly assessment for common expenses, including the amount set aside as reserves for the repair, replacement and restoration of common elements. You are also required to inform prospective purchasers of any outstanding judgments or lawsuits pending against the association of which you are aware. [~~You are also required to provide a copy of the minutes from the most recent meeting of the homeowner's association or its executive board.~~] For more information regarding these requirements, see Nevada Revised Statutes [~~116.4103 and 116.4109.~~]

~~6.]~~ 116.4109.

7. YOU HAVE CERTAIN RIGHTS REGARDING".

Amend sec. 11, page 11, line 8, by deleting "7." and inserting "[7-] 8."

Amend sec. 11, page 11, line 14, before "Ombudsman" by inserting: "Office of the".

Amend the title of the bill, eighth line, by deleting "unit;" and inserting: "unit unless the association is acting in accordance with the declaration or certain laws and regulations;"

Senator Schneider moved the adoption of the amendment.

Remarks by Senator Schneider.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 327.

Bill read second time and ordered to third reading.

Assembly Bill No. 340.

Bill read second time.

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

Amendment No. 927.

Amend the bill as a whole by deleting sections 1 through 7 and adding new sections designated sections 1 through 18, following the enacting clause, to read as follows:

"Section 1. Title 52 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 18, inclusive, of this act.

Sec. 2. *As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 3 to 13, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3. "Customer" means a person who, in connection with the preparation or filing of a tax return, applies for a refund anticipation loan or receives the proceeds of a refund anticipation loan.

Sec. 4. 1. "Facilitator of a refund anticipation loan" or "facilitator" means a person who:

(a) *Receives or accepts for delivery an application for a refund anticipation loan;*

(b) *Delivers a check in payment of the proceeds of a refund anticipation loan; or*

(c) *In any other manner, acts to allow or facilitates the offering or making of a refund anticipation loan.*

2. *The term includes, without limitation, a tax preparer who engages in any of the acts described in subsection 1.*

3. *The term does not include:*

(a) *A bank, thrift, savings association, industrial bank or credit union operating under the laws of the United States or this State;*

(b) *An affiliate, other than a tax preparer, that is a servicer for such an entity; or*

(c) Any person who acts solely as an intermediary and does not deal with a customer in the making of a refund anticipation loan.

Sec. 5. *"Internal Revenue Service" means the Internal Revenue Service of the United States Department of the Treasury.*

Sec. 6. *"Lender" means a person who offers to extend or extends credit to a customer in the form of a refund anticipation loan.*

Sec. 7. 1. *"Refund anticipation loan" means a loan offered or made to a customer by a lender or through a facilitator based on the customer's anticipated federal income tax refund.*

2. *The term includes, without limitation, a refund anticipation loan offered or made using electronic commerce.*

Sec. 8. 1. *"Refund anticipation loan fee" means any fee, charge or other consideration imposed by a lender or a facilitator for a refund anticipation loan.*

2. *The term does not include any fee, charge or other consideration usually imposed by a facilitator in the ordinary course of business for nonloan services, such as fees for preparing tax returns and fees for the electronic filing of tax returns.*

Sec. 9. 1. *"Refund anticipation loan fee schedule" means a listing or table of refund anticipation loan fees charged by a lender or a facilitator for three or more representative refund anticipation loan amounts.*

2. *A refund anticipation loan fee schedule must:*

(a) List separately each fee or charge imposed and a total of all fees and charges imposed which are related to the making of refund anticipation loans; and

(b) Include, for each representative loan amount, the estimated annual percentage rate calculated under the guidelines established by the Truth in Lending Act and Regulation Z.

Sec. 10. *"Regulation Z" means the federal regulations, as amended, 12 C.F.R. Part 226, adopted pursuant to the Truth in Lending Act and commonly known as Regulation Z.*

Sec. 11. *"Tax preparer" means a person who engages in the business of preparing or filing tax returns for any fee, charge or other consideration.*

Sec. 12. *"Tax return" means a federal income tax return.*

Sec. 13. *"Truth in Lending Act" means the federal Truth in Lending Act, as amended, 15 U.S.C. §§ 1601 et seq.*

Sec. 14. *A facilitator of a refund anticipation loan shall post the refund anticipation loan fee schedule used by the facilitator in a conspicuous place in every location at which the facilitator conducts business.*

Sec. 15. 1. *If a facilitator of a refund anticipation loan offers a customer an opportunity to apply for a refund anticipation loan, the facilitator shall provide to the customer, before the customer completes the application process, the following disclosures:*

(a) The refund anticipation loan fee schedule used by the facilitator; and

(b) *A written statement or, if the transaction is conducted using electronic commerce, an electronic statement, in at least 10-point type, containing the following information:*

(1) *A disclosure that the refund anticipation loan is a loan which creates a legally enforceable debt and that the loan is not the customer's actual tax refund;*

(2) *A disclosure that the customer may file a tax return electronically without applying for the refund anticipation loan;*

(3) *A disclosure of the average times, according to the Internal Revenue Service, within which a person who does not obtain a refund anticipation loan can expect to receive a tax refund if the person:*

(I) *Files a tax return electronically and the person's tax refund is directly deposited to the person's account or mailed to the person; or*

(II) *Mails a tax return to the Internal Revenue Service and the person's tax refund is directly deposited to the person's account or mailed to the person;*

(4) *A disclosure that the Internal Revenue Service does not guarantee that a person will be paid the full amount of an anticipated tax refund and does not guarantee that an anticipated tax refund will be deposited into a person's account or mailed to a person on a specific date;*

(5) *A disclosure that the customer is responsible for repayment of the refund anticipation loan and related fees and charges if the anticipated tax refund is not paid or paid in full;*

(6) *A disclosure of the estimated time within which the proceeds of the refund anticipation loan will be paid to the customer if the loan is approved; and*

(7) *A disclosure of the fee or charge that will be imposed, if any, if the refund anticipation loan is not approved.*

2. *In addition to the disclosures required pursuant to subsection 1, the facilitator shall provide to the customer, before the loan transaction is completed, the following additional disclosures:*

(a) *The estimated total fees and charges for obtaining the refund anticipation loan; and*

(b) *The estimated annual percentage rate for the refund anticipation loan calculated under the guidelines established by the Truth in Lending Act and Regulation Z.*

Sec. 16. *A facilitator of a refund anticipation loan shall not:*

1. *Misrepresent a material factor or condition of a refund anticipation loan;*

2. *Fail to process the application for a refund anticipation loan promptly after the customer applies for the loan;*

3. *Engage in any dishonest, fraudulent, unfair, unconscionable or unethical practice or conduct in connection with a refund anticipation loan;*

4. *Arrange for a lender to take a security interest in any property of the customer, other than the proceeds of the customer's tax refund and the*

account into which that tax refund is deposited, to secure payment of the loan; or

5. Offer a refund anticipation loan to a customer in an amount that, when added to the refund anticipation loan fees and any other fees or charges related to the loan or the preparation of the tax return, exceeds the amount of the customer's anticipated tax refund.

Sec. 17. *Any person who knowingly and willfully violates any provision of this chapter is guilty of a misdemeanor and shall be punished by a fine of not more than \$500 for each violation.*

Sec. 18. 1. *The remedies, penalties, duties and prohibitions set forth in this chapter are not exclusive and are in addition to any other remedies, penalties, duties and prohibitions provided by law.*

2. *Any violation of this chapter constitutes a deceptive trade practice for the purposes of the civil and administrative remedies and penalties set forth in NRS 598.0903 to 598.0999, inclusive."*

Amend the title of the bill to read as follows:

"AN ACT relating to financial transactions; establishing certain requirements and prohibitions relating to refund anticipation loans; providing remedies and penalties; and providing other matters properly relating thereto."

Senator Lee moved the adoption of the amendment.

Remarks by Senator Lee.

Conflict of interest declared by Senator Raggio.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 343.

Bill read second time.

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

Amendment No. 673.

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

"Sec. 2. *If a repair to a manufactured home may affect life, health or safety and the repair may be performed legally only by a person who is qualified by licensure or certification to perform such a repair:*

1. *A person shall not perform the repair unless he has such qualifications; and*

2. *A tenant or a landlord, or his agent or employee, shall not allow a third party to perform the repair if he knows or, in light of all the surrounding facts and circumstances, reasonably should know that the third party does not have such qualifications."*

Amend sec. 4, page 2, by deleting lines 24 through 26 and inserting:

"Sec. 4. If a landlord bills a tenant individually for utility charges derived from a utility bill for the manufactured home park which represents utility usage for multiple tenants, the landlord shall post in a".

Amend sec. 4, page 2, by deleting lines 29 and 30 and inserting: *"common area in the manufactured home park, or provide to each tenant who is individually billed for the utility charges:*

- 1. A copy of the utility bill for the park; and*
- 2. A statement indicating the portion of the utility bill".*

Amend the bill as a whole by deleting sections 5 and 6 and adding new sections designated sections 5 and 6, following sec. 4, to read as follows:

"Sec. 5. If a person owns a manufactured home on a manufactured home lot and the person, either directly or through an agent, leases the manufactured home to another person, the rental agreement or lease must include, in addition to any other information required by law, the following information:

- 1. The name and address of the person who owns the manufactured home;*
- 2. The year the manufactured home was manufactured;*
- 3. The year the manufactured home was moved into the manufactured home park;*
- 4. The year the person acquired the manufactured home; and*
- 5. The date of each inspection of the manufactured home.*

Sec. 6. 1. Except as otherwise provided in this section, all money collected from administrative fines imposed pursuant to this chapter must be deposited in the State General Fund.

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

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

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

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

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

Amend the bill as a whole by deleting sections 7 through 9 and adding:

"Secs. 7-9. (Deleted by amendment)."

Amend the bill a whole by deleting sec. 9.3 and adding a new section designated sec. 9.3, following section 9.1, to read as follows:

"Sec. 9.3. NRS 118B.095 is hereby amended to read as follows:

118B.095 1. The landlord shall authorize each manager and assistant manager to make repairs himself or enter into a contract with a third party for the repairs. *If the repairs are subject to the provisions of section 2 of this act, the repairs must be made in compliance with the provisions of that section.*

2. Except as otherwise provided in subsection 3, the manager shall contract with a third party to provide emergency repairs for the tenants on the occasions when the manager and assistant manager are not physically present in the park. The manager shall notify each tenant of the telephone number of the third party who will make the repairs, and direct the tenants to call him when an emergency repair is needed and the manager and assistant manager are not physically present in the park. The telephone number so provided must be that of the third party directly. The provision of the telephone number of an answering service does not fulfill this requirement. If the manager or assistant manager is present in the park, any request for repairs must be made to him and not the third party.

3. The provisions of subsection 2 do not apply to a manufactured home park that is owned by:

- (a) A nonprofit organization; or
- (b) A housing authority,

↪ if the nonprofit organization or housing authority has established an alternative method to provide emergency repairs for tenants in a timely manner.

4. As used in this section, "repairs" means only repairs to the property of the owner of the manufactured home park."

Amend sec. 9.5, page 5, by deleting lines 32 and 33 and inserting: "~~He~~ , or if a landlord is forced to close a manufactured home park because of a valid order of a state or local governmental agency or court requiring the closure of the manufactured home park permanently for health or safety reasons, the landlord shall pay the".

Amend sec. 9.7, page 6, by deleting lines 28 and 29 and inserting: "body . ~~[, and:]~~ In addition to any other reasons, a landlord may apply for such approval if the landlord is forced to close the manufactured home park because of a valid order of a state or local governmental agency or court requiring the closure of the manufactured home park for health or safety reasons.

2. The landlord may undertake a conversion pursuant to this section only if:"

Amend sec. 9.7, page 7, by deleting line 14 and inserting:

"~~[2:]~~ 3. Notice sent pursuant to paragraph (a) of subsection ~~[1]~~ 2 or an".

Amend sec. 9.7, page 7, line 16, by deleting "1" and inserting "~~[1]~~ 2".

Amend sec. 9.7, page 7, line 18, by deleting "3." and inserting "~~[3:]~~ 4."

Amend sec. 9.7, page 7, line 22, by deleting "4." and inserting "~~[4:]~~ 5."

Amend sec. 9.9, page 7, by deleting lines 28 through 30 and inserting: "commission or governing body . ~~[-and]~~ *In addition to any other reasons, a landlord may apply for such approval if the landlord is forced to close the manufactured home park because of a valid order of a state or local governmental agency or court requiring the closure of the manufactured home park for health or safety reasons.*

2. *The landlord may undertake a conversion pursuant to this section only if:*"

Amend sec. 9.9, page 7, line 34, by deleting: "2 or 3," and inserting: "~~{2 or~~ 3,} 3 or 4,".

Amend sec. 9.9, page 7, line 42, by deleting "2." and inserting "~~{2.}~~ 3."

Amend sec. 9.9, page 8, line 10, by deleting "3." and inserting "~~{3.}~~ 4."

Amend sec. 9.9, page 8, line 18, by deleting "4." and inserting "~~{4.}~~ 5."

Amend sec. 9.9, page 8, line 21, by deleting "5." and inserting "~~{5.}~~ 6."

Amend sec. 9.9, page 8, line 29, by deleting "6." and inserting "~~{6.}~~ 7."

Amend sec. 11, page 9, line 22, by deleting: "12 to 13.7," and inserting: "11.3 to 13.8,".

Amend the bill as a whole by adding new sections designated sections 11.3 through 11.7, following sec. 11, to read as follows:

"Sec. 11.3. 1. *The Division shall:*

(a) *Provide to each owner of a mobile home park a checklist of the provisions of this chapter which must include, without limitation:*

(1) *Contact information regarding the Division; and*

(2) *A simple description of each provision of this chapter; and*

(b) *Update the checklist each time a provision of this chapter is added, amended or repealed.*

2. *Each owner of a mobile home park shall provide a copy of the checklist to each manager and assistant manager of the mobile home park.*

3. *In preparing the checklist pursuant to this section, the Division may consult with any public or private entities, including, without limitation, the representatives of owners and tenants of mobile home parks.*

4. *As used in this section, "manager" has the meaning ascribed to it in NRS 118B.0145.*

Sec. 11.5. *A city or county shall not issue a business license for a mobile home park unless the person applying for the business license provides written proof from the agency for enforcement that the mobile home park is in compliance with all applicable fire, health and safety codes and regulations and the provisions of this chapter and any regulations adopted pursuant thereto.*

Sec. 11.7. 1. *If a person applies for the initial business license for a mobile home park or acquires ownership of a mobile home park, the person shall, within 3 business days, notify the local fire department within whose jurisdiction the mobile home park is located.*

2. *Upon receiving notice pursuant to subsection 1, the local fire department shall inspect the mobile home park for fire hazards and*

compliance with applicable fire codes and regulations and shall notify the Administrator of any violations."

Amend sec. 12, page 9, line 26, before *"health"* by inserting *"applicable"*.

Amend sec. 12, page 9, line 31, by deleting *"that 3"* and inserting: *"than 3 business"*.

Amend sec. 12, page 9, line 34, before *"days"* by inserting *"business"*.

Amend sec. 13, page 9, lines 36 and 37, by deleting: *"State Health Officer or the"*.

Amend sec. 13, page 9, line 41, by deleting: *"State Health Officer or the"*.

Amend sec. 13, page 10, by deleting line 1 and inserting: *"inspection, the city, county or district board of health shall"*.

Amend sec. 13, page 10, by deleting line 5 and inserting:

"4. The governing body of a city or county or the city, county or district board of health may".

Amend sec. 13.3, page 10, by deleting lines 10 through 14 and inserting: *"exists in the park chronic conditions that render mobile homes in the park substandard pursuant to NRS 461A.120."*

Amend sec. 13.7, page 10, by deleting lines 16 and 17 and inserting: *"a mobile home park is in violation of any applicable health or safety code or regulation or is in violation of any provision of this chapter or any regulation adopted pursuant thereto, the local agency for enforcement shall notify"*.

Amend the bill as a whole by adding new sections designated sections 13.8 and 13.9, following sec. 13.7, to read as follows:

"Sec. 13.8. 1. Except as otherwise provided in this section, all money collected from administrative fines imposed pursuant to this chapter must be deposited in the State General Fund.

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

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

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

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

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

Sec. 13.9. NRS 461A.220 is hereby amended to read as follows:

461A.220 1. A person shall not:

(a) Construct a mobile home park; or

(b) Construct or alter lots, roads or other facilities in a mobile home park, unless he has obtained a construction permit from the agency for enforcement.

2. Each agency for enforcement may charge and collect reasonable fees, specified by ordinance or regulation, for its services.

3. Except as otherwise provided in NRS 489.265 ~~and~~ *and section 13.8 of this act*, money collected by the Division pursuant to this chapter must be deposited in the State Treasury for credit to the Fund for Manufactured Housing ~~created pursuant to NRS 489.491~~. Expenses of enforcement of this chapter must be paid from the Fund."

Amend sec. 14, page 10, by deleting lines 40 through 42 and inserting: *"each day of a continuing violation."*

Amend sec. 15, page 11, line 10, by deleting "or" and inserting "for".

Amend the title of the bill to read as follows:

"AN ACT relating to manufactured housing; enacting provisions relating to repairs and connection of utilities in manufactured home parks; requiring landlords of manufactured home parks to disclose to tenants certain information regarding utility charges; requiring certain information to be included in rental agreements and leases for certain manufactured homes; revising provisions governing the administrative powers and duties of the Manufactured Housing Division of the Department of Business and Industry; revising provisions relating to the closure of manufactured home parks for health and safety reasons; requiring the Division to provide certain information to owners of mobile home parks; requiring certain inspections of mobile home parks; prohibiting the operation of mobile home parks without certain approvals and permits; revising provisions governing the condemnation of mobile home parks; authorizing the imposition of certain administrative fines; requiring all manufactured homes, mobile homes, commercial coaches and travel trailers sold or used for residential purposes in this State to be equipped with a smoke detector; providing penalties; and providing other matters properly relating thereto."

Senator Schneider moved the adoption of the amendment.

Remarks by Senator Schneider.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 427.

Bill read second time.

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

Amendment No. 674.

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

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

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

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

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

2. *The term does not include:*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Amend sec. 7, page 4, line 22, by deleting "*his*" and inserting "*any*".

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

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

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

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

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

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

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

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

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

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

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

Amend sec. 11, page 5, by deleting line 10 and inserting: "*homes, mobile homes [] or commercial coaches, and responsible managing employees*".

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

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

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

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

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

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

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

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

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

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

Senator Schneider moved the adoption of the amendment.

Remarks by Senator Schneider.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 437.

Bill read second time.

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

Amendment No. 707.

Amend section 1, page 1, by deleting lines 6 and 7 and inserting: "*post in a conspicuous and readily accessible place in the community or recreational facility in the manufactured home park or other common area in the manufactured home park, or provide to each tenant who is individually billed for the utility charges:*

1. *A copy of the utility bill for the park; and*
2. *A statement indicating the portion of the utility bill for which each tenant is responsible.*"

Amend sec. 3, page 3, by deleting lines 2 through 5 and inserting: "~~appoint a natural person, not the manager or assistant manager, who possesses a financial interest in the manufactured home park to~~ a:

(a) Sole proprietorship, the owner or an authorized agent or representative designated by the owner who has working knowledge of the operations of the park and authority to make decisions shall meet with the tenants."

Amend sec. 7, page 7, by deleting lines 37 through 41 and inserting:

"118B.177 1. If a landlord closes a manufactured home park ~~[he]~~, or if a landlord is forced to close a manufactured home park because of a valid order of a state or local governmental agency or court requiring the closure of the manufactured home park permanently for health or safety reasons, the landlord shall pay the amount described in subsection 2 or 3, in".

Amend sec. 8, page 9, by deleting lines 32 through 36 and inserting:

"*(a) For 180 days before ~~[applying]~~ filing an application for a change in land use, permit or variance affecting the manufactured home park ~~[+]~~; or*

(b) At any time after filing an application for a change in land use, permit or variance affecting the manufactured home park unless:

(1) The landlord withdraws the application or the appropriate local zoning board, planning commission or governing body denies the application; and

(2) The landlord continues to operate the manufactured home park after the withdrawal or denial."

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

"Sec. 11. This act becomes effective on July 1, 2005."

Senator Schneider moved the adoption of the amendment.

Remarks by Senator Schneider.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 440.

Bill read second time and ordered to third reading.

Assembly Bill No. 528.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 802.

Amend section 1, page 1, line 14, after "*restraint*;" by inserting "*or*".

Amend section 1, pages 1 and 2, by deleting lines 15 through 17 on page 1 and lines 1 through 10 on page 2.

Amend section 1, page 2, line 11, by deleting "*(i)*" and inserting "*(d)*".

Senator Amodei moved the adoption of the amendment.

Remarks by Senator Amodei.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 531.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 804.

Amend section 1, page 1, line 10, by deleting: "*a first responder*" and inserting "*another person*".

Amend section 1, page 2, line 1, by deleting: "*while performing his official duties*".

Amend section 1, page 2, line 4, after "*person*" by inserting: "*who committed the offense*".

Amend section 1, page 2, by deleting line 16 and inserting: "*compounded, another person suffers death*".

Amend section 1, page 2, line 17, by deleting "*official duties*".

Amend section 1, pages 2 and 3, by deleting lines 34 through 44 on page 2 and lines 1 through 9 on page 3, and inserting:

"4. *As used in this section, "premises" means:*"

Amend section 1, page 3, line 10, by deleting "(1)" and inserting "(a)".

Amend section 1, page 3, line 14, by deleting "(2)" and inserting "(b)".

Amend sec. 2, page 3, line 31, by deleting "*subsection 1*" and inserting "*subsection 2*".

Amend the title of the bill, second line, by deleting "*first responder*" and inserting "*person*".

Amend the summary of the bill to read as follows:

"SUMMARY—Provides additional or alternative penalty if person suffers substantial bodily harm or death during discovery or cleanup of premises wherein certain controlled substances were unlawfully manufactured or compounded. (BDR 40-105)".

Senator Amodei moved the adoption of the amendment.

Remarks by Senator Amodei.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 546.

Bill read second time and ordered to third reading.

Assembly Joint Resolution No. 6.

Resolution read second time and ordered to third reading.

Assembly Joint Resolution No. 11 of the 72nd Session.

Resolution read second time and ordered to third reading.

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

Motion carried.

Senate in recess at 1:11 p.m.

SENATE IN SESSION

At 1:20 p.m.

President Hunt presiding.

Quorum present.

GENERAL FILE AND THIRD READING

Senate Bill No. 56.

Bill read third time.

Roll call on Senate Bill No. 56:

YEAS—20.

NAYS—None.

EXCUSED—Horsford.

Senate Bill No. 56 having received a constitutional majority,
Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 156.

Bill read third time.

Roll call on Senate Bill No. 156:

YEAS—20.

NAYS—None.

EXCUSED—Horsford.

Senate Bill No. 156 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.

Roll call on Senate Bill No. 310:

YEAS—20.

NAYS—None.

EXCUSED—Horsford.

Senate Bill No. 310 having received a constitutional majority,
Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 392.

Bill read third time.

The following amendment was proposed by Senators Care and Amodei:

Amendment No. 992.

Amend the bill as a whole by adding a new section designated sec. 24.5,
following sec. 24, to read as follows:

"Sec. 24.5. NRS 363A.120 is hereby amended to read as follows:

363A.120 1. There is hereby imposed an excise tax on each bank at the
rate of \$1,750 for each branch office *maintained by the bank in this State* in
excess of one *branch office* maintained by the bank *in each county* in this
State on the first day of each calendar quarter.

2. Each bank that maintains more than one branch office *in any county* in this State on the first day of a calendar quarter shall, on or before the last day of the first month of that calendar quarter:

(a) File with the Department a return on a form prescribed by the Department; and

(b) Remit to the Department any tax due pursuant to this section for the branch offices maintained by the bank in this State on the first day of that calendar quarter.

3. For the purposes of this section:

(a) "Bank" means:

(1) A corporation or limited-liability company that is chartered by this State, another state or the United States which conducts banking or banking and trust business; or

(2) A foreign bank licensed pursuant to chapter 666A of NRS.

↪ The term does not include a financial institution engaging in business pursuant to chapter 677 of NRS, a credit union organized under the provisions of chapter 678 of NRS or the Federal Credit Union Act, or any person or other entity this State is prohibited from taxing under the Constitution, laws or treaties of the United States or the Nevada Constitution.

(b) "Branch office" means any location or facility of a bank where deposit accounts are opened, deposits are accepted, checks are paid and loans are granted, including, but not limited to, a brick and mortar location, a detached or attached drive-in facility, a seasonal office, an office on a military base or government installation, a station or unit for paying and receiving, and a location where a customer can open accounts, make deposits and borrow money by telephone or through use of the Internet, and excluding any automated teller machines, consumer credit offices, contractual offices, customer bank communication terminals, electronic fund transfer units and loan production offices."

Amend the bill as a whole by renumbering sections 49 and 50 as sections 50 and 51 and adding a new section designated sec. 49, following sec. 48, to read as follows:

"Sec. 49. 1. An employer may deduct from the total amount of wages reported and upon which the excise tax is imposed pursuant to NRS 363A.130 for the Fiscal Year 2007-2008 and the Fiscal Year 2008-2009, in addition to any amount the employer is entitled to deduct pursuant to section 20 of this act, an amount which is equal to any amount the employer is entitled to deduct pursuant to section 20 of this act.

2. An employer may deduct from the total amount of wages reported and upon which the excise tax is imposed pursuant to NRS 363B.110 for the Fiscal Year 2007-2008 and the Fiscal Year 2008-2009, in addition to any amount the employer is entitled to deduct pursuant to section 28 of this act, an amount which is equal to any amount the employer is entitled to deduct pursuant to section 28 of this act.

3. For the purposes of:

(a) Subsection 1, "employer" has the meaning ascribed to it in NRS 363A.030, as amended by this act.

(b) Subsection 2, "employer" has the meaning ascribed to it in NRS 363B.030, as amended by this act."

Amend sec. 50, page 30, by deleting line 40 and inserting:

"Sec. 51. 1. This section and sections 1 to 24, inclusive, and 25 to 50, inclusive, of this act become effective on July 1, 2005.

2. Section 24.5 of this act becomes effective on July 1, 2007."

Amend the title of the bill, fourth line, after "entertainment;" by inserting: "providing for a temporary increase in the amount of certain deductions regarding certain taxes on businesses;"

Senator Care moved the adoption of the amendment.

Remarks by Senators Care, Raggio, Titus, Amodei and McGinness.

Conflict of interest declared by Senator Mathews.

Conflict of interest declared by Senator Coffin.

Conflict of interest declared by Senator Townsend.

Conflict of interest declared by Senator Raggio.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 461.

Bill read third time.

Roll call on Senate Bill No. 461:

YEAS—13.

NAYS—Care, Carlton, Coffin, Lee, Mathews, Titus, Wiener—7.

EXCUSED—Horsford.

Senate Bill No. 461 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 510.

Bill read third time.

Roll call on Senate Bill No. 510:

YEAS—20.

NAYS—None.

EXCUSED—Horsford.

Senate Bill No. 510 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 511.

Bill read third time.

Roll call on Senate Bill No. 511:

YEAS—20.

NAYS—None.

EXCUSED—Horsford.

Senate Bill No. 511 having received a constitutional majority,
Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 15.

Bill read third time.

Roll call on Assembly Bill No. 15:

YEAS—20.

NAYS—None.

EXCUSED—Horsford.

Assembly Bill No. 15 having received a constitutional majority,
Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 51.

Bill read third time.

Roll call on Assembly Bill No. 51:

YEAS—20.

NAYS—None.

EXCUSED—Horsford.

Assembly Bill No. 51 having received a constitutional majority,
Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 59.

Bill read third time.

Roll call on Assembly Bill No. 59:

YEAS—19.

NAYS—None.

NOT VOTING—Raggio.

EXCUSED—Horsford.

Assembly Bill No. 59 having received a constitutional majority,
Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 83.

Bill read third time.

Roll call on Assembly Bill No. 83:

YEAS—20.

NAYS—None.

EXCUSED—Horsford.

Assembly Bill No. 83 having received a constitutional majority,
Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 114.

Bill read third time.

Roll call on Assembly Bill No. 114:

YEAS—20.

NAYS—None.

EXCUSED—Horsford.

Assembly Bill No. 114 having received a constitutional majority,
Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 145.

Bill read third time.

Roll call on Assembly Bill No. 145:

YEAS—20.

NAYS—None.

EXCUSED—Horsford.

Assembly Bill No. 145 having received a constitutional majority,
Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 156.

Bill read third time.

Roll call on Assembly Bill No. 156:

YEAS—20.

NAYS—None.

EXCUSED—Horsford.

Assembly Bill No. 156 having received a constitutional majority,
Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 190.

Bill read third time.

The following amendment was proposed by Senator Amodei:

Amendment No. 740.

Amend section 1, page 2, by deleting lines 24 and 25 and inserting:

"3. *This section does not apply to:*

(a) A law enforcement officer conducting a criminal investigation or surveillance;

(b) A building inspector, building official or other similar authority employed by a governmental body while performing his duties; or

(c) An employee of a public utility while performing his duties."

Amend the title of the bill by deleting the fifth and sixth lines and inserting: "law enforcement officers, building inspectors and employees of a public utility performing their duties from the prohibition;"

Amend the summary of the bill to read as follows:

"SUMMARY—Prohibits certain persons from entering upon certain property with intent to surreptitiously conceal themselves on property and

peer, peep or spy through opening in building or other structure used as dwelling. (BDR 15-631)".

Senator Amodei moved the adoption of the amendment.

Remarks by Senators Amodei and Coffin.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 215.

Bill read third time.

Roll call on Assembly Bill No. 215:

YEAS—19.

NAYS—None.

NOT VOTING—Raggio.

EXCUSED—Horsford.

Assembly Bill No. 215 having received a constitutional majority,
Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 232.

Bill read third time.

Roll call on Assembly Bill No. 232:

YEAS—20.

NAYS—None.

EXCUSED—Horsford.

Assembly Bill No. 232 having received a two-thirds majority,
Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 259.

Bill read third time.

Roll call on Assembly Bill No. 259:

YEAS—20.

NAYS—None.

EXCUSED—Horsford.

Assembly Bill No. 259 having received a constitutional majority,
Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 323.

Bill read third time.

Roll call on Assembly Bill No. 323:

YEAS—20.

NAYS—None.

EXCUSED—Horsford.

Assembly Bill No. 323 having received a constitutional majority,
Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 379.

Bill read third time.

Roll call on Assembly Bill No. 379:

YEAS—19.

NAYS—McGinness.

EXCUSED—Horsford.

Assembly Bill No. 379 having received a constitutional majority,
Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 404.

Bill read third time.

Roll call on Assembly Bill No. 404:

YEAS—20.

NAYS—None.

EXCUSED—Horsford.

Assembly Bill No. 404 having received a constitutional majority,
Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 407.

Bill read third time.

Roll call on Assembly Bill No. 407:

YEAS—20.

NAYS—None.

EXCUSED—Horsford.

Assembly Bill No. 407 having received a constitutional majority,
Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 421.

Bill read third time.

Roll call on Assembly Bill No. 421:

YEAS—20.

NAYS—None.

EXCUSED—Horsford.

Assembly Bill No. 421 having received a constitutional majority,
Madam President declared it passed.

Bill ordered transmitted to the Assembly.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Raggio moved that Assembly Bills Nos. 248, 426, 443, 454, 458, 471, 475, 477, 483, 510, 519, 521, 542 be taken from the General File and placed on the General File for the next legislative day.

Remarks by Senator Raggio.

Motion carried.

REPORTS OF COMMITTEES

Madam President:

Your Committee on Human Resources and Education, to which was referred Assembly Bill No. 369, 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*

MOTIONS, RESOLUTIONS AND NOTICES

Senator Titus gave notice that on the next legislative day she would move to reconsider the vote whereby Assembly Bill No. 83 was this day passed.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the President and Secretary signed Senate Bills Nos. 77, 382; Assembly Bills Nos. 26, 32, 40, 104, 105, 124, 141, 165, 341, 351; Assembly Joint Resolution 8.

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 students from Home Schools from Nevada and the following students, teachers and chaperones from the Eagle Valley Middle School: Amy Armstrong, Josh Barham, Cody Barker, Kevin Conrad, Adam Conway, Alex Crouch, Zachary Devall, William Flores, Collin Grischott, Andria Love, Marlene Loza, Brenda Luquin, Maria Magana, Brittney Martin, Sharon Montiel, Joe Neubel, Tyler Parnell, Josh Paul, Chelsey Perkins, Mario Ramirez, Mark Rogers, Tyler Roll, Moises Romo, Alyssa Rumsey, Taran Santiago, Brennan Shaffer, Dylan Strom, Luis Viramontes, Stacia Woomer, Brittany Wyatt, David Yanez, Samantha Fishburn, Shelly Mason, Niko Brewer, Luis Aguilar, Christian Anguiano, Autumn Barron, Jessica Calderon, Luke Carter, Michael Ceccarelli, Katie Cox, Cynthia Galicia, Brandon Gray, Cristian Guerra, Megan Hein, Guillermo Hernandez, Raymond Mansi, Brittani Maxwell, Rachel McHam, Jose Medrano, Neigena Mobaligh, Erika Newlin, Meagan Nuckolls, Alicia Paras, Katherine Pierrott, Kyle Ritter, Gerardo Rivera, Laura Sosa, Rachel Thorson, Justin Toombs, Ashley Turner, Richard Viveros, Kacie Sausedo, Allan Fromeyer, Raymond Jacobo, Raul Castro, Luke Echeverria, Anthony Romo, Brandon Saunders, Kenny Rees, Bryan Akerley, Kellie Cox, Linzey Davis, Aurora Duenas, Alyssa Fajayan, Chantel Good, Trevor Goodale, Elliott Grundy, Seth Hartley, Amber Ingram, Megan Jackson, Jennifer Johnson, Philip Martineau, Max Kilgore, Dom Mariani, Stephanie Medina, Craig Newsome, Eric Novak, Jasmine Olivares, Josh Peacock, Evan Pearson, Kyle Perry, Jonathan Ramirez, Olivia Roberts, Heather Saporito, Julian Tijerin, Monica Torres, Jonathan Tucker, Janelle Yount, Mariol Munoz, Brandon Baxter, Eric Gonzalez, Katie Cowperthwaite, Jose Ayala, Jake Painter, Nikolai Vasquez, Robert Powers, Morgan Adams, Jennifer Borges, Michael Brentlinger, Chris Brewer, Lorena Cedano, Alejandro Contreras, Hannah Dudley, Nathan Eng, Daniel Gallegos, Jacob Houser, Justin Jones, Krystina Kane, Eddie Jones, Nhobelyn Kho, Samantha Lee, Justin Light,

Juan Carlos Lopez, Mariah Martinez, Anna Martinez, Will Morrison, Amanda Otto, Ariel Sanchez, Caelan Sanders, Charlie Tucker, Lisa Villagra, Brittany Walker, Jared Wells, Chris Wendell, Samuel White, Juan Espinosa, Joe Benavidez, Amie Dunn, Brett Myers, Patricia Aguirre, Chris Paras, Skylar Peterson; chaperones and teachers: Janet Ingram, Jill Brewer, Steve Crouch, Marcia Conway, Wendy Maxwell, Becky Ritter, Lourdes McGowan, Bob Evans, Guy Perry and Laurie Rumsey.

On request of Senator Nolan, the privilege of the floor of the Senate Chamber for this day was extended to Gretchen Erga.

On request of Senator Raggio, the privilege of the floor of the Senate Chamber for this day was extended to Dale Raggio and Mrs. Gerald Lilley.

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

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 Nate Mack Elementary School: Claire Cushing, Caroline Denué, Heather Tivas, Jonathan Anderson, Kara Overlien, Shannon McNich, Brock Yard, Drew Roberson, Brady Wilson, Andrew Vigil, Demetri Church, Jaina Allen, Tatiana Woodrum, Jasmin Huges, Victoria Hillenbrand, Skylar Cook, Lexi Wells, Irma Burciaga, Heidi Petersen, Cera Bruggenwirth, Cassidy McGee, Baleigh Clark, Mackenzie Merrick, Elise McCord, Kyle Haigwood, Shalen Smith, Nathan Palmer, Kayden Mallory, Zachary Barkin, John Ellis, Jenna Swaffer, Chloe Martell, Jennifer Taboada, Taelor Monroe, Kory Brandt, Bryce Luther, Robby Tyra, Kennedy Robertson, Ray Methola, Andrew Ortega, Donovan Seitzinger, Savannah Marrs, Savannah Pike, Nikki Russell, Hayley Schneider, Devonne Williams, Anthony DiPietro, Yasmin Reyes, Karlee Tanksley; chaperones and teachers: Mrs. Cushing, Mrs. Denué, Mrs. Tivas, Mr. Anderson, Mrs. Anderson, Mrs. Yard, Mrs. Roberson, Mr. Wilson, Mr. Mearideth, Mrs. Allen, Mr. Woodrum, Mrs. Hughes, Mr. Hillenbrand, Mrs. Cook, Mrs. Petersen, Mrs. Bruggenwirth, Mrs. McGee, Mrs. Clark, Mr. Haigwood, Mrs. Swaffer, Ms. Carson, Mrs. Luther, Ms. Martin, Mrs. Seitzinger, Ms. Robertson, Mrs. Nelson, Mrs. Camman, Mr. Bichsel, Mrs. Bichsel and Ms. Songer.

On request of Senator Townsend, the privilege of the floor of the Senate Chamber for this day was extended to the following students and teachers from the Mariposa Academy Charter School: Ramiro Aguilar, Melissa Fernandez, Gerardo Flores, Jose Garcia, Edith Gonzalez, Alexandra Lara, Erica Martinez, Lorena Martinez, Jonathan Navarro, Alvaro Perez, Luis Perez, Jocelyn Ramirez, Ruby Ramirez, Juan Rangel, Yesenia Razo, Alfred Salas, Adriana Torres, Edith Torres, David Urrutia, Jose Gomez, Hugo Hernandez, Stephanie Anguiano, Ivan Ayala, Etienne Agiurre, Ramiro Garcia, Jerman Gonzalez, Karla Hernandez, Jimmy Kolesar, Yadira Lopez,

Maria Lena Magana, Daniela Martin, Rogelio Martinez, Brenda Perez, Maria Perez, Noe Reyes, Rocio Reyes, Cody Rose, Gabriela Soto, Josue Soto; teachers: Karon Dutcher and Linda Doty.

Senator Raggio moved that the Senate adjourn until Thursday, May 26, 2005, at 11 a.m.

Motion carried.

Senate adjourned at 1:58 p.m.

Approved:

LORRAINE T. HUNT
President of the Senate

Attest: CLAIRE J. CLIFT
Secretary of the Senate