

THE ONE HUNDRED AND NINTH DAY

CARSON CITY (Thursday), May 26, 2005

Senate called to order at 12:42 p.m.

President Hunt presiding.

Roll called.

All present.

Prayer by the Chaplain, Reverend Dixie Jennings-Teats.

Guide our feet, Lord, while we run this race.

Give us the inner resources not only to persevere in difficulties but also to make each step we take one that is worthy of Your blessing upon us.

Remind us of all of those You bless, everyone and thing in Your creation.

Remind us of our common vision, a whole future, Shalom for all Your people.

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. 19, 364, 384, 496, 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 Government Affairs, to which was referred Assembly Bill No. 210, 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 Judiciary, to which were referred Assembly Bills Nos. 365, 485, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARK E. AMODEI, *Chair*

Madam President:

Your Committee on Transportation and Homeland Security, to which was referred Assembly Bill No. 249, has had the same under consideration, and begs leave to report the same back with the recommendation: Rerefer to the Committee on Finance.

DENNIS NOLAN, *Chair*

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, May 25, 2005

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day passed Senate Bills Nos. 71, 78, 112, 133, 201, 225, 229, 255, 295, 315, 318, 354.

Also, I have the honor to inform your honorable body that the Assembly on this day passed, as amended, Assembly Bills Nos. 3, 103, 154, 338, 385, 403, 498, 525.

Also, I have the honor to inform your honorable body that the Assembly amended, and on this day passed, as amended, Senate Bill No. 134, Amendment No. 760; Senate Bill No. 146, Amendment No. 940; Senate Bill No. 152, Amendment No. 720; Senate Bill No. 173, Amendment No. 797; Senate Bill No. 174, Amendment No. 751; Senate Bill No. 175, Amendment No. 856; Senate Bill No. 218, Amendment No. 822; Senate Bill No. 219, Amendment No. 875; Senate Bill No. 226, Amendment No. 705; Senate Bill No. 269, Amendment No. 757; Senate Bill No. 276, Amendment No. 721; Senate Bill No. 353, Amendment No. 852; Senate Bill No. 367, Amendment No. 838; Senate Bill No. 381, Amendment No. 761, and respectfully requests your honorable body to concur in said amendments.

DIANE KEETCH

Assistant Chief Clerk of the Assembly

WAIVERS AND EXEMPTIONS

NOTICE OF EXEMPTION

May 25, 2005

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the exemption of: Senate Bills Nos. 306, 462.

MARK STEVENS

Fiscal Analysis Division

MOTIONS, RESOLUTIONS AND NOTICES

Senator Nolan moved that Assembly Bill No. 249 be rereferred to the Committee on Finance.

Remarks by Senator Nolan.

Motion carried.

Senator Raggio moved that for the next two legislative days, all bills and joint resolutions reported out of committee with amendments be immediately placed on the Second Reading File on the next agenda, time permitting.

Remarks by Senator Raggio.

Motion carried.

Senator Raggio moved that all necessary rules be suspended and that reading so far had considered second reading and that all bills and joint resolutions reported out of committee with a "do pass" be declared emergency measures under the Constitution and be immediately placed on third reading and final passage on the next agenda, time permitting, for the next two legislative days.

Remarks by Senator Raggio.

Motion carried.

Senator Amodei moved that Assembly Bill No. 219 be taken from the Secretary's desk and placed on the bottom of the General File.

Remarks by Senator Care.

Motion carried.

Senator Mathews moved that Assembly Bill No. 260 be taken from the General File and placed on the Secretary's desk.

Remarks by Senator Mathews.

Motion carried.

Senator Cegavske moved that Assembly Bill No. 443 be taken from the General File and placed on the Secretary's desk.

Remarks by Senator Cegavske.

Motion carried.

Senator Washington moved that Assembly Bill No. 521 be taken from the General File and placed on the Secretary's desk.

Remarks by Senator Washington.

Motion carried.

Senator Nolan moved that Assembly Bill No. 327 be taken from the General File and placed on the General File for the next legislative day.

Remarks by Senator Nolan.

Motion carried.

Senator Hardy moved that Assembly Bill No. 39 be taken from the Second Reading File and placed on the Second Reading File for the next legislative day.

Remarks by Senator Hardy.

Motion carried.

Senator Townsend moved that Assembly Bill No. 290 be taken from the General File and placed on the General File for the next legislative day.

Remarks by Senator Townsend.

Motion carried.

Senator Townsend 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 Townsend.

Motion carried.

Senator Tiffany moved that Assembly Bill No. 221 be taken from the General File and placed on the Secretary's desk.

Remarks by Senator Tiffany.

Motion carried.

Senator Mathews moved that Assembly Bill No. 440 be taken from the General File and placed on the General File on the second agenda.

Remarks by Senator Mathews.

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.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Finance:

Senate Bill No. 517—AN ACT relating to recreation; extending the reversion date of certain appropriations from previous sessions for state park improvements; allowing certain money authorized for expenditure in previous sessions for state park improvements to be carried forward to each fiscal year of the 2005-2007 biennium; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Transportation and Homeland Security:

Senate Bill No. 518—AN ACT relating to civil emergencies; replacing the Interstate Civil Defense and Disaster Compact with the Emergency Management Assistance Compact; and providing other matters properly relating thereto.

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

Motion carried.

WAIVERS AND EXEMPTIONS

WAIVER OF JOINT STANDING RULE(S)

A Waiver requested by: Legislative Counsel.

For: Senate Bill No. 518.

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 25, 2005.

WILLIAM J. RAGGIO
Senate Majority Leader

RICHARD D. PERKINS
Speaker of the Assembly

INTRODUCTION, FIRST READING AND REFERENCE

Assembly Bill No. 3.

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

Motion carried.

Assembly Bill No. 103.

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

Motion carried.

Assembly Bill No. 154.

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

Motion carried.

Assembly Bill No. 338.

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

Motion carried.

Assembly Bill No. 385.

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

Motion carried.

Assembly Bill No. 403.

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

Motion carried.

Assembly Bill No. 498.

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

Motion carried.

Assembly Bill No. 525.

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

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 105.

Bill read second time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 964.

Amend section 1, page 1, line 4, after "Institute" by inserting: "and Center of Excellence".

Amend sec. 2, page 1, by deleting lines 8 and 9 and inserting: "June 30, 2009, and must be reverted to the State General Fund on or before September 18, 2009.".

Amend the title of the bill, third line, after "Institute" by inserting: "and Center of Excellence".

Amend the summary of the bill to read as follows:

"SUMMARY—Makes appropriation to University of Nevada School of Medicine for support of partnership with Nevada Cancer Institute and Center of Excellence. (BDR S-1225)".

Senator Raggio moved the adoption of the amendment.

Remarks by Senator Raggio.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Raggio moved that Senate Bill No. 357 be taken from the Second Reading File and placed on the bottom of the Second Reading File.

Remarks by Senator Raggio.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 515.

Bill read second time and ordered to third reading.

Assembly Bill No. 42.

Bill read second time.

The following amendment was proposed by the Committee on Human Resources and Education:

Amendment No. 847.

Amend section 1, page 2, lines 3, 8 and 10, by deleting "*person or*".

Amend section 1, page 2, by deleting lines 12 through 16 and inserting: "*legal obligation if, before issuing the order, the court provides notice and an opportunity to be heard to the governmental entity.*".

Amend sec. 3, page 4, by deleting lines 10 and 11 and inserting: "resides within this State.

~~[(b) If practicable, together with his siblings.]".~~

Amend sec. 4, page 5, by deleting line 21 and inserting: "*a person refuses to comply with or disobeys an order issued pursuant to this*".

Amend the title of the bill, fourth and fifth lines, by deleting: "person or governmental entity who" and inserting: "governmental entity which".

Senator Washington moved the adoption of the amendment.

Remarks by Senator Washington.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 43.

Bill read second time.

The following amendment was proposed by the Committee on Human Resources and Education:

Amendment No. 848.

Amend section 1, pages 2 and 3, by deleting lines 3 through 42 on page 2 and lines 1 through 8 on page 3, and inserting:

"1. *An agency which provides child welfare services shall ensure that each child it places in a foster home is able to:*

(a) *Attend and participate in a court hearing which affects the child, to the extent authorized by law;*

(b) *Be informed of any plan adopted for his permanent placement pursuant to NRS 432B.553 and of any changes made to the plan, if the child is over 12 years of age;*

(c) Receive information concerning his placement and be informed of any changes concerning his placement; and

(d) Have fair and equal access to services, placement and care.

2. Each provider of foster care shall provide wise care and management for each child placed in his care, including, without limitation, the provision of:

(a) A safe, healthy and comfortable environment;

(b) Respectful treatment;

(c) Freedom from:

(1) Abuse or neglect, as defined in NRS 432B.020;

(2) Corporal punishment, as defined in NRS 388.5225; and

(3) Being locked in any room, building or premises of the foster home;

(d) An education as required by law;

(e) Adequate and healthy food and adequate clothing; and

(f) Medical care, including dental, vision and mental health services, paid for with money of the State of Nevada, the Federal Government or a local government.

3. Except as otherwise prohibited by a court order, each provider of foster care shall provide an opportunity for each child placed in his care to:

(a) Contact a family member, social worker, attorney, advocate for children receiving foster care services, counsel or guardian ad litem appointed by a court and probation officer;

(b) Contact and visit his siblings;

(c) Confidentially contact and communicate with an agency which provides child welfare services concerning his care;

(d) Attend religious services of his choice;

(e) Maintain a bank account and manage personal income, consistent with the age and developmental level of the child, unless otherwise prohibited by an agency which provides child welfare services;

(f) Participate in extracurricular, cultural and personal enrichment activities which are consistent with the age and developmental level of the child;

(g) Work and develop job skills, to the extent authorized by law; and

(h) Attend a class or program concerning independent living for which he is qualified that is offered by an agency which provides child welfare services, the State of Nevada or any contractor or agent of the agency which provides child welfare services or of the State of Nevada.

➤ The opportunities set forth in this subsection are subject to reasonable restrictions by the provider of foster care as to the time, place and manner in which they are provided."

Amend section 1, page 3, line 9, by deleting "2." and inserting "4."

Amend the title of the bill, second line, by deleting "rights for" and inserting: "guidelines and requirements for the provision of care,

management, treatment, services and opportunities by agencies which provide child welfare services and providers of foster care to".

Amend the summary of the bill to read as follows:

"SUMMARY—Establishes certain guidelines and requirements for provision of care, management, treatment, services and opportunities to children who are placed in foster homes. (BDR 38-672)".

Senator Washington moved the adoption of the amendment.

Remarks by Senator Washington.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 64.

Bill read second time.

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

Amendment No. 872.

Amend sec. 2, page 3, lines 9 and 10, by deleting: "entitled to receive ~~annual compensation of \$6,000 or more~~ compensation other than travel and per diem expenses for serving" and inserting: "entitled to receive annual compensation of \$6,000 or more for serving".

Amend the title of the bill, by deleting the fourth through eighth lines and inserting: "exempting a person".

Senator Cegavske moved the adoption of the amendment.

Remarks by Senator Cegavske.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 87.

Bill read second time.

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

Amendment No. 924.

Amend the bill as a whole by deleting sections 1 through 5 and the text of the repealed section and adding new sections designated sections 1 through 4, following the enacting clause, to read as follows:

"Section 1. NRS 608.250 is hereby amended to read as follows:

608.250 1. Except as otherwise provided in this section, the *minimum wage which may be paid to employees in private employment within the State who are 18 years of age or older is \$6.40 per hour or the amount established by federal law, whichever is greater.*

2. *The Labor Commissioner shall, in accordance with federal law, establish by regulation the minimum wage which may be paid to employees in private employment within the State ~~[-]~~ who are under 18 years of age. The Labor Commissioner shall prescribe increases in ~~the~~ that minimum wage in accordance with those prescribed by federal law, unless he determines that those increases are contrary to the public interest.*

~~{2-}~~ 3. The provisions of ~~{subsection}~~ *subsections 1 and 2* do not apply to:

- (a) Casual babysitters.
- (b) Domestic service employees who reside in the household where they work.
- (c) Outside salespersons whose earnings are based on commissions.
- (d) Employees engaged in an agricultural pursuit for an employer who did not use more than 500 man-days of agricultural labor in any calendar quarter of the preceding calendar year.
- (e) Taxicab and limousine drivers.
- (f) Severely handicapped persons whose disabilities have diminished their productive capacity in a specific job and who are specified in certificates issued by the Rehabilitation Division of the Department of Employment, Training and Rehabilitation.

~~{3-}~~ 4. It is unlawful for any person to employ, cause to be employed or permit to be employed, or to contract with, cause to be contracted with or permit to be contracted with, any person for a wage less than that ~~{established by the Labor Commissioner}~~ *required to be paid to the person* pursuant to the provisions of this section.

Sec. 2. NRS 608.260 is hereby amended to read as follows:

608.260 If any employer pays any employee a lesser amount than the minimum wage ~~{prescribed by regulation of the Labor Commissioner}~~ *required to be paid to the employee* pursuant to the provisions of NRS 608.250, the employee may, at any time within 2 years, bring a civil action to recover the difference between the amount paid to the employee and the amount of ~~{the}~~ *that* minimum wage. A contract between the employer and the employee or any acceptance of a lesser wage by the employee is not a bar to the action.

Sec. 3. At the General Election on November 7, 2006, a question must be submitted to the registered voters of this State in substantially the following form:

Shall the minimum wage which may be paid to employees in private employment within the State who are 18 years of age or older be established by statute at \$6.40 per hour or the amount established by federal law, whichever is greater, subject to certain statutory exceptions?

Sec. 4. 1. This section and section 3 of this act become effective on October 1, 2005.

2. Sections 1 and 2 of this act become effective on October 1, 2006.

3. Sections 1 and 2 of this act expire by limitation on December 1, 2006:

(a) Unless the voters, at the General Election on November 7, 2006, approve the question submitted pursuant to section 3 of this act; or

(b) If the voters, at the General Election on November 7, 2006, approve the question amending the Nevada Constitution to raise the minimum wage paid to employees that was presented in the initiative petition entitled "Raise the Minimum Wage for Working Nevadans.""

Amend the title of the bill to read as follows:

"AN ACT relating to employment; establishing a statutory minimum wage for certain employees in this State; providing for the adjustment of the minimum wage; requiring the submission to the voters of a question regarding the minimum wage; and providing other matters properly relating thereto."

Senator Townsend moved the adoption of the amendment.

Remarks by Senator Townsend.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

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

Motion carried.

Senate in recess at 1:07 p.m.

SENATE IN SESSION

At 1:15 p.m.

President Hunt presiding.

Quorum present.

REMARKS FROM THE FLOOR

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

SENATOR CARLTON:

Thank you, Madam President. Amendment No. 924 on Assembly Bill No. 87, the minimum wage bill has been adopted; I have some questions and concerns about the amendment. This amendment is significantly different from the "Give Nevada a Raise" proposition that received overwhelming support in southern Nevada when it was on the ballot.

This amendment will put a competing measure on the ballot against the already voter-approved "Give Nevada a Raise." It is confusing. I have spent time trying to explain it to people. They will get a raise; they might get to keep it; then, they will take it away depending upon what happens with the two competing measures on the ballot. I would like to know, as far as the constitutional questions go, what if both of them pass. Which one will trump the other? Which one will we actually enact? Those are the comments I wish to be placed on the record.

SENATOR TOWNSEND:

Thank you, Madam President. With regards to my colleague I was going to go to Order of Business No. 16 at the end of session where I would be glad to answer all the questions regarding Amendment 924 to Assembly Bill No. 87.

SENATOR HORSFORD:

Thank you, Madam President. I, too, had some questions. I am not a member of the committee that discussed this bill and the amendment. Section 4 would make the increase in the wage effective October 1, 2006, while the voter-approved initiative clearly indicated that people needed a raise now. I do not understand that if we are going to agree to give Nevadans a raise, why we are delaying that action until October 1, 2006.

SENATOR TOWNSEND:

Thank you, Madam President. This amendment has already been voted on and adopted. Out of respect to the body, I am not trying to delay answering any questions. I would be happy to answer these questions for as long as is needed. I was trying to help the process move along by

addressing the questions at the end of session. I do not think it will change any votes, but I will do what the body wants and be happy to answer any questions.

SECOND READING AND AMENDMENT

Assembly Bill No. 142.

Bill read second time.

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

Amendment No. 841.

Amend sec. 5, page 2, by deleting lines 21 through 24 and inserting: "*must obtain an order of a court that requires the county assessor to maintain the personal information of the person in a confidential manner. Such an order must be based on a sworn affidavit by the person, which affidavit:*

(a) *States that the affiant qualifies as a person listed in section 6 of this act; and*

(b) *Sets forth sufficient justification for the request for confidentiality.*".

Amend sec. 8, page 4, lines 5 and 6, by deleting: "*station for a journalistic purpose.*" and inserting "*station.*".

Amend sec. 8, page 4, line 7, by deleting "A" and inserting: "*Except for a reporter or editorial employee described in paragraph (g) of subsection 1, a*".

Amend the bill as a whole by deleting sec. 16 and renumbering sec. 17 as sec. 16.

Senator Hardy moved the adoption of the amendment.

Remarks by Senators Hardy and Washington.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 169.

Bill read second time.

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

Amendment No. 729.

Amend section 1, page 2, line 10, by deleting "*registered*".

Amend section 1, page 2, line 13, by deleting: "*most recent registered*".

Amend section 1, page 2, by deleting lines 17 through 26 and inserting: "*1 and if the registration of the vehicle has not expired, the Department shall send by registered or certified mail, return receipt requested, a written notice to the owner of the vehicle stating that the owner must remove or cause the vehicle to be removed from the public lands within 30 days after the date on which the notice was sent.*

3. *If an owner receives a notice pursuant to subsection 2, the owner may submit to the Department an affidavit which states that the owner has taken action which meets the requirements of paragraph (a) or (b) of subsection 2 of NRS 487.220. If the owner submits such an affidavit, the Department:*

(a) *Shall maintain a record of the affidavit; and*

(b) *Shall not suspend the registration of each vehicle currently registered to that owner as otherwise required by subsection 4.*

4. *If an owner:*

(a) *Receives a notice pursuant to subsection 2;*

(b) *Fails to remove or cause the vehicle to be removed within the 30-day period set forth in that notice; and*

(c) *Does not submit an affidavit as described in subsection 3,*

➔ *the Department shall suspend the registration of each vehicle currently registered to the owner pursuant to chapter".*

Amend section 1, page 3, line 4, by deleting "4." and inserting "5.".

Amend section 1, page 3, line 5, by deleting "3," and inserting "4,".

Amend section 1, page 3, line 14, by deleting "5." and inserting "6.".

Amend sec. 3, pages 3 and 4, by deleting lines 41 through 44 on page 3 and line 1 on page 4, and inserting: "by the registered owner thereof. ~~[The]~~ Except as otherwise provided in section 1 of this act, the registered owner may ~~[not]~~ rebut this presumption by showing that ~~[he]~~ :

(a) *He transferred his interest in the abandoned vehicle ~~[unless he complied with]~~ :*

(1) *Pursuant to the provisions set forth in NRS 482.399 to 482.420, inclusive ~~[]~~ ; or*

(2) *As indicated by a bill of sale for the vehicle".*

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

"Sec. 4. NRS 487.230 is hereby amended to read as follows:

487.230 1. ~~[Any]~~ *Except as otherwise provided in section 1 of this act, any sheriff, constable, member of the Nevada Highway Patrol, officer of the Legislative Police, investigator of the Division of Compliance Enforcement of the Department, personnel of the Capitol Police Division of the Department of Public Safety, designated employees of the Manufactured Housing Division of the Department of Business and Industry, special investigator employed by the office of a district attorney, marshal or policeman of a city or town, or a marshal or park ranger who is part of a unit of specialized law enforcement established pursuant to NRS 280.125 who has reason to believe that a vehicle has been abandoned on public property in his jurisdiction may remove the vehicle from that property. At the request of the owner or person in possession or control of private property who has reason to believe that a vehicle has been abandoned on his property, the vehicle may be removed by the operator of a tow car or an automobile wrecker from that private property.*

2. *A person who authorizes the removal of an abandoned vehicle pursuant to subsection 1 shall:*

(a) *Have the vehicle taken to the nearest garage or other place designated for storage by:*

(1) *The state agency or political subdivision making the request, if the vehicle is removed from public property.*

(2) The owner or person in possession or control of the property, if the vehicle is removed from private property.

(b) Make all practical inquiries to ascertain if the vehicle is stolen by checking the license plate number, vehicle identification number and other available information which will aid in identifying the registered and legal owner of the vehicle and supply the information to the person who is storing the vehicle."

Amend the title of the bill by deleting the fourth and fifth lines and inserting: "under which the owner of an abandoned vehicle may rebut the presumption that he".

Senator Nolan moved the adoption of the amendment.

Remarks by Senator Nolan.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 183.

Bill read second time.

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

Amendment No. 860.

Amend the bill as a whole by deleting sections 1 through 3 and adding new sections designated sections 1 through 7, following the enacting clause, to read as follows:

"Section 1. Chapter 449 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. *"Licensed practical nurse" has the meaning ascribed to it in NRS 632.016.*

Sec. 3. *"Nursing assistant" has the meaning ascribed to it in NRS 632.0166.*

Sec. 4. *"Registered nurse" has the meaning ascribed to it in NRS 632.019.*

Sec. 5. NRS 449.001 is hereby amended to read as follows:

449.001 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 449.0015 to 449.019, inclusive, *and sections 2, 3 and 4 of this act* have the meanings ascribed to them in those sections.

Sec. 6. NRS 449.205 is hereby amended to read as follows:

449.205 1. A medical facility or any agent or employee thereof shall not retaliate or discriminate unfairly against ~~an~~ :

(a) An employee of the medical facility or a person acting on behalf of the employee who in good faith:

~~[(a)]~~ (1) Reports to the Board of Medical Examiners or the State Board of Osteopathic Medicine, as applicable, information relating to the conduct of a physician which may constitute grounds for initiating disciplinary action against the physician or which otherwise raises a reasonable question

regarding the competence of the physician to practice medicine with reasonable skill and safety to patients;

~~[(b)]~~ (2) Reports a sentinel event to the Health Division pursuant to NRS 439.835; or

~~[(e)]~~ (3) Cooperates or otherwise participates in an investigation or proceeding conducted by the Board of Medical Examiners, the State Board of Osteopathic Medicine or another governmental entity relating to conduct described in ~~paragraph (a) or (b)~~ subparagraph (1) or (2).

(b) A registered nurse, licensed practical nurse or nursing assistant who is employed by or contracts to provide nursing services for the medical facility and who, in accordance with the policy, if any, established by the medical facility:

(1) Reports to his immediate supervisor, in writing, that he does not possess the knowledge, skill or experience to comply with an assignment to provide nursing services to a patient; and

(2) Refuses to provide to a patient nursing services for which, as verified by documentation in the personnel file of the registered nurse, licensed practical nurse or nursing assistant concerning his competence to provide various nursing services, he does not possess the knowledge, skill or experience to comply with the assignment to provide nursing services to the patient, unless such refusal constitutes unprofessional conduct as set forth in chapter 632 of NRS or any regulations adopted pursuant thereto.

2. A medical facility or any agent or employee thereof shall not retaliate or discriminate unfairly against an employee of the medical facility *or a registered nurse, licensed practical nurse or nursing assistant who is employed by or contracts to provide nursing services for the medical facility* because the employee, *registered nurse, licensed practical nurse or nursing assistant* has taken an action described in subsection 1.

3. A medical facility or any agent or employee thereof shall not prohibit, restrict or attempt to prohibit or restrict by contract, policy, procedure or any other manner the right of an employee of the medical facility *or a registered nurse, licensed practical nurse or nursing assistant who is employed by or contracts to provide nursing services for the medical facility* to take an action described in subsection 1.

4. As used in this section:

(a) "Physician" means a person licensed to practice medicine pursuant to chapter 630 or 633 of NRS.

(b) "Retaliate or discriminate":

(1) Includes, without limitation, the following action if such action is taken solely because the employee *or the registered nurse, licensed practical nurse or nursing assistant* took an action described in subsection 1:

(I) Frequent or undesirable changes in the location where the employee works;

(II) Frequent or undesirable transfers or reassignments;

(III) The issuance of letters of reprimand, letters of admonition or evaluations of poor performance;

(IV) A demotion;

(V) A reduction in pay;

(VI) The denial of a promotion;

(VII) A suspension;

(VIII) A dismissal;

(IX) A transfer; or

(X) Frequent changes in working hours or workdays.

(2) Does not include action described in ~~[subparagraphs]~~ *sub-subparagraphs* (I) to (X), inclusive, of ~~[paragraph]~~ *subparagraph* (1) if the action is taken in the normal course of employment or as a form of discipline.

Sec. 7. NRS 449.207 is hereby amended to read as follows:

449.207 An employee of a medical facility *or a registered nurse, licensed practical nurse or nursing assistant who is employed by or contracts to provide nursing services for the medical facility* who believes that he has been retaliated or discriminated against in violation of NRS 449.205 may file an action in a court of competent jurisdiction for such relief as may be appropriate under the law."

Amend the title of the bill to read as follows:

"AN ACT relating to nursing; prohibiting medical facilities from retaliating or discriminating unfairly against registered nurses, licensed practical nurses and nursing assistants for refusing to provide nursing services under certain circumstances; providing that nurses subjected to such retaliation or discrimination may file an action in a court of competent jurisdiction for appropriate relief; and providing other matters properly relating thereto."

Amend the summary of the bill to read as follows:

"SUMMARY—Prohibits medical facilities from retaliating or discriminating unfairly against certain nurses for refusing to provide nursing services under certain circumstances. (BDR 40-927)".

Senator Carlton moved the adoption of the amendment.

Remarks by Senator Carlton.

Conflict of interest declared by Senator Raggio.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 188.

Bill read second time.

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

Amendment No. 844.

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

"Section 1. Chapter 239B of NRS is hereby amended by adding thereto a new section to read as follows:

1. *Except as otherwise provided in this section or by specific statute:*

(a) *If a person or his agent provides the electronic mail address or telephone number of the person to a governmental entity for the purpose of or in the course of communicating with that governmental entity, the governmental entity may maintain the electronic mail address or telephone number in a database.*

(b) *A database described in this subsection:*

(1) *Is confidential;*

(2) *Is not a public book or record within the meaning of NRS 239.010;*
and

(3) *Must not be disclosed in its entirety as a single unit.*

2. *The individual electronic mail address or telephone number of a person is not confidential and may be disclosed individually in accordance with applicable law if the person or his agent provides the electronic mail address or telephone number to a governmental entity:*

(a) *In the course of an existing business or contractual relationship with the governmental entity; or*

(b) *In the course of seeking to establish a business or contractual relationship with the governmental entity, including, without limitation, in response to a request for proposals or invitation to bid from the governmental entity.*

3. *A governmental entity:*

(a) *Shall disclose in its entirety as a single unit a database described in subsection 1 in response to an order issued by a court of competent jurisdiction; and*

(b) *May disclose in its entirety as a single unit a database described in subsection 1 upon a finding by the governing body of the governmental entity that the disclosure of the database is necessary:*

(1) *To protect the public safety; or*

(2) *To assist in the investigation or prosecution of a crime.*

4. *The provisions of this section do not alter, limit or otherwise affect the operation of any statute or regulation of this State which provides greater or more stringent protections for the confidentiality of the electronic mail address or telephone number of a person.*

5. *As used in this section, "telephone number" includes, without limitation, the telephone number for a facsimile machine or telecopier."*

Amend the title of the bill, second line, by deleting: "electronic mail addresses" and inserting "certain information".

Amend the summary of the bill to read as follows:

"SUMMARY—Provides under certain circumstances that certain databases which contain certain information are confidential and not public records open for public inspection. (BDR 19-595)".

Senator Hardy moved the adoption of the amendment.

Remarks by Senator Hardy.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 193.

Bill read second time.

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

Amendment No. 688.

Amend section 1, page 2, by deleting lines 1 and 2 and inserting: "otherwise affecting:

1. The right of a person to bring an action for a constructional defect pursuant to NRS 40.600 to 40.695, inclusive; or

2. The rights, remedies, obligations, duties and liabilities set forth in the provisions of NRS 624.606 to 624.630, inclusive.".

Amend sec. 2, page 2, line 4, by deleting: "2 and 3" and inserting: "3 to 4.5, inclusive,".

Amend the bill as whole by adding a new section designated sec. 3.5, following sec. 3, to read as follows:

"Sec. 3.5. *"Work of improvement" has the meaning ascribed to it in NRS 108.22188.*"

Amend sec. 4, page 2, by deleting lines 7 and 8 and inserting:

"Sec. 4. 1. *"Owner" means an owner or lessee of real property or any improvements thereon who enters into an oral or written agreement with a prime contractor pursuant to which the prime contractor agrees to provide work, materials or equipment for a work of improvement.*

2. *The term includes, without limitation, an owner of a planned unit development who enters into one or more oral or written agreements to construct a work of improvement in the planned unit development in the manner described in subsection 5 of NRS 624.020.*"

Amend the bill as a whole by adding a new section designated sec. 4.5, following sec. 4, to read as follows:

"Sec. 4.5. *"Prime contractor" means a contractor who enters into an oral or written agreement with an owner pursuant to which the prime contractor agrees to provide work, materials or equipment for a work of improvement.*"

Amend sec. 5, page 2, line 12, by deleting "section 2" and inserting: "sections 3 and 3.5".

Amend sec. 6, page 2, by deleting lines 40 through 43 and inserting:

"5. *A contractor does not include an owner of a planned unit development who enters into one or more oral or written agreements with one or more general building contractors or general engineering contractors to construct a work of improvement in the planned unit development if the general building contractors or general engineering contractors are licensed*

pursuant to this chapter and contract with the owner of the planned unit development to construct the entire work of improvement."

Amend sec. 7, page 3, lines 3 and 4, by deleting "section 4" and inserting: "sections 4 and 4.5".

Amend the bill as whole by adding new sections designated sections 8 and 9, following sec. 7, to read as follows:

"Sec. 8. NRS 624.620 is hereby amended to read as follows:

624.620 1. Except as otherwise provided in this section, any money remaining unpaid for the construction of a work of improvement is payable to the contractor within 30 days after:

(a) Occupancy or use of the work of improvement by the owner or by a person acting with the authority of the owner; or

(b) The availability of a work of improvement for its intended use. The contractor must have given a written notice of availability to the owner on or before the day on which he claims that the work of improvement became available for use or occupancy.

2. If the owner has complied with subsection 3, the owner may:

(a) Withhold payment for the amount of:

(1) Any work or labor that has not been performed or materials or equipment that has not been furnished for which payment is sought;

(2) The costs and expenses reasonably necessary to correct or repair any work that is not materially in compliance with the contract to the extent that such costs and expenses exceed 50 percent of the amount of retention being withheld pursuant to the terms of the contract; and

(3) Money the owner has paid or is required to pay pursuant to an official notice from a state agency, or employee benefit trust fund, for which the owner is liable for the contractor or his subcontractors in accordance with chapter 608, 612, 616A to 616D, inclusive, or 617 of NRS.

(b) Require, as a condition precedent to the payment of any unpaid amount under the construction contract, that lien releases be furnished by the contractor's subcontractors, suppliers or employees. For purposes of this paragraph:

(1) If the amount due is paid with a check or is not paid concurrently with the owner's receipt of the lien releases, the lien releases must be conditioned upon the check clearing the bank upon which it is drawn and the receipt of payment and shall be deemed to become unconditional upon the receipt of payment; and

(2) The lien releases must be limited to the amount of the payment received.

3. If, pursuant to paragraph (a) of subsection 2, an owner intends to withhold any amount from a payment to be made to a contractor, the owner must, on or before the date the payment is due, give written notice to the contractor of any amount that will be withheld. The written notice must:

(a) Identify the amount that will be withheld from the contractor;

(b) Give a reasonably detailed explanation of the reason the owner will withhold that amount, including, without limitation, a specific reference to the provision or section of the contract, and any documents relating thereto, and the applicable building code, law or regulation with which the contractor has failed to comply; and

(c) Be signed by an authorized agent of the owner.

4. A contractor who receives a notice pursuant to subsection 3 may provide written notice to the owner of the correction of a condition described in the notice received pursuant to subsection 3. The notice of correction must be sufficient to identify the scope and manner of the correction of the condition and be signed by an authorized representative of the contractor. If an owner receives a written notice from the contractor of the correction of a condition described in an owner's notice of withholding pursuant to subsection 3, the owner must, within 10 days after receipt of such notice:

(a) Pay the amount withheld by the owner for that condition; or

(b) Object to the scope and manner of the correction of the condition in a written statement that sets forth the reason for the objection and complies with subsection 3. If the owner objects to the scope and manner of the correction of a condition, he shall nevertheless pay to the contractor, along with payment made pursuant to the contractor's next payment request, the amount withheld for the correction of conditions to which the owner no longer objects.

5. The partial occupancy or availability of a building requires payment in direct proportion to the value of the part of the building which is partially occupied or partially available. For projects which involve more than one building, each building must be considered separately in determining the amount of money which is payable to the contractor.

6. Unless otherwise provided in the construction contract, any money which is payable to a contractor pursuant to this section accrues interest at a rate equal to the lowest daily prime rate at the largest bank in this State, as determined by the Commissioner of Financial Institutions on January 1 or July 1, as the case may be, immediately preceding:

(a) The time the contract was signed; or

(b) If the contract was oral, the time the terms of the contract were agreed to by the parties,

➤ plus 2 percent.

7. This section does not apply to:

(a) Any residential building; or

(b) Public works.

~~[8. As used in this section, unless the context otherwise requires, "work of improvement" has the meaning ascribed to it in NRS 108.22188.]~~

Sec. 9. This act becomes effective on July 1, 2005."

Senator Carlton moved the adoption of the amendment.

Remarks by Senator Carlton.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 201.

Bill read second time.

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

Amendment No. 839.

Amend sec. 2, page 3, line 13, by deleting "30" and inserting "50".

Senator Hardy moved the adoption of the amendment.

Remarks by Senator Hardy.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 254.

Bill read second time.

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

Amendment No. 747.

Amend section 1, pages 1 and 2, by deleting line 5 on page 1 and lines 1 and 2 on page 2, and inserting: "determined that ~~that~~ :

1. A violation of any of the provisions of paragraphs (a) to (e), inclusive, of subsection 1 of NRS 616D.120 has occurred ~~that~~ ; or

2. A violation of the provisions of paragraph (h) of subsection 1 of NRS 616D.120 has occurred and the violation was committed maliciously."

Amend sec. 2, page 3, by deleting lines 43 through 45 and inserting:

"3. If the Administrator determines that ~~that~~ :

(a) A violation of any of the provisions of paragraphs (a) to (e), inclusive, of subsection 1 has occurred ~~that~~ ; or

(b) A violation of the provisions of paragraph (h) of subsection 1 has occurred and the violation was committed maliciously,

➡ the Administrator shall order the insurer, organization".

Amend sec. 2, page 4, by deleting lines 6 and 7 and inserting: "employee or his dependents as a result of the violation ~~of paragraph (a), (b), (c), (d) or (e) of subsection 1,~~ giving rise to the benefit penalty, the amount of".

Amend sec. 2, page 4, by deleting lines 17 and 18 and inserting: "violation ~~of paragraph (a), (b), (c), (d) or (e) of subsection 1,~~ giving rise to the benefit penalty. Except as otherwise provided in this section, the benefit penalty is".

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. 255.

Bill read second time.

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

Amendment No. 862.

Amend section 1, page 2, line 5, by deleting "6" and inserting "7".

Amend the bill as a whole by renumbering sections 2 through 11 as sections 3 through 12 and adding a new section designated sec. 2, following section 1, to read as follows:

"Sec. 2. Chapter 365 of NRS is hereby amended by adding thereto a new section to read as follows:

The Department may, by regulation, establish a procedure requiring suppliers to submit tax returns electronically when due pursuant to this chapter."

Amend sec. 2, page 2, line 14, by deleting: "3 to 6," and inserting: "4 to 7,".

Amend sec. 4, page 2, line 22, by deleting "and" and inserting "or".

Amend sec. 7, page 3, line 17, by deleting: "3, 4 and 5" and inserting: "4, 5 and 6".

Amend the bill as a whole by renumbering sections 12 and 13 as sections 14 and 15 and adding a new section designated sec. 13, following sec. 11, to read as follows:

"Sec. 13. NRS 366.383 is hereby amended to read as follows:

366.383 1. Each special fuel supplier shall, not later than the last day of each month:

~~{1-}~~ (a) Submit to the Department a tax return which sets forth:

~~{(a)}~~ (1) The number of gallons of special fuel he received during the previous month;

~~{(b)}~~ (2) The number of gallons of special fuel he sold, distributed or used in this State during the previous month; and

~~{(c)}~~ (3) The number of gallons of special fuel he sold, distributed or used in this State in which dye was added during the previous month.

~~{2-}~~ (b) Pay to the Department the tax imposed pursuant to NRS 366.190 on all special fuel sold, distributed or used during the previous month for which dye was not added in the manner prescribed in this chapter.

2. *The Department may, by regulation, establish a procedure requiring special fuel suppliers to submit tax returns required by this section electronically.*"

Amend sec. 13, page 6, lines 16, 21 and 25, by deleting "6" and inserting "7".

Amend the bill as a whole by renumbering sec. 14 as sec. 18 and adding new sections designated sections 16 and 17, following sec. 13, to read as follows:

"Sec. 16. NRS 373.080 is hereby amended to read as follows:

373.080 All motor vehicle fuel taxes collected during any month by the Department pursuant to a contract with ~~{any county shall}~~ a county must be transmitted each month by the Department to ~~{such}~~ the county and the

Department shall , *in accordance with the terms of the contract*, charge the county for the Department's services specified in this section and in NRS 373.070 . ~~[such amount as will reimburse the Department for the cost to it of rendering the services.]~~

Sec. 17. Notwithstanding any amendatory provisions of sections 2 and 13 of this act to the contrary, the Department of Motor Vehicles shall not require a supplier or special fuel supplier to submit a tax return electronically before July 1, 2006."

Amend the title of the bill, ninth line, after "action;" by inserting: "authorizing the Department to adopt regulations that require the electronic filing of certain tax returns;"

Amend the summary of the bill to read as follows:

"SUMMARY—Revises certain provisions relating to taxation of fuels. (BDR 32-1258)".

Senator Nolan moved the adoption of the amendment.

Remarks by Senator Nolan.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 296.

Bill read second time.

The following amendment was proposed by the Committee on Human Resources and Education:

Amendment No. 894.

Amend section 1, page 1, line 5, by deleting: "*subsections 2 and 3*" and inserting "*subsection 2*".

Amend section 1, page 1, line 7, by deleting "*care by*" and inserting: "*care: (1) By*".

Amend section 1, page 1, line 9, after "NRS;" by inserting "*and*".

Amend section 1, page 1, by deleting line 10 and inserting:

"(2) Pursuant to:

(I) *A policy or protocol followed by the operator of the ambulance or air ambulance or the fire-fighting agency that was issued by the county or district board of health and which required the patient to be transported to that major hospital, regardless of whether the patient was admitted to the hospital; or*

(II) *The request of the patient to be transported to the nearest hospital, if the patient was admitted to the hospital; and*".

Amend section 1, page 1, by deleting line 11 and inserting:

"(b) *Has a policy of health insurance or other contractual provision*".

Amend section 1, page 2, by deleting lines 2 through 8 and inserting: "*through a contract between the entity that issues the policy of health insurance and at least 50 percent of the hospital systems in the county or through a contract between the third party and at least 50 percent of the hospital systems in the county;*

(2) That does not provide coverage for emergency services and care provided by the major hospital to which the patient was transported through a contract between the entity that issues the policy of health insurance and the major hospital or through a contract between the third party and the major hospital; and

(3) That provided coverage for emergency services and care provided by the major hospital to which the patient was transported through a contract between the entity that issues the policy of health insurance and the major hospital which terminated within 18 months before the patient was transported or through a contract between the third party and the major hospital which terminated within 18 months before the patient was transported."

Amend section 1, page 2, by deleting lines 11 through 13 and inserting:

"(a) Shall accept as payment in full for such services and care that are provided to the patient before the patient's condition has been stabilized to a degree that allows the transfer of the patient to another hospital without an additional risk to the patient a rate of 175 percent of the amount the entity that issued the policy of health insurance of the patient or the third party that provides coverage for the patient would have paid for such services and care pursuant to the most recent contract between the entity that issued the policy of health insurance of the patient and the major hospital or pursuant to the contract between the third party that provides coverage for the patient and the major hospital; and"

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

"(c) "Emergency services and care" means medical screening, examination and evaluation by a physician or, to the extent permitted by a specific statute, by a person under the supervision of a physician to determine if an emergency medical condition or active labor exists and, if it does, the care, treatment and surgery by a physician necessary to relieve or eliminate the emergency medical condition or active labor, within the capability of the hospital, regardless of the area of the hospital in which the services and care are provided. As used in this paragraph:

(1) "Active labor" means, in relation to childbirth, labor that occurs when:

(I) There is inadequate time before delivery to transfer the patient safely to another hospital; or

(II) A transfer may pose a threat to the health and safety of the patient or the unborn child.

(2) "Emergency medical condition" means the presence of acute symptoms of sufficient severity, including severe pain, such that the absence of immediate medical attention could reasonably be expected to result in:

(I) Placing the health of the patient in serious jeopardy;

(II) Serious impairment of bodily functions; or

(III) Serious dysfunction of any bodily organ or part."

Amend section 1, page 2, after "(e)" by inserting: *"Health insurance" means insurance offered pursuant to chapter 689A, 689B, 689C, 695A, 695B, 695C or 695G of NRS.*

(f) *"Hospital system" means a business entity or governmental entity that owns or operates one or more hospitals in a county, at least one of which has 100 or more beds.*

(g)".

Amend section 1, page 2, by deleting lines 32 and 33 and inserting: *"the Department pursuant to NRS 450B.237."*

Amend section 1, page 2, line 34, by deleting "(f)" and inserting "(h)".

Amend section 1, page 2, by deleting line 35 and inserting:

"(1) An entity that offers policies of health insurance;".

Amend section 1, page 2, by deleting line 43 and inserting:

"(4) Any other health insurer or organization providing comprehensive health".

Amend section 1, page 2, after line 44, by inserting:

↪ *"The term "third party" does not include an insurer or organization that provides coverage for emergency services and care only incidentally to providing other coverage, including, without limitation, coverage issued as a supplement to liability insurance and automobile medical payment insurance."*

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

"Sec. 2. 1. The Legislative Committee on Health Care shall:

(a) Include in any comprehensive plan concerning the provision of health care in this State that it develops during the interim a review of the coverage of and payment for emergency services and care provided in this State; and

(b) Determine whether any legislation is needed to address issues concerning the coverage of and payment for emergency services and care provided in this State and submit any recommendations for such legislation to the 74th Session of the Nevada Legislature.

2. As used in this section, "emergency services and care" has the meaning ascribed to it in paragraph (c) of subsection 3 of section 1 of this act."

Senator Washington moved the adoption of the amendment.

Remarks by Senators Washington and Care.

Conflict of interest declared by Senator Raggio.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 314.

Bill read second time.

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

Amendment No. 947.

Amend the bill as a whole by deleting sections 1 through 4 and renumbering sections 5 through 8 as sections 1 through 4.

Amend sec. 5, page 9, line 2, by deleting "90 days" and inserting "6 months".

Amend sec. 6, page 9, line 26, by deleting "90 days" and inserting "6 months".

Amend sec. 7, page 10, line 3, by deleting "90 days" and inserting "6 months".

Amend the bill as a whole by deleting sections 9 through 25 and renumbering sec. 26 as sec. 5.

Amend sec. 26, page 22, line 33, by deleting: "public officer or" and inserting: "person appointed by the Legislature, members of the Legislature or the Governor to serve as a".

Amend the title of the bill to read as follows:

"AN ACT relating to public officers; requiring any person appointed by the Legislature, members of the Legislature or the Governor to serve as a member of a public board to have resided in the State, district, county, township or other area prescribed by law to which the office pertains for at least 6 months immediately preceding the appointment; and providing other matters properly relating thereto."

Amend the summary of the bill to read as follows:

"SUMMARY—Requires person appointed by Legislature, members of Legislature or Governor to public board to have resided in area pertaining to office for at least 6 months immediately preceding appointment. (BDR 24-436)".

Senator McGinness moved the adoption of the amendment.

Remarks by Senator Cegavske.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 315.

Bill read second time.

The following amendment was proposed by Senator Nolan:

Amendment No. 1000.

Amend section 1, pages 1 and 2, by deleting lines 6 through 13 on page 1 and lines 1 and 2 on page 2, and inserting: "*vehicle. The disclosure must include, if applicable, a statement that the event recording device:*

(a) *Records the direction and rate of speed at which the motor vehicle travels;*

(b) *Records a history of where the motor vehicle travels;*

(c) *Records steering performance;*

(d) *Records brake performance, including, without limitation, whether the brakes were applied before an accident;*

(e) *Records the status of the driver's safety belt; and*

(f) If an accident involving the motor vehicle occurs, is able to transmit information concerning the accident to a central communications system."

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

Amend section 1, page 2, line 24, by deleting "5" and inserting "4".

Amend section 1, page 2, line 25, by deleting "4." and inserting "3".

Amend section 1, page 2, line 26, by deleting "3" and inserting "2".

Amend section 1, page 2, line 29, by deleting "5." and inserting "4".

Amend section 1, page 2, line 31, by deleting "7" and inserting "6".

Amend section 1, page 2, line 35, by deleting "6." and inserting "5".

Amend section 1, page 2, line 37, by deleting "7." and inserting "6".

Amend section 1, page 3, between lines 10 and 11, by inserting:

"(d) "Owner" means:

(1) A person having all the incidents of ownership, including the legal title of the motor vehicle, whether or not he lends, rents or creates a security interest in the motor vehicle;

(2) A person entitled to possession of the motor vehicle as the purchaser under a security agreement; or

(3) A person entitled to possession of the motor vehicle as a lessee pursuant to a lease agreement if the term of the lease is more than 3 months."

Senator Nolan moved the adoption of the amendment.

Remarks by Senators Nolan and Coffin.

Conflict of interest declared by Senator Raggio.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 334.

Bill read second time.

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

Amendment No. 843.

Amend sec. 3, page 2, lines 5 and 6, by deleting: *"required by specific statute or federal law,"* and inserting: *"provided in subsection 2,"*.

Amend sec. 3, page 2, line 9, by deleting *"agency."* and inserting: *"agency on or after January 1, 2007."*

Amend sec. 3, page 2, line 10, after *"2."* by inserting: *"If the social security number of a person is required to be included in a document that is recorded, filed or otherwise submitted to a governmental agency on or after January 1, 2007, pursuant to a specific state or federal law, for the administration of a public program or for an application for a federal or state grant, a governmental agency shall ensure that the social security number is maintained in a confidential manner and may only disclose the social security number as required:*

(a) To carry out a specific state or federal law; or

(b) *For the administration of a public program or an application for a federal or state grant.*

3."

Amend sec. 3, page 2, line 15, by deleting "3." and inserting "4."

Amend sec. 3, page 2, line 23, by deleting "4." and inserting "5."

Amend sec. 3, page 2, line 32, by deleting "5." and inserting "6."

Amend sec. 4, page 3, lines 7 and 14, after "*practicable*" by inserting: "*, but not less than 30 days after the governmental agency knows or should have known of the breach,*".

Amend sec. 6, page 5, lines 11 and 18, after "*practicable*" by inserting: "*, but not less than 30 days after the governmental agency knows or should have known of the breach,*".

Amend sec. 6, page 6, line 3, by deleting "*1681a,*" and inserting "*1681a(p),*".

Amend sec. 6, page 6, by deleting line 12 and inserting: "*damages, costs and reasonable attorney's fees and, if the violation of this section was willful or intentional, for any punitive*".

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

"Sec. 7. NRS 616C.310 is hereby amended to read as follows:

616C.310 1. The Chief of the Hearings Division of the Department of Administration:

(a) May by regulation provide for specific procedures for the determination of contested cases.

(b) Shall develop a format to be used by hearing officers to indicate their findings in contested cases.

(c) *Shall adopt regulations to provide for the redaction of personal identifying information of a person filing a claim for compensation from a document relating to the contested case of the person, unless the identity of the person is at issue. As used in this paragraph, "personal identifying information" means any information which would identify a person, including, without limitation, an address, a birth date or a social security number.*

2. An insurer or employer may be represented in a contested case by private legal counsel or by any other agent."

Amend the title of the bill, thirteenth line, after "spyware;" by inserting: "requiring the Chief of the Hearings Division of the Department of Administration to adopt regulations to provide for the redaction of personal identifying information of a person filing a claim for certain compensation from certain documents;".

Senator Raggio moved the adoption of the amendment.

Remarks by Senator Tiffany.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 342.

Bill read second time.

The following amendment was proposed by the Committee on Human Resources and Education:

Amendment No. 849.

Amend the bill as a whole by deleting sections 1 and 2 and renumbering sections 3 through 6 as sections 1 through 4.

Amend sec. 4, page 3, line 34, by deleting "Each" and inserting: "~~[Each]~~ Except as otherwise provided in subsection 5, each".

Amend sec. 4, page 3, between lines 38 and 39 by inserting:

"5. The Director may exempt a hospital from the requirements of subsection 4 if requiring the hospital to comply with the requirements would cause the hospital financial hardship."

Amend sec. 5, page 4, by deleting lines 2 through 10 and inserting:

"~~[Each such institution]~~

2. Each hospital with 100 or more beds shall file with the Department in a form and at intervals specified by the Director but at least annually, a ~~proposed operating budget for the following fiscal year at least 30 days before the start of that fiscal year.~~

~~2.]~~ capital improvement report which includes, without limitation, any major service line that the hospital has added or is in the process of adding since the previous report was filed, any major expansion of the existing facilities of the hospital that has been completed or is in the process of being completed since the previous report was filed and any major piece of equipment that the hospital has acquired or is in the process of acquiring since the previous report was filed."

Amend sec. 5, page 4, line 11, by deleting "~~[2.]~~".

Amend sec. 5, page 4, line 12, by deleting: "in this State" and inserting: "with 100 or more beds".

Amend sec. 5, page 4, by deleting lines 15 through 30 and inserting:

"(a) The corporate home office allocation methodology of the hospital, if any.

(b) The expenses that the hospital has incurred for providing community benefits and the in-kind services that the hospital has provided to the community in which it is located. For the purposes of this paragraph, "community benefits" includes, without limitation, goods, services and resources provided by a hospital to a community to address the specific needs and concerns of that community, services provided by a hospital to the uninsured and underserved persons in that".

Amend sec. 5, page 4, by deleting line 34 and inserting: "receive full reimbursement.

(c) A statement of its policies and procedures for providing discounted services to, or reducing charges for services provided to, persons without health insurance that are in addition to any reduction or discount required to be provided pursuant to NRS 439B.260.

(d) A statement of its policies regarding patients' account receivables, including, without limitation, the manner in which a hospital collects or makes payment arrangements for patients' account receivables, the factors that initiate collections and the method by which unpaid account receivables are collected.

4. A complete current charge master must be available at each hospital during normal business hours for review by the Director, any payor that has a contract with the hospital to pay for services provided by the hospital, any payor that has received a bill from the hospital and any state agency that is authorized to review such information."

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

Amend sec. 5, page 4, by deleting lines 39 and 40 and inserting: "accurate and complete ~~to~~

~~3-]~~, to the extent that the certifications and attestations are not required by federal law.

6. The Director shall require the filing of all reports by"

Amend sec. 5, page 5, line 3, by deleting "6." and inserting "7."

Amend sec. 5, page 5, by deleting lines 7 through 9.

Amend sec. 6, page 5, by deleting line 22 and inserting:

"(b) A summary of the trends of the audits of hospitals in this"

Amend sec. 6, page 5, line 27, by deleting "policies" and inserting "methodologies".

Amend sec. 6, page 5, line 28, by deleting "and".

Amend sec. 6, page 5, line 33, by deleting "manner." and inserting: "manner, which fairly reflect the operations of each hospital;

(f) A review and comparison of the policies and procedures used by hospitals in this State to provide discounted services to, and to reduce charges for services provided to, persons without health insurance; and

(g) A review and comparison of the policies and procedures used by hospitals in this State to collect unpaid charges for services provided by the hospitals."

Amend sec. 6, pages 5 and 6, by deleting lines 37 through 45 on page 5 and lines 1 through 4 on page 6 and inserting:

"(a) A review of the health care needs in this State as identified by state agencies, local governments, providers of health care and the general public; and

(b) A review of the capital improvement reports submitted by hospitals pursuant to subsection 2 of NRS 449.490."

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

"Sec. 5. This act becomes effective upon passage and approval."

Amend the title of the bill to read as follows:

"AN ACT relating to health care; expanding the classification of hospitals that the Director of the Department of Human Resources is required to audit to ensure compliance with various provisions to restrain the costs of health

care; expanding the classification of hospitals that are required to provide information to the Department in a specific form; making various changes concerning the reporting of financial information by certain hospitals to the Department; making various changes concerning the reporting of information by the Department; requiring the Legislative Committee on Health Care to develop a plan concerning the provision of health care in this State; and providing other matters properly relating thereto."

Amend the bill as a whole by adding the following Assemblyman as a primary sponsor:

Assemblyman Perkins.

Senator Washington moved the adoption of the amendment.

Remarks by Senator Washington.

Conflict of interest declared by Senator Raggio.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 355.

Bill read second time.

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

Amendment No. 845.

Amend section 1, page 1, by deleting lines 11 through 15 and inserting: *"the premises during the pendency of the action, the person shall pay the rent and comply with all other provisions set forth in the underlying contract for possession of the premises. If the person fails to pay such rent or comply with the other provisions of the contract, the landlord may initiate proceedings for eviction. If the person is evicted, the housing authority is not required to issue a new voucher for housing assistance to the person unless and until the person prevails in the action for judicial review."*

Senator Hardy moved the adoption of the amendment.

Remarks by Senator Hardy.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 369.

Bill read second time.

The following amendment was proposed by the Committee on Human Resources and Education:

Amendment No. 850.

Amend section 1, page 1, line 2, by deleting "11," and inserting "17,".

Amend sec. 2, page 1, line 4, by deleting "11," and inserting "17,".

Amend sec. 2, page 1, line 6, by deleting "and 4" and inserting: "to 6, inclusive,".

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. *"Emotionally disturbed child" has the meaning ascribed to it in NRS 433B.080."*

Amend sec. 3, page 1, by deleting lines 8 and 9 and inserting:

"Sec. 4. *"Facility" means a psychiatric hospital or facility which provides residential treatment for mental illness that has a unit in the hospital or facility capable of being locked to prevent an emotionally disturbed child from leaving the hospital or facility."*

Amend the bill as a whole by renumbering sec. 4 as sec. 6 and adding a new section designated sec. 5, following sec. 3, to read as follows:

"Sec. 5. *"Person professionally qualified in the field of psychiatric mental health" has the meaning ascribed to it in NRS 433A.018."*

Amend the bill as a whole by renumbering sections 5 through 10 as sections 9 through 14 and adding new sections designated sections 7 and 8, following sec. 4, to read as follows:

"Sec. 7. *A proceeding for a court-ordered admission of a child alleged to be an emotionally disturbed child who is in the custody of an agency which provides child welfare services to a facility may be commenced by the filing of a petition with the clerk of the court which has jurisdiction in proceedings concerning the child. The petition may be filed by the agency which provides child welfare services without the consent of a parent of the child. The petition must be accompanied:*

1. *By a certificate of a physician, psychiatrist or licensed psychologist stating that he has examined the child alleged to be emotionally disturbed and has concluded that the child is emotionally disturbed and, because of that condition is likely to harm himself or others if allowed his liberty; or*

2. *By a sworn written statement by the petitioner that:*

(a) *The petitioner has, based upon his personal observation of the child alleged to be emotionally disturbed, probable cause to believe that the child is emotionally disturbed and, because of that condition is likely to harm himself or others if allowed his liberty; and*

(b) *The child alleged to be emotionally disturbed has refused to submit to examination or treatment by a physician, psychiatrist or licensed psychologist.*

Sec. 8. 1. *Except as otherwise provided in section 9 of this act, if the court finds, after proceedings for the court-ordered admission of a child alleged to be an emotionally disturbed child who is in the custody of an agency which provides child welfare services to a facility:*

(a) *That there is not clear and convincing evidence that the child with respect to whom the hearing was held exhibits observable behavior such that he is likely to harm himself or others if allowed his liberty, the court shall enter its finding to that effect and the child must not be admitted to a facility.*

(b) *That there is clear and convincing evidence that the child with respect to whom the hearing was held is in need of treatment in a facility and is likely to harm himself or others if allowed his liberty, the court may order the admission of the child for the most appropriate course of treatment. The*

order of the court must be interlocutory and must not become final if, within 30 days after the admission, the child is unconditionally released from the facility pursuant to section 16 of this act.

2. *Before issuing an order for admission or a renewal thereof, the court shall explore other alternative courses of treatment within the least restrictive appropriate environment as suggested by the evaluation team who evaluated the child, or other persons professionally qualified in the field of psychiatric mental health, which, the court believes may be in the best interests of the child."*

Amend sec. 5, page 2, line 3, after "1." by inserting: *"An agency which provides child welfare services shall not place a child who is in the custody of the agency in a facility, other than under an emergency admission, unless the agency has petitioned the court for the court-ordered admission of the child to a facility pursuant to section 7 of this act.*

2. *If a petition for the court-ordered admission of a child filed pursuant to section 7 of this act is accompanied by the information described in subsection 2 of section 7 of this act, the court shall order a psychological evaluation of the child.*

3."

Amend sec. 5, page 2, line 4, by deleting: *"NRS 433A.200 for the involuntary"* and inserting: *"section 7 of this act for the"*.

Amend sec. 5, page 2, line 7, by deleting: *"3 of NRS 433A.310"* and inserting: *"2 of section 8 of this act"*.

Amend sec. 5, page 2, line 13, by deleting *"2;"* and inserting *"4;"*.

Amend sec. 5, page 2, line 18, after *"professionals"* by inserting: *"or any adult caretakers"*.

Amend sec. 5, page 2, by deleting line 20 and inserting:

"4. If a petition for the court-ordered admission of".

Amend sec. 5, page 2, line 22, by deleting *"NRS 433A.200:"* and inserting: *"section 7 of this act:"*.

Amend sec. 5, page 2, line 24, by deleting *"involuntary"*.

Amend sec. 5, page 2, by deleting lines 32 through 36.

Amend sec. 6, page 2, by deleting lines 39 and 40 and inserting: *"been admitted to a facility pursuant to section 8 of this act, the agency which provides child welfare services shall"*.

Amend sec. 6, page 2, line 41, by deleting: *"rights pursuant to NRS 433.472"* and inserting: *"legal rights and the provisions of NRS 433.456 to 433.543, inclusive, and 433.545 to 433.551, inclusive, and chapters 433A and 433B of NRS and sections 2 to 17, inclusive, of this act"*.

Amend sec. 6, pages 2 and 3, by deleting lines 44 and 45 on page 2 and lines 1 and 2 on page 3, and inserting: *"that includes a physician, psychiatrist or licensed psychologist other than a physician, psychiatrist or licensed psychologist who performed an original examination which authorized the court to order the admission of the child to the facility."*.

Amend sec. 7, page 3, line 12, by deleting "NRS 433A.310" and inserting: "*sections 8 and 12 of this act*".

Amend sec. 7, page 3, line 13, by deleting "*involuntary*".

Amend sec. 7, page 3, line 19, by deleting: "*social worker or teacher*" and inserting: "*licensed clinical social worker or other professional or any adult caretaker*".

Amend sec. 7, page 3, line 26, by deleting "*involuntary*" and inserting "*court-ordered*".

Amend sec. 8, page 3, line 30, by deleting "*involuntary*".

Amend sec. 8, page 3, lines 32 and 33, by deleting: "*NRS 433A.310, the involuntary*" and inserting: "*section 8 of this act, the*".

Amend sec. 8, page 3, line 35, by deleting "NRS 433A.390." and inserting: "*section 16 of this act.*"

Amend sec. 8, page 3, line 39, by deleting "*detention*" and inserting "*admission*".

Amend sec. 9, page 4, line 1, by deleting "*involuntarily*".

Amend sec. 9, page 4, line 2, by deleting "NRS 433A.310" and inserting: "*section 8 of this act*".

Amend sec. 9, page 4, line 7, by deleting "*involuntarily*".

Amend sec. 9, page 4, line 8, by deleting "NRS 433A.310" and inserting: "*section 8 of this act*".

Amend sec. 9, page 4, line 9, by deleting "8" and inserting "12".

Amend sec. 10, page 4, line 26, by deleting "433.482," and inserting: "*433.456 to 433.543, inclusive, and 433.545 to 433.551, inclusive, and chapters 433A and 433B of NRS and sections 2 to 17, inclusive, of this act.*".

Amend the bill as a whole by renumbering sec. 11 as sec. 17 and adding new sections designated sections 15 and 16, following sec. 10, to read as follows:

"Sec. 15. 1. *Except as otherwise provided in subsection 3, any child who is admitted to a facility by a court pursuant to section 8 of this act may be conditionally released from the facility when, in the judgment of the medical director of the facility, the conditional release is in the best interest of the child and will not be detrimental to the public welfare. The medical director or his designee of the facility shall prescribe the period for which the conditional release is effective. The period must not extend beyond the last day of the court-ordered period of treatment specified pursuant to section 12 of this act.*

2. *When a child is conditionally released pursuant to subsection 1, the State or a county, or any of its agents or employees, are not liable for any debts or contractual obligations, medical or otherwise, incurred or damages caused by the actions of the child.*

3. *A child who was admitted by a court because he was likely to harm others if allowed to remain at liberty may be conditionally released only if, at the time of the release, written notice is given to the court which admitted*

him and to the attorney of the agency which provides child welfare services that initiated the proceedings for admission.

4. Except as otherwise provided in subsection 6, the administrative officer of a facility or his designee shall order a child who is conditionally released from that facility pursuant to this section to return to the facility if a psychiatrist and a member of that child's treatment team who is professionally qualified in the field of psychiatric mental health determine that the conditional release is no longer appropriate because that child presents a clear and present danger of harm to himself or others. Except as otherwise provided in this subsection, the administrative officer or his designee shall, at least 3 days before the issuance of the order to return, give written notice of the order to the court that admitted the child to the facility. If an emergency exists in which the child presents an imminent threat of danger of harm to himself or others, the order must be submitted to the court not later than 1 business day after the order is issued.

5. The court shall review an order submitted pursuant to subsection 4 and the current condition of the child who was ordered to return to the facility at its next regularly scheduled hearing for the review of petitions for court-ordered admissions, but in no event later than 5 judicial days after the child is returned to the facility. The administrative officer or his designee shall give written notice to the agency which provides child welfare services, the child who was ordered to return to the facility and to the child's attorney of the time, date and place of the hearing and of the facts necessitating that child's return to the facility.

6. The provisions of subsection 4 do not apply if the period of conditional release has expired.

Sec. 16. 1. When a child who is admitted to a facility by a court pursuant to section 8 of this act is released at the end of the court-ordered period of treatment specified pursuant to section 12 of this act, written notice must be given to the admitting court at least 10 days before the release of the child. The child may then be released without requiring further orders of the court.

2. A child who is admitted to a facility by a court pursuant to section 8 of this act may be unconditionally released before the court-ordered period of treatment specified in section 12 of this act when:

(a) An evaluation team, including, without limitation, an evaluation team that conducts an examination pursuant to section 10 of this act, or two persons professionally qualified in the field of psychiatric mental health, at least one of them being a physician, determines that the child has recovered from his emotional disturbance or has improved to such an extent that he is no longer considered to present a clear and present danger of harm to himself or others; and

(b) Under advisement from the evaluation team or two persons professionally qualified in the field of psychiatric mental health, at least one of them being a physician, the medical director of the facility authorizes the

release and gives written notice to the admitting court at least 10 days before the release of the child."

Amend sec. 11, page 4, line 42, by deleting "11," and inserting "17,".

Amend the bill as a whole by renumbering sec. 12 as sec. 19 and adding a new section designated sec. 18, following sec. 11, to read as follows:

"Sec. 18. NRS 433A.200 is hereby amended to read as follows:

433A.200 1. ~~[A]~~ *Except as otherwise provided in section 7 of this act,* a proceeding for an involuntary court-ordered admission of any person in the State of Nevada may be commenced by the filing of a petition with the clerk of the district court of the county where the person who is to be treated resides. The petition may be filed by the spouse, parent, adult children or legal guardian of the person to be treated or by any physician, psychologist, social worker or registered nurse, by an accredited agent of the Department or by any officer authorized to make arrests in the State of Nevada. The petition must be accompanied:

(a) By a certificate of a physician, psychiatrist or licensed psychologist stating that he has examined the person alleged to be mentally ill and has concluded that the person is a mentally ill person and, because of that illness is likely to harm himself or others if allowed his liberty; or

(b) By a sworn written statement by the petitioner that:

(1) The petitioner has, based upon his personal observation of the person alleged to be mentally ill, probable cause to believe that the person is a mentally ill person and, because of that illness is likely to harm himself or others if allowed his liberty; and

(2) The person alleged to be mentally ill has refused to submit to examination or treatment by a physician, psychiatrist or licensed psychologist.

2. ~~[H]~~ *Except as otherwise provided in section 7 of this act, if* the person to be treated is a minor and the petitioner is a person other than a parent or guardian of the minor, the petition must, in addition to the certificate or statement required by subsection 1, include a statement signed by a parent or guardian of the minor that the parent or guardian does not object to the filing of the petition."

Amend sec. 12, page 5, line 2, by deleting "section 5" and inserting: "sections 8 and 9".

Amend sec. 12, page 5, lines 20 and 25, by deleting "8" and inserting "12".

Amend the bill as a whole by deleting sections 13 and 14 and renumbering sec. 15 as sec. 20.

Amend the title of the bill to read as follows:

"AN ACT relating to children; authorizing an agency which provides child welfare services to file a petition for the court-ordered admission to certain facilities of a child who is alleged to be an emotionally disturbed child and who is in the custody of the agency; requiring a court which is hearing such a petition to place the child in a less restrictive environment under certain circumstances; establishing a maximum period of days for which such

children may be ordered by a court to be admitted to certain facilities; establishing certain rights for such children who are admitted to certain facilities; establishing procedures for the conditional and unconditional release of such children under certain circumstances; and providing other matters properly relating thereto."

Amend the summary of the bill to read as follows:

"SUMMARY—Establishes certain procedures and requirements for court-ordered admission of emotionally disturbed children who are in custody of agencies which provide child welfare services to certain facilities. (BDR 38-717)".

Senator Washington moved the adoption of the amendment.

Remarks by Senator Washington.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 371.

Bill read second time.

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

Amendment No. 840.

Amend sec. 2, page 4, line 23, by deleting "*The*" and inserting: "*After the report of the audit is filed by the local government, the*".

Amend the bill as a whole by deleting sec. 3 and renumbering sections 4 through 8 as sections 3 through 7.

Amend sec. 4, page 7, line 6, by deleting ""AA"" and inserting ""AA-"".

Amend sec. 8, page 10, by deleting lines 8 through 11 and inserting:

"Sec. 7. This act becomes effective upon passage and approval."

Amend the title of the bill by deleting the fourth and fifth lines.

Senator Hardy moved the adoption of the amendment.

Remarks by Senator Hardy.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 380.

Bill read second time.

The following amendment was proposed by the Committee on Human Resources and Education:

Amendment No. 895.

Amend sec. 4, page 2, by deleting lines 5 and 6 and inserting:

"(b) *The following representatives, selected by the elected representatives of the district board of health selected pursuant to paragraph (a), who shall represent the health district at large and who must be selected based on their qualifications without regard to the location within the health district of their residence or their place of employment:*".

Amend sec. 4, page 2, line 8, by deleting "State;" and inserting: "State, one of whom is selected on the basis of his education, training, experience or demonstrated abilities in the provision of health care services to members of minority groups and other medically underserved populations;"

Amend sec. 4, page 2, line 13, after "of" by inserting: "an association that represents".

Amend sec. 4, page 2, lines 19 and 20, by deleting: "from their appointing authorities".

Amend sec. 7, page 3, by deleting lines 11 through 17 and inserting:

"2. The board of county commissioners shall annually allocate for the support of the health district an amount that does not exceed an amount calculated by multiplying the assessed valuation of all taxable property in the county by the rate of 3.5 cents on each \$100 of assessed valuation. The amount allocated pursuant to this subsection must be transferred from the county general fund to the health district fund created by the board of county commissioners pursuant to section 6 of this act."

Amend sec. 8, page 3, by deleting lines 24 through 29 and inserting:

"(b) Have at least the following additional education and experience:

(1) A master's degree in public health, health care administration, public administration, business administration or a related field; and

(2) Ten years of management experience in an administrative position in a local, state or national public health department, program, organization or agency."

Amend sec. 9, page 4, line 7, by deleting "and".

Amend sec. 9, page 4, line 9, by deleting "district." and inserting "district; and".

Amend sec. 9, page 4, between lines 9 and 10, by inserting:

"(e) Improve the quality of health care services for members of minority groups and medically underserved populations."

Amend the title of the bill, fourth line, by deleting: "levy certain taxes" and inserting "allocate funding".

Senator Washington moved the adoption of the amendment.

Remarks by Senator Washington.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 425.

Bill read second time.

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

Amendment No. 896.

Amend section 1, page 1, line 2, by deleting: "1.5 and 6" and inserting: "1.5, 6 and 6.5".

Amend sec. 6, page 1, line 6, after "shall" by inserting "continue to".

Amend the bill as a whole by adding a new section, designated sec. 6.5, following sec. 6, to read as follows:

"Sec. 6.5. 1. *Except as otherwise provided in subsection 3, before a person may request an amendment to a master plan, including, without limitation, a gaming enterprise district, in a county whose population is 100,000 or more, the person must hold a neighborhood meeting to provide an explanation of the proposed amendment.*

2. *Notice of a neighborhood meeting to be held pursuant to subsection 1 must be given by the person requesting the proposed amendment to:*

(a) *Each owner, as listed on the county assessor's records, of real property located within a radius of 750 feet of the area to which the proposed amendment pertains;*

(b) *The owner, as listed on the county assessor's records, of each of the 30 separately owned parcels nearest to the area to which the proposed amendment pertains, to the extent this notice does not duplicate the notice given pursuant to paragraph (a); and*

(c) *Each tenant of the mobile home park if that park is located within 750 feet of the area to which the proposed amendment pertains.*

➡ *The notice must be sent by mail at least 10 days before the neighborhood meeting and include the time, place and purpose of the neighborhood meeting.*

3. *A local government in a county whose population is 100,000 or more may, by ordinance, establish a procedure by which a person who requests an amendment to a master plan may, in lieu of holding a neighborhood meeting, present information regarding the proposed amendment at a public hearing."*

Amend sec. 7, page 2, line 12, by deleting: "1.5 and 6" and inserting: "1.5, 6 and 6.5".

Amend sec. 9, page 2, line 22, by deleting "~~and~~" and inserting "and".

Amend sec. 9, page 2, by deleting lines 28 through 31 and inserting "sound."

Amend sec. 10, page 4, by deleting lines 4 through 7 and inserting: "addresses, if applicable, mixed-use development, transit-oriented development, master-planned communities and gaming enterprise districts."

Amend sec. 10, page 4, by deleting lines 18 through 27.

Amend sec. 13, page 6, line 22, by deleting "section 6" and inserting: "sections 6 and 6.5".

Amend the bill as a whole by deleting sec. 14 and adding:

"Sec. 14. (Deleted by amendment.)".

Amend sec. 15, page 8, lines 41 and 45, by deleting "section 6" and inserting: "sections 6 and 6.5".

Amend sec. 16, page 9, line 2, by deleting "1."

Amend sec. 16, page 9, line 4, by deleting "~~{1-}~~ (a)" and inserting "1."

Amend sec. 16, page 9, line 7, by deleting "~~{2-}~~ (b)" and inserting "2."

Amend sec. 16, page 9, line 12, by deleting "~~{3-}~~ (c)" and inserting "3."

Amend sec. 16, page 9, line 18, by deleting "[4.] (d)" and inserting "4."

Amend sec. 16, page 9, by deleting lines 25 through 38 and inserting:

"(a) Address, if applicable, mixed-use development, transit-oriented development, master-planned communities and gaming enterprise districts;

(b) Allow for a variety of uses ~~to describe~~;

(c) Describe the transportation facilities that will be necessary to satisfy the requirements created by those future uses; and ~~must be~~

(d) Be based upon the policies and map relating to conservation that are developed pursuant to subsection 2, surveys, studies and data relating to the area, the amount of land required to accommodate planned growth, the population of the area projected pursuant to subsection 1, and the characteristics of undeveloped land in the"

Amend sec. 16, page 9, line 40, by deleting "[5.] (e)" and inserting "5."

Amend sec. 16, page 10, line 1, by deleting "[a] (1)" and inserting "(a)".

Amend sec. 16, page 10, line 4, by deleting "[b] (2)" and inserting "(b)".

Amend sec. 16, page 10, line 8, by deleting "[c] (3)" and inserting "(c)".

Amend sec. 16, page 10, line 12, by deleting "[d] (4)" and inserting "(d)".

Amend sec. 16, page 10, line 14, by deleting "[1] (I)" and inserting "(1)".

Amend sec. 16, page 10, line 16, by deleting "[2] (II)" and inserting "(2)".

Amend sec. 16, page 10, line 19, by deleting "[6.] (f)" and inserting "6."

Amend sec. 16, page 10, line 26, by deleting "[7.] (g)" and inserting "7."

Amend sec. 16, page 10, line 30, by deleting "[8.] (h)" and inserting "8."

Amend sec. 16, page 10, by deleting lines 32 through 43.

Amend sec. 18, page 12, line 12, by deleting "*shadowing*".

Amend sec. 18, page 12, by deleting lines 14 and 15 and inserting:
"communities and gaming enterprise districts."

Amend sec. 18, page 13, line 27, by deleting: "*1.5 and 6*" and inserting:
"1.5, 6 and 6.5".

Amend sec. 19, page 13, lines 32 and 35, by deleting: "*1.5 and 6*" and inserting: "*1.5, 6 and 6.5*".

Amend sec. 19, page 14, line 1, by deleting "*protect*" and inserting "*consider*".

Amend sec. 19, page 14, by deleting lines 4 through 16 and inserting:

"(d) To reduce the consumption of energy by encouraging the"

Amend sec. 19, page 14, line 19, by deleting "*(i)*" and inserting "*(e)*".

Amend sec. 19, page 14, line 20, by deleting "*(j)*" and inserting "*(f)*".

Amend sec. 19, page 14, line 22, by deleting "*(k)*" and inserting "*(g)*".

Amend sec. 19, page 14, line 24, by deleting "*(l)*" and inserting "*(h)*".

Amend sec. 19, page 14, line 28, by deleting "*(m)*" and inserting "*(i)*".

Amend sec. 19, page 14, line 31, by deleting "*(n)*" and inserting "*(j)*".

Amend sec. 19, page 14, line 35, by deleting "*(o)*" and inserting "*(k)*".

Amend sec. 19, page 14, line 36, by deleting "*(p)*" and inserting "*(l)*".

Amend sec. 19, page 14, line 39, by deleting "*(q)*" and inserting "*(m)*".

Amend the bill as a whole by deleting sections 20 through 29 and adding:

"Secs. 20-29. (Deleted by amendment.)".

Amend the title of the bill by deleting the second through the eighth lines and inserting: "types of development; requiring zoning regulations to protect certain resources and to ensure smart growth; requiring a person requesting an amendment to a master plan to hold a neighborhood meeting in certain circumstances; and".

Senator Hardy moved the adoption of the amendment.

Remarks by Senator Hardy.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 456.

Bill read second time.

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

Amendment No. 780.

Amend section 1, page 3, by deleting lines 21 through 25.

Amend section 1, page 3, line 26, by deleting "8." and inserting "7."

Amend the title of the bill by deleting the tenth through thirteenth lines and inserting: "to a contract with a design-build team; revising the".

Senator Hardy moved the adoption of the amendment.

Remarks by Senator Hardy.

Conflict of interest declared by Senator Horsford.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 493.

Bill read second time.

The following amendment was proposed by the Committee on Human Resources and Education:

Amendment No. 893.

Amend sec. 2, page 1, line 7, by deleting "*of*" and inserting "*or*".

Amend sec. 9, page 4, by deleting lines 36 and 37 and inserting: "to 428.255, inclusive, *and section 7 of this act*, and".

Amend sec. 14, page 6, by deleting lines 27 through 30 and inserting: "428.115 to 428.255, inclusive [], *and section 7 of this act*".

Senator Washington moved the adoption of the amendment.

Remarks by Senator Washington.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 553.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 807.

Amend sec. 4, page 2, line 34, by deleting "*exporters of*" and inserting: "*for the purpose of exporting*".

Amend sec. 7, page 3, line 23, after "State" by inserting: "*only to a person who holds a wholesale wine, beer and liquor license and*".

Senator McGinness moved the adoption of the amendment.

Remarks by Senators McGinness and Amodei.

Conflict of interest declared by Senator Raggio.

Conflict of interest declared by Senator Care.

Conflict of interest declared by Senator Nolan.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 357.

Bill read second time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 994.

Amend sec. 7, page 2, by deleting lines 15 and 16 and inserting:

"(d) *One member who represents the University and Community College System of Nevada and has experience in the prevention or treatment of problem gambling;*".

Amend sec. 7, page 2, line 19, by deleting "*private*".

Amend sec. 8, page 3, by deleting lines 9 through 13 and inserting:

"1. *Review each request received by the Department from a state agency or other political subdivision of the State or from an organization or educational institution for a grant of money or a contract for services to provide programs for the prevention and treatment of problem gambling;*".

Amend sec. 8, page 3, lines 14 and 15, by deleting: "*for a grant of money*".

Amend sec. 8, page 3, by deleting lines 17 through 19 and inserting:

"3. *Establish criteria for determining which state agencies and other political subdivisions of the State and organizations and educational institutions to recommend for grants of money or contracts for services*".

Amend sec. 8, page 3, by deleting lines 22 and 23, and inserting "*for the*".

Amend sec. 9, page 3, line 35, after "*money*" by inserting: "*or contracts for services*".

Amend sec. 10, page 3, by deleting lines 41 through 44 and inserting:

"2. *Except as otherwise provided in this subsection, the money in the Account must be expended only to award grants of money or contracts for services to state agencies and other political subdivisions of the State or to organizations or educational institutions to provide programs for the prevention and treatment of problem gambling. The Director may use not more than 1 percent of the money in the Account to administer the Account.*".

Amend sec. 10, page 4, by deleting lines 2 and 3 and inserting: "*state agency or other political subdivision of the State or in any organization or educational institution to receive money from the*".

Amend sec. 10, page 4, line 7, by deleting "*made*" and inserting: "*of money or contracts for services awarded*".

Amend sec. 12, page 4, by deleting lines 23 and 24 and inserting:

"(a) *The procedure by which a state agency or other political subdivision of the State or an organization or educational*".

Amend sec. 12, page 4, lines 25 and 27, after "*money*" by inserting: "*or a contract for services to be paid*".

Amend the title of the bill, eighth line, by deleting "for programs" and inserting: "or contracts for services to provide programs".

Senator Raggio moved the adoption of the amendment.

Remarks by Senator Raggio.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 392.

Bill read third time.

The following amendment was proposed by Senator Titus:

Amendment No. 1024.

Amend sec. 24, page 15, by deleting lines 30 and 31 and inserting: "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".

Amend sec. 24, page 15, line 33, after "office" by inserting: "*in any county*".

Amend the bill as a whole by deleting sec. 24.5.

Amend sec. 51, page 32, by deleting lines 3 through 5 and inserting:

"Sec. 51. This act becomes effective on July 1, 2005.".

Senator Titus moved the adoption of the amendment.

Remarks by Senators Titus and Raggio.

Conflict of interest declared by Senator Raggio.

Conflict of interest declared by Senator Mathews.

Conflict of interest declared by Senator Townsend.

Senator Coffin disclosed that his wife is a member of a bank board and they have stock in a small bank.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 512.

Bill read third time.

Roll call on Senate Bill No. 512:

YEAS—21.

NAYS—None.

Senate Bill No. 512 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 514.

Bill read third time.

Roll call on Senate Bill No. 514:

YEAS—21.

NAYS—None.

Senate Bill No. 514 having received a constitutional majority,
Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 63.

Bill read third time.

Roll call on Assembly Bill No. 63:

YEAS—20.

NAYS—Coffin.

Assembly Bill No. 63 having received a constitutional majority,
Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 125.

Bill read third time.

Roll call on Assembly Bill No. 125:

YEAS—21.

NAYS—None.

Assembly Bill No. 125 having received a constitutional majority,
Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 143.

Bill read third time.

Roll call on Assembly Bill No. 143:

YEAS—20.

NAYS—Beers.

Assembly Bill No. 143 having received a constitutional majority,
Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 158.

Bill read third time.

Roll call on Assembly Bill No. 158:

YEAS—21.

NAYS—None.

Assembly Bill No. 158 having received a constitutional majority,
Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 186.

Bill read third time.

Roll call on Assembly Bill No. 186:

YEAS—21.

NAYS—None.

Assembly Bill No. 186 having received a constitutional majority,
Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 190.

Bill read third time.

Roll call on Assembly Bill No. 190:

YEAS—21.

NAYS—None.

Assembly Bill No. 190 having received a constitutional majority,
Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 202.

Bill read third time.

Roll call on Assembly Bill No. 202:

YEAS—21.

NAYS—None.

Assembly Bill No. 202 having received a constitutional majority,
Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 248.

Bill read third time.

Roll call on Assembly Bill No. 248:

YEAS—21.

NAYS—None.

Assembly Bill No. 248 having received a constitutional majority,
Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 340.

Bill read third time.

Roll call on Assembly Bill No. 340:

YEAS—20.

NAYS—None.

NOT VOTING—Raggio.

Assembly Bill No. 340 having received a constitutional majority,
Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 343.

Bill read third time.

Roll call on Assembly Bill No. 343:

YEAS—21.

NAYS—None.

Assembly Bill No. 343 having received a two-thirds majority,
Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 426.

Bill read third time.

Roll call on Assembly Bill No. 426:

YEAS—21.

NAYS—None.

Assembly Bill No. 426 having received a constitutional majority,
Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 427.

Bill read third time.

Roll call on Assembly Bill No. 427:

YEAS—21.

NAYS—None.

Assembly Bill No. 427 having received a two-thirds majority,
Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 437.

Bill read third time.

Roll call on Assembly Bill No. 437:

YEAS—21.

NAYS—None.

Assembly Bill No. 437 having received a constitutional majority,
Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 454.

Bill read third time.

Roll call on Assembly Bill No. 454:

YEAS—21.

NAYS—None.

Assembly Bill No. 454 having received a two-thirds majority,
Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 458.

Bill read third time.

Roll call on Assembly Bill No. 458:

YEAS—21.

NAYS—None.

Assembly Bill No. 458 having received a constitutional majority,
Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 471.

Bill read third time.

Roll call on Assembly Bill No. 471:

YEAS—20.

NAYS—Carlton.

Assembly Bill No. 471 having received a constitutional majority,
Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 475.

Bill read third time.

Roll call on Assembly Bill No. 475:

YEAS—21.

NAYS—None.

Assembly Bill No. 475 having received a constitutional majority,
Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 477.

Bill read third time.

Roll call on Assembly Bill No. 477:

YEAS—21.

NAYS—None.

Assembly Bill No. 477 having received a constitutional majority,
Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 483.

Bill read third time.

Roll call on Assembly Bill No. 483:

YEAS—21.

NAYS—None.

Assembly Bill No. 483 having received a constitutional majority,
Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 509.

Bill read third time.

Roll call on Assembly Bill No. 509:

YEAS—21.

NAYS—None.

Assembly Bill No. 509 having received a constitutional majority,
Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 510.

Bill read third time.

Roll call on Assembly Bill No. 510:

YEAS—21.

NAYS—None.

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

Bill ordered transmitted to the Assembly.

Assembly Bill No. 519.

Bill read third time.

Roll call on Assembly Bill No. 519:

YEAS—21.

NAYS—None.

Assembly Bill No. 519 having received a constitutional majority,
Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 528.

Bill read third time.

Roll call on Assembly Bill No. 528:

YEAS—21.

NAYS—None.

Assembly Bill No. 528 having received a constitutional majority,
Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 531.

Bill read third time.

Roll call on Assembly Bill No. 531:

YEAS—21.

NAYS—None.

Assembly Bill No. 531 having received a constitutional majority,
Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 542.

Bill read third time.

Roll call on Assembly Bill No. 542:

YEAS—21.

NAYS—None.

Assembly Bill No. 542 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 546.

Bill read third time.

The following amendment was proposed by Senator Titus:

Amendment No. 1030.

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

"Sec. 7. Chapter 218 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *A Legislator who is a public officer or employee of the State, or any agency thereof, or of a local government, or any agency thereof, must take a leave of absence without pay from his duties as a public officer or employee during any regular or special session of the Legislature.*

2. *Subsection 1 does not infer any obligation upon a state agency, local government or other public employer to grant a leave of absence to a Legislator to allow service during a regular or special session of the Legislature."*

Amend the bill as a whole by adding a new section designated sec. 11, following sec. 9, to read as follows:

"Sec. 11. 1. This section and sections 1 to 6, inclusive, 8, 9 and 10 of this act become effective on October 1, 2005.

2. Section 7 of this act becomes effective on January 1, 2006."

Amend the title of the bill to read as follows:

"AN ACT relating to government; repealing the provision prohibiting a person from making a false statement of fact concerning a candidate or a question on a ballot under certain circumstances; repealing the provision prohibiting certain persons from willfully impeding the success of the campaign of a candidate or the campaign for the passage or defeat of a question on a ballot; requiring a Legislator who is a public officer or employee of the State or a local government to take an unpaid leave of absence during any regular or special session of the Legislature; and providing other matters properly relating thereto."

Amend the summary of the bill to read as follows:

"SUMMARY—Makes various changes relating to government. (BDR 23-899)".

Senator Titus moved the adoption of the amendment.

Remarks by Senator Titus.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Joint Resolution No. 6.

Resolution read third time.

Roll call on Assembly Joint Resolution No. 6:

YEAS—11.

NAYS—Amodei, Beers, Cegavske, Hardy, Heck, McGinness, Raggio, Tiffany, Townsend, Washington—10.

Assembly Joint Resolution No. 6 having received a constitutional majority, Madam President declared it passed.

Resolution ordered transmitted to the Assembly.

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

Resolution read third time.

Roll call on Assembly Joint Resolution No. 11 of the 72nd Session:

YEAS—12.

NAYS—Care, Carlton, Horsford, Lee, Mathews, McGinness, Rhoads, Titus, Wiener—9.

Assembly Joint Resolution No. 11 of the 72nd Session having received a constitutional majority, Madam President declared it passed.

Resolution ordered transmitted to the Assembly.

Assembly Bill No. 219.

Bill read third time.

The following amendment was proposed by Senator Amodei:

Amendment No. 1009.

Amend sec. 5, page 2, line 32, after "*Chairman.*" by inserting: "*At least one meeting in each calendar year must be held at a location within the Fourth Judicial District, Fifth Judicial District, Sixth Judicial District or Seventh Judicial District.*".

Amend sec. 6, page 3, line 3, after "2." by inserting: "*The Council shall:*

(a) *Study and review all appropriate issues related to the administration of the criminal justice system in rural Nevada with respect to offenses involving domestic violence, including, without limitation, the availability of counseling services; and*

(b) *With the assistance of the Court Administrator, based upon the study and review conducted pursuant to paragraph (a), prepare and submit a report of its findings and recommendations to the Director of the Legislative Counsel Bureau, on or before February 1 of each odd-numbered year, for transmittal to the next regular session of the Legislature. In preparing the report, the Council shall solicit comments and recommendations from district judges, municipal judges and justices of the peace in rural Nevada and include in its report, as a separate section, all comments and recommendations that are received by the Council.*

3."

Senator Amodei moved the adoption of the amendment.

Remarks by Senators Amodei and Mathews.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Nolan moved that the action whereby Assembly Joint Resolution No. 6 was passed be rescinded.

Remarks by Senator Nolan.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Joint Resolution No. 6.

Resolution read third time.

Roll call on Assembly Joint Resolution No. 6:

YEAS—10.

NAYS—Amodei, Beers, Cegavske, Hardy, Heck, McGinness, Nolan, Raggio, Tiffany, Townsend, Washington—11.

Assembly Joint Resolution No. 6 having failed to receive a constitutional majority, Madam President declared it lost.

UNFINISHED BUSINESS

CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 36.

The following Assembly amendment was read:

Amendment No. 737.

Amend section 1, page 2, line 6, by deleting the colon.

Amend section 1, page 2, by deleting lines 7 through 9 and inserting:
"guilty of a misdemeanor and shall be punished by a fine of not more than \$500."

Amend sec. 12, pages 7 and 8, by deleting lines 2 through 44 on page 7 and lines 1 through 4 on page 8 and inserting:

"118.105 1. ~~{A}~~ Except as otherwise provided in subsection 2, a landlord may not refuse to rent a dwelling subject to the provisions of chapter 118A of NRS to a person with a disability solely because ~~{a service}~~ an animal will be residing with the prospective tenant in the dwelling ~~{ }~~ if the animal assists, supports or provides service to the person with a disability.

2. A landlord may require proof that an animal ~~{is a service animal}~~ assists, supports or provides service to the person with a disability. This requirement may be satisfied, without limitation, by ~~{exhibition of the identification card normally presented to a person with a disability upon his graduation from a school for guide dogs, school for hearing dogs, school for helping dogs or school for other service animals}~~.

3. ~~As used in this section:~~

~~(a) "School for guide dogs" has the meaning ascribed to it in NRS 426.085.~~

~~(b) "School for hearing dogs" has the meaning ascribed to it in NRS 426.091.~~

~~(c) "School for helping dogs" has the meaning ascribed to it in NRS 426.095.~~

~~(d) "Service animal" has the meaning ascribed to it in NRS 426.097.] a statement from a provider of health care that the animal performs a function that ameliorates the effects of the person's disability."~~

Amend the title of the bill by deleting the sixth line and inserting: "restitution for certain violations; revising provisions concerning rental of certain dwellings by persons with a service animal; providing a penalty; and".

Senator Washington moved that the Senate concur in the Assembly amendment to Senate Bill No. 36.

Remarks by Senator Washington.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 93.

The following Assembly amendment was read:

Amendment No. 695.

Amend section 1, page 1, line 3, by deleting "\$1,400,000" and inserting "\$1,300,000".

Senator Beers moved that the Senate concur in the Assembly amendment to Senate Bill No. 93.

Remarks by Senator Beers.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 331.

The following Assembly amendment was read:

Amendment No. 734.

Amend section 1, page 1, line 12, after "(d)" by inserting: "*One member who is a public defender, appointed by the governing body of the State Bar of Nevada;*

(e)".

Amend section 1, page 2, line 1, by deleting "(e)" and inserting "~~{(e)}~~ (f)".

Amend section 1, page 2, line 4, by deleting "(f)" and inserting "~~{(f)}~~ (g)".

Amend section 1, page 2, line 7, by deleting "(g)" and inserting "~~{(g)}~~ (h)".

Amend section 1, page 2, line 9, by deleting "(h)" and inserting "~~{(h)}~~ (i)".

Amend section 1, page 2, line 10, by deleting "(i)" and inserting "(j)".

Amend section 1, page 2, line 13, by deleting "(j)" and inserting "(k)".

Senator Amodei moved that the Senate concur in the Assembly amendment to Senate Bill No. 331.

Remarks by Senator Amodei.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 70.

The following Assembly amendment was read:

Amendment No. 752.

Amend section 1, page 2, line 41, after "2." by inserting: "*On or before January 15 of each odd-numbered year, the Committee shall submit to the Director of the Legislative Counsel Bureau for transmittal to the Legislature a report concerning any action that the Committee had taken pursuant to subsection 1 during that biennium.*

3."

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

"Sec. 2. NRS 218.536, 218.5361, 218.5363, 218.5365, 218.5367, 218.5368, 218.5369 and 218.5371 are hereby repealed."

Amend sec. 2, page 3, by deleting line 1 and inserting:

"Sec. 3. 1. This section and section 1 of this act become effective upon passage and approval.

2. Section 2 of this act becomes effective on July 1, 2009.

LEADLINES OF REPEALED SECTIONS

218.536 Legislative findings and declarations.

218.5361 "Committee" defined.

218.5363 Establishment; membership; Chairman; vacancies.

218.5365 Meetings; regulations; compensation of members.

218.5367 Powers of Committee.

218.5368 Duties of Committee.

218.5369 Oaths; depositions; subpoenas.

218.5371 Fees and mileage for witnesses."

Amend the title of the bill, third line, after "lands;" by inserting: "requiring the Committee to submit a report concerning certain actions taken by the Committee to the Director of the Legislative Counsel Bureau; repealing prospectively the provisions creating the Committee;".

Amend the summary of the bill to read as follows:

"SUMMARY—Amends provisions relating to Legislative Committee on Public Lands. (BDR 17-427)".

Senator Cegavske moved that the Senate do not concur in the Assembly amendment to Senate Bill No. 70.

Remarks by Senator Cegavske.

Motion carried.

Bill ordered transmitted to the Assembly.

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

Motion carried.

Senate in recess at 2:33 p.m.

SENATE IN SESSION

At 2:40 p.m.

President Hunt presiding.

Quorum present.

Senate Bill No. 193.

The following Assembly amendment was read:

Amendment No. 738.

Amend section 1, page 2, lines 6 and 7, by deleting: "is:

(1) A" and inserting "is a".

Amend section 1, page 2, by deleting lines 9 through 11 and inserting:

"State Medical Association.

~~{2. One doctor of}~~

(b) *One member who is an osteopathic physician licensed to practice".*

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

Amend section 1, page 2, line 17, by deleting "(c)" and inserting "(d)".

Amend section 1, page 2, line 19, by deleting "(d)" and inserting "(e)".

Amend section 1, page 3, line 1, by deleting "(e)" and inserting "(f)".

Amend section 1, page 3, line 4, by deleting "(f)" and inserting "(g)".

Amend section 1, page 3, line 8, by deleting "(g)" and inserting "(h)".

Amend section 1, page 3, line 11, by deleting "(h)" and inserting "(i)".

Amend sec. 6, page 5, by deleting line 10 and inserting:

"2. *The Committee shall charge and collect:*

(a) *From a university, state college, community college or medical school within the University and Community College System of Nevada and any other medical school in this State to which the Committee distributes a dead human body in accordance with subsection 1, a fee in an amount".*

Amend sec. 6, page 5, line 12, by deleting "a" and inserting "the".

Amend sec. 6, page 5, by deleting lines 13 through 16 and inserting:
"451.350 to 451.470, inclusive; and

(b) *From any other person or entity to which the Committee distributes a dead human body in accordance with subsection 1:*

(1) *A fee in an amount not to exceed the expenses of the Committee to obtain, handle and distribute the body delivered to it pursuant to the provisions of NRS 451.350 to 451.470, inclusive; and*

(2) *An additional fee of \$200 for each body distributed to the person or entity which must be used by the Committee to carry out the provisions of NRS 451.350 to 451.470, inclusive."*

Senator Washington moved that the Senate concur in the Assembly amendment to Senate Bill No. 193.

Remarks by Senator Washington.

Motion carried by a two-thirds majority.

Bill ordered enrolled.

REPORTS OF COMMITTEES

Madam President:

Your Committee on Commerce and Labor, to which was referred Assembly Bill No. 236, 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 Assembly Bills Nos. 93, 101, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Finance, to which was referred Senate Bill No. 406, 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 was referred Assembly Bill No. 312, 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 Legislative Operations and Elections, to which were referred Assembly Bills Nos. 185, 497; Assembly Joint Resolution No. 5, 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 Transportation and Homeland Security, to which were referred Assembly Bills Nos. 348, 416, 504, 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 Transportation and Homeland Security, to which was rereferred Assembly Bill No. 550, 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*

SECOND READING AND AMENDMENT

Assembly Bill No. 19.

Bill read second time.

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

Amendment No. 858.

Amend section 1, page 3, line 9, by deleting "*promotional*" and inserting: "*promotional, rebate, incentive*".

Amend section 1, page 3, by deleting lines 38 through 40 and inserting: "*record*".

Senator Lee moved the adoption of the amendment.

Remarks by Senator Lee.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 210.

Bill read second time.

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

Amendment No. 897.

Amend the bill as a whole by deleting sections 1 through 10 and adding new sections designated sections 1 and 2, following the enacting clause, to read as follows:

"Section 1. The Legislature hereby finds and declares that:

1. Women and members of certain minority groups should be encouraged to obtain the skills and experience necessary to work in the construction industry through employment, apprenticeship programs and training related to the construction industry.

2. The construction industry should take active steps to encourage women and members of certain minority groups to obtain the training and experience necessary to succeed in the construction industry.

3. Upon receiving the training and experience required to succeed in the construction industry, both women and members of certain minority groups and the construction industry will mutually benefit from the greater inclusion of women and members of these groups in the construction industry.

Sec. 2. The Director of the Legislative Counsel Bureau shall prepare and transmit a copy of this act to:

1. The various chambers of commerce, high school vocation programs, community colleges and trade schools in this State;

2. The Association of General Contractors, the Associated Builders and Contractors and any other similar organization representing the construction industry; and

3. Any labor organization which represents workers in the construction industry and any other similar organization representing workers in the construction industry."

Amend the bill as a whole by adding a preamble, immediately preceding the enacting clause, to read as follows:

"WHEREAS, The men and women who work in the construction industry play a significant role in the growth of the economy of this State; and

WHEREAS, The construction industry in this State is rapidly growing, and the career opportunities for the men and women who work in the construction industry are abundant; and

WHEREAS, Due to the rapid growth of the construction industry in this State, the men and women who work in the construction industry are paid wages that exceed the average wage in this State and have access to other excellent employment benefits; and

WHEREAS, Women and members of certain minority groups are underrepresented in the construction industry as compared to their representation in the population of this State; and

WHEREAS, These women and members of certain minority groups should have access to the excellent wages, benefits and career opportunities available to a person working in the construction industry; and

WHEREAS, The construction industry will greatly benefit from the influx of trained women and members of certain minority groups into the construction industry; now, therefore,".

Amend the title of the bill to read as follows:

"AN ACT relating to employment; encouraging the construction industry and women and members of certain minority groups to take active steps to include women and members of those groups in the construction industry; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"SUMMARY—Encourages women and minorities to take advantage of opportunities in construction industry. (BDR S-872)".

Senator Hardy moved the adoption of the amendment.

Remarks by Senators Hardy and Horsford.

Senator Hardy moved that Assembly Bill No. 210 be taken from the Second Reading File and placed on the Secretary's desk.

Remarks by Senator Hardy.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Care moved that Assembly Bill No. 485 be taken from the Second Reading File and placed on the Second Reading File for the next legislative day.

Remarks by Senator Care.

Motion carried.

Senator Cegavske moved that Assembly Bill No. 443 be taken from the Secretary's desk and placed on the General File.

Remarks by Senator Cegavske.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 365.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 803.

Amend sec. 2, page 1, line 19, by deleting "115.090." and inserting: "115.090 ~~[-]~~ and except as otherwise required by federal law.".

Amend sec. 2, page 2, line 3, by deleting "\$400,000" and inserting "\$300,000".

Amend sec. 3, page 3, lines 10, 14, 23, 25 and 28, by deleting "\$400,000" and inserting "\$300,000".

Amend sec. 4, page 4, line 29, by deleting "\$400,000" and inserting "\$300,000".

Amend sec. 5, page 6, line 44, by deleting "section:" and inserting: "section ~~[]~~ or required by federal law:".

Amend sec. 5, page 8, line 20, by deleting "\$400,000" and inserting "\$300,000".

Amend sec. 6, page 10, line 35, by deleting "\$400,000" and inserting "\$300,000".

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. 364.

Bill read second time.

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

Amendment No. 868.

Amend section 1, page 2, line 5, by deleting "5" and inserting "6".

Amend sec. 2, page 2, line 21, by deleting "5" and inserting "6".

Amend the bill as a whole by renumbering sections 3 through 11 as sections 4 through 12 and adding a new section designated sec. 3, following sec. 2, to read as follows:

"Sec. 3. NRS 616B.630 is hereby amended to read as follows:

616B.630 1. ~~[An insurer of a contractor]~~ *The Administrator shall, not later than 10 days after receiving notice from the advisory organization that a contractor's coverage has lapsed, notify the State Contractors' Board [within 10 days after the contractor's coverage has lapsed.] of that fact.*

2. The Commissioner shall notify the Administrator and the State Contractors' Board within 10 days after a contractor's certificate of qualification as a self-insured employer is cancelled or withdrawn or he is no longer a member of an association of self-insured public or private employers."

Amend sec. 3, page 2, line 28, by deleting: "4, 5 and 6" and inserting: "5, 6 and 7".

Amend sec. 4, page 2, line 29, after "4." by inserting "1."

Amend sec. 4, page 2, line 31, by deleting "a quarterly" and inserting "an annual".

Amend sec. 4, page 2, line 33, by deleting "1." and inserting "(a)".

Amend sec. 4, page 2, line 36, by deleting "2." and inserting "(b)".

Amend sec. 4, page 2, line 38, by deleting "3." and inserting "(c)".

Amend sec. 4, page 2, line 40, by deleting "4." and inserting "(d)".

Amend sec. 4, page 2, line 43, by deleting "(a)" and inserting "(1)".

Amend sec. 4, page 2, line 44, by deleting "(b)" and inserting "(2)".

Amend sec. 4, page 2, line 45, by deleting "(c)" and inserting "(3)".

Amend sec. 4, page 2, after line 45, by inserting:

"2. An injured employee may request in writing from the insurer an accounting described in subsection 1. The accounting must cover the period from the date on which the most recent annual accounting was provided to the injured employee pursuant to subsection 1 to the date on which the written request is made. The insurer shall provide the accounting to the injured employee not later than 30 days after receiving the written request for the accounting from the injured employee. Any accounting provided by an insurer to an injured employee pursuant to this subsection must be provided in addition to, and not in lieu of, the annual accountings required pursuant to subsection 1."

Amend sec. 5, page 3, line 1, after "5." by inserting "1."

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

"(a) The claim was closed and the claimant was not scheduled for an".

Amend sec. 5, page 3, line 5, by deleting "2." and inserting "(b)".

Amend sec. 5, page 3, line 7, by deleting: "eligible to receive compensation" and inserting: "qualified to be scheduled for an evaluation".

Amend sec. 5, page 3, line 9, by deleting "3." and inserting "(c)".

Amend sec. 5, page 3, between lines 10 and 11, by inserting:

"2. The demonstration required pursuant to paragraph (b) of subsection 1 must be made with documentation that existed at the time that the case was closed.

3. Notwithstanding any specific statutory provision to the contrary, the consideration of whether a claimant is entitled to payment of compensation for a permanent partial disability for a claim that is reopened pursuant to this section must be made in accordance with the provisions of the applicable statutory and regulatory provisions that existed on the date on which the claim was closed, including, without limitation, using the edition of the American Medical Association's Guides to the Evaluation of Permanent Impairment as adopted by the Division pursuant to NRS 616C.110 that was applicable on the date the claim was closed."

Amend sec. 6, page 3, by deleting lines 11 through 16 and inserting:

"Sec. 7. 1. If the employer of a vocational rehabilitation counselor is also the entity administering an injured employee's case, the vocational rehabilitation counselor shall not provide services as a vocational rehabilitation counselor to the injured employee, including, without limitation, completing a written assessment pursuant to NRS 616C.550, unless, before the commencement of such services, the injured employee is provided with a written disclosure that:

(a) Discloses the relationship between the vocational rehabilitation counselor and the entity administering the injured employee's case; and

(b) Informs the injured employee of his right to be assigned an alternate vocational rehabilitation counselor who is not affiliated with the entity administering the injured employee's case.

2. After receiving the written disclosure required pursuant to subsection 1, the injured employee has a right to be assigned an alternate

vocational rehabilitation counselor who is not affiliated with the entity administering the injured employee's case. To be assigned an alternate vocational rehabilitation counselor, the injured employee must submit a written request to the entity administering the injured employee's case before the commencement of vocational rehabilitation services. Not later than 10 days after receiving such a request, the entity administering the injured employee's case shall assign the injured employee an alternate vocational rehabilitation counselor who is not affiliated with the entity administering the injured employee's case."

Amend sec. 7, page 3, line 18, by deleting "5" and inserting "6".

Amend sec. 8, page 5, line 45, by deleting "5" and inserting "6".

Amend sec. 9, page 7, line 14, by deleting "6" and inserting "7".

Amend sec. 11, page 10, line 32, by deleting "5" and inserting "6".

Amend the title of the bill to read as follows:

"AN ACT relating to industrial insurance; revising provisions relating to the notices required when a contractor's coverage lapses; requiring an insurer that makes payments of compensation to an injured employee for a permanent total disability to provide certain accountings to the injured employee; requiring an insurer to reopen a claim to consider the payment of compensation for a permanent partial disability under certain circumstances; authorizing an insurer or an injured employee to request a vocational rehabilitation counselor to prepare a written assessment of the injured employee under certain circumstances; prohibiting a vocational rehabilitation counselor who is employed by the entity administering an injured employee's case from providing services to the injured employee under certain circumstances; providing an injured employee with the right to be assigned an alternate vocational rehabilitation counselor who is not affiliated with the entity administering the injured employee's case; and providing other matters properly relating thereto."

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. 384.

Bill read second time.

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

Amendment No. 869.

Amend sec. 2, page 1, line 5, by deleting: "3 to 21," and inserting: "2.5 to 21.5,".

Amend the bill as a whole by adding a new section designated sec. 2.5, following sec. 2, to read as follows:

"Sec. 2.5. 1. "Automated loan machine" means any machine or other device, regardless of the name given to it or the technology used, that:

(a) *Is automated;*

(b) *Is designed or intended to allow a customer, without any additional assistance from another person, to receive or attempt to receive a deferred deposit loan or short-term loan through the machine or other device; and*

(c) *Is set up, installed, operated or maintained by or on behalf of the person making the loan or any agent, affiliate or subsidiary of the person.*

2. *The term does not include any machine or other device used directly by a customer to access the Internet unless the machine or other device is made available to the customer by the person making the loan or any agent, affiliate or subsidiary of the person."*

Amend sec. 8, page 2, by deleting lines 30 and 31 and inserting: *"the extension or repayment plan does not violate the provisions of this chapter."*

Amend sec. 9, page 2, line 35, by deleting *"written"* and inserting *"loan"*.

Amend sec. 9, page 3, line 2, by deleting *"the electronic"* and inserting *"an electronic"*.

Amend the bill as a whole by adding a new section designated sec. 15.5, following sec. 15, to read as follows:

"Sec. 15.5. *"Refund anticipation loan" means a loan offered or made to a taxpayer by a lender or through a facilitator based on the taxpayer's anticipated federal income tax refund."*

Amend sec. 16, page 3, by deleting lines 32 and 33 and inserting:

"Sec. 16. *"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."*

Amend sec. 17, page 3, by deleting lines 37 through 43 and inserting:

"(a) Charges an annual percentage rate of more than 40 percent; and

(b) Requires the loan to be paid in full in less than 1 year.

2. *The term does not include:*

(a) A deferred deposit loan;

(b) A title loan; or

(c) A refund anticipation loan."

Amend sec. 19, page 4, by deleting lines 5 through 11 and inserting: *"pursuant to a loan agreement which, under its original terms:*

(a) Charges an annual percentage rate of more than 35 percent; and

(b) Requires the customer to secure the loan by giving possession of the title to a vehicle legally owned by the customer to the person making the loan, or to any agent, affiliate or subsidiary of the person, whether or not the person making the loan or taking possession of the title perfects a security interest in the vehicle by having the person's name noted on the title as a lienholder.

2. *The term does not include:*

(a) A loan which creates a purchase-money security interest in a vehicle or the refinancing of any such loan; or

(b) Any other loan for which a vehicle is used as security or collateral if the person making the loan,"

Amend sec. 21, page 4, by deleting lines 17 through 19 and inserting:

"Sec. 21. *"Title to a vehicle" or "title" means a certificate of title or ownership issued pursuant to the laws of this State that identifies the legal owner of a vehicle or any similar"*.

Amend the bill as a whole by adding new sections designated sections 21.2 through 21.8, following sec. 21, to read as follows:

"Sec. 21.2. *"Truth in Lending Act" means the federal Truth in Lending Act, as amended, 15 U.S.C. §§ 1601 et seq.*

Sec. 21.5. 1. *"Vehicle" means any vehicle, whether or not self-propelled, that is designed or intended for land transportation if the legal owner of the vehicle is required to have a title.*

2. *The term includes, without limitation:*

- (a) Passenger vehicles;*
- (b) Recreational vehicles; and*
- (c) House trailers and travel trailers.*

3. *The term does not include:*

- (a) Farm vehicles;*
- (b) Vehicles of a common or contract carrier;*
- (c) Commercial vehicles;*
- (d) Construction vehicles;*
- (e) Military vehicles;*
- (f) Vehicles used exclusively upon stationary rails or tracks; or*
- (g) Any other vehicles which are similar in nature to the vehicles listed in paragraphs (a) to (f), inclusive, and which the Commissioner, by regulation, excludes from the definition of "vehicle."*

Sec. 21.8. 1. *As used in this chapter, unless the context otherwise requires, the following terms have the meanings ascribed to them in the Truth in Lending Act and Regulation Z:*

- (a) "Amount financed."*
- (b) "Annual percentage rate."*
- (c) "Finance charge."*
- (d) "Payment schedule."*
- (e) "Total of payments."*

2. *For the purposes of this chapter, proper calculation of the amount financed, annual percentage rate and finance charge for a loan must be made in accordance with the Truth in Lending Act and Regulation Z."*

Amend sec. 23, page 4, line 28, before "loan," by inserting: "loan or an extension of a".

Amend sec. 23, page 4, line 30, by deleting: "fees or interest" and inserting: "additional fees or additional interest".

Amend sec. 27, page 6, between lines 6 and 7, by inserting:

"15. *A person who makes a refund anticipation loan, unless the person operates a check-cashing service, deferred deposit loan service, short-term loan service or title loan service."*

Amend sec. 28, page 6, by deleting lines 7 through 13 and inserting:

"Sec. 28. 1. *The Commissioner may establish by regulation the fees that a licensee who provides check-cashing services may impose for cashing checks.*

2. *The Commissioner shall adopt any other regulations as are*".

Amend sec. 29, page 6, line 24, by deleting "means." and inserting: "means, except that the person shall not operate such a service through any automated loan machine in violation of the provisions of subsection 3.

3. *A person shall not operate a deferred deposit loan service or short-term loan service through any automated loan machine, and the Commissioner shall not issue a license that authorizes the licensee to conduct business through any automated loan machine.*".

Amend sec. 30, page 6, by deleting lines 26 through 29 and inserting: "every location at which he conducts business under his license:

(a) *A notice that states the fees he charges for providing check-cashing services, deferred deposit loan services, short-term loan services or title loan services.*

(b) *A notice that states a toll-free telephone number to the Office of the Commissioner to handle concerns or complaints of customers.*

➡ *The Commissioner shall adopt regulations prescribing the form and size of the notices required by this subsection.*".

Amend sec. 30, page 6, line 33, after "means," by inserting: "except for an automated loan machine prohibited by section 29 of this act,".

Amend sec. 31, page 7, by deleting lines 11 through 25 and inserting:

"(b) *The nature of the security for the loan, if any;*

(c) *The date and amount of the loan, amount financed, annual percentage rate, finance charge, total of payments, payment schedule and a description and the amount of every fee charged, regardless of the name given to the fee and regardless of whether the fee is required to be included in the finance charge under the Truth in Lending Act and Regulation Z;*

(d) *A disclosure of the right of the customer to rescind a loan pursuant to the provisions of this chapter;*

(e) *A disclosure of the right of the customer to pay his loan in full or in part with no additional charge pursuant to the provisions of this chapter;*

(f) *A disclosure stating that, if the customer defaults on the loan, the customer has the opportunity within 30 days of the date of default to enter into a repayment plan with a term of at least 90 days, and that the licensee must offer the repayment plan to the customer before the licensee commences any civil action or process of alternative dispute resolution or, if appropriate for the loan, before the licensee repossesses a vehicle; and*

(g) *Any other disclosures required under the Truth in Lending Act and Regulation Z or under any other applicable federal or state statute or regulation.*".

Amend sec. 32, page 7, line 30, after "Act," by inserting "as amended,".

Amend sec. 32, page 7, line 33, by deleting "initiates" and inserting "commences".

Amend sec. 32, page 7, line 39, by deleting "is" and inserting "was".

Amend sec. 32, page 7, after line 45, by inserting:

"3. *Notwithstanding any provision of NRS 66.010 to the contrary, if:*

(a) A licensee intends to commence a civil action in a justice's court against a customer to collect a debt; and

(b) The customer resides in the county where the loan was made,
→ *the licensee is required to commence the civil action in the justice's court for the township where the loan was made unless, after the date of default and before the licensee commences the civil action, the customer signs an affidavit agreeing to try the action in another justice's court having jurisdiction over the subject matter and the parties. A licensee shall not, directly or indirectly, require, intimidate, threaten or coerce a customer to sign such an affidavit."*

Amend sec. 33, page 8, line 12, after "Garnish" by inserting: "or threaten to garnish".

Amend sec. 33, page 8, line 14, after "Contact" by inserting: "or threaten to contact".

Amend the bill as a whole by adding a new section designated sec. 33.5, following sec. 33, to read as follows:

"Sec. 33.5. 1. *A licensee shall not:*

(a) Make a deferred deposit loan that exceeds 25 percent of the expected gross monthly income of the customer when the loan is made; or

(b) Make a short-term loan which, under the terms of the loan agreement, requires any monthly payment that exceeds 25 percent of the expected gross monthly income of the customer.

2. *A licensee is not in violation of the provisions of this section if the customer presents evidence of his gross monthly income to the licensee and represents to the licensee in writing that:*

(a) For a deferred deposit loan, the loan does not exceed 25 percent of his expected gross monthly income when the loan is made; or

(b) For a short-term loan, the monthly payment required under the terms of the loan agreement does not exceed 25 percent of his expected gross monthly income."

Amend sec. 34, page 8, by deleting lines 19 through 38 and inserting:

"Sec. 34. *A licensee shall not make more than one deferred deposit loan or short-term loan to the same customer at one time or before any outstanding balance is paid in full on an existing loan made by that licensee to the customer unless:*

1. *The customer is seeking multiple loans that do not exceed the limits set forth in section 33.5 of this act;*

2. *The licensee charges the same or a lower annual percentage rate for any additional loans as he charged for the initial loan;*

3. *Except for that part of the finance charge which consists of interest only, the licensee does not impose any other charge or fee to initiate any additional loans, except that a licensee who makes deferred deposit loans or*

short-term loans in accordance with the provisions of subsection 2 of section 43 of this act may charge a reasonable fee for preparing documents in an amount that does not exceed \$50; and

4. If the additional loans are deferred deposit loans and the".

Amend sec. 35, page 9, line 2, by deleting "motor".

Amend sec. 35, page 9, by deleting lines 7 through 22 and inserting:

"(d) More than one check or written authorization for an electronic transfer of money for each deferred deposit loan.

(e) A check or written authorization for an electronic transfer of money for any deferred deposit loan in an amount which exceeds the total of payments set forth in the disclosure statement required by the Truth in Lending Act and Regulation Z that is provided to the customer.

2. Take any note or promise to pay which does not disclose the date and amount of the loan, amount financed, annual percentage rate, finance charge, total of payments, payment schedule and a description and the amount of every fee charged, regardless of the name given to the fee and regardless of whether the fee is required to be included in the finance charge under the Truth in Lending Act and Regulation Z.

3. Take any instrument, including a check or written authorization for an electronic transfer of money, in which blanks".

Amend sec. 36, page 9, by deleting lines 36 through 38 and inserting:

"2. Commence a civil action or any process of alternative dispute resolution or repossess a vehicle before the customer defaults under the original term of a loan agreement or before the customer defaults under any repayment plan, extension or grace period negotiated and agreed".

Amend sec. 36, page 10, line 2, before "payment" by inserting "the".

Amend the bill as a whole by adding a new section designated sec. 36.5, following sec. 36, to read as follows:

"Sec. 36.5. Notwithstanding any other provision of this chapter to the contrary:

1. The original term of a title loan must not exceed 30 days.

2. The title loan may be extended for not more than six additional periods of extension, with each such period not to exceed 30 days, if:

(a) Any interest or charges accrued during the original term of the title loan or any period of extension of the title loan are not capitalized or added to the principal amount of the title loan during any subsequent period of extension;

(b) The annual percentage rate charged on the title loan during any period of extension is not more than the annual percentage rate charged on the title loan during the original term; and

(c) No additional origination fees, set-up fees, collection fees, transaction fees, negotiation fees, handling fees, processing fees, late fees, default fees or any other fees, regardless of the name given to the fees, are charged in connection with any extension of the title loan."

Amend sec. 37, page 10, line 18, by deleting "motor".

Amend sec. 37, page 10, by deleting line 27 and inserting: "*obligations, employment and ownership of the vehicle; and*".

Amend sec. 38, page 10, line 30, by deleting "*chapter,*" and inserting "*section,*".

Amend sec. 38, page 10, line 35, by deleting: "*to commence a legal action*".

Amend sec. 38, page 10, lines 36, 40, 41 and 43, by deleting "*motor*".

Amend sec. 38, page 11, lines 1 and 3, by deleting "*motor*".

Amend sec. 38, page 11, by deleting lines 4 through 15 and inserting: "*before he entered into the title loan.*"

3. *If a vehicle is repossessed pursuant to this section:*

(a) *By the licensee or his employees, the licensee shall make reasonably available to the customer any personal property in or upon the vehicle; or*

(b) *By a third party acting on behalf of the licensee, the licensee shall instruct the third party to make reasonably available to the customer any personal property in or upon the vehicle.*

4. *If a customer uses fraud to secure a title loan or if the customer wrongfully transfers any interest in the vehicle to a third party before the title loan is repaid, the licensee may bring a civil action against the customer for any or all of the following relief:*

(a) *The amount of the loan obligation, including, without limitation, the aggregate amount of the interest, charges and fees negotiated and agreed to by the licensee and customer as permitted under this chapter, less any prior payments made by the customer;".*

Amend sec. 38, page 11, line 24, by deleting "*motor*".

Amend sec. 39, page 11, line 31, by deleting "*loan:*" and inserting "*loan;*".

Amend sec. 39, page 12, line 6, by deleting "*motor*".

Amend sec. 40, page 12, line 14, by deleting "*customer,*" and inserting: "*customer as permitted under this chapter,*".

Amend sec. 40, page 12, line 23, by deleting "*motor*".

Amend sec. 42, pages 13 and 14, by deleting lines 7 through 45 on page 13 and lines 1 through 22 on page 14, and inserting:

"Sec. 42. 1. *Before a licensee attempts to collect the outstanding balance on a loan in default by commencing any civil action or process of alternative dispute resolution or by repossessing a vehicle, the licensee shall offer the customer an opportunity to enter into a repayment plan. The licensee:*

(a) *Is required to make the offer available to the customer for a period of at least 30 days after the date of default; and*

(b) *Is not required to make such an offer more than once for each loan.*

2. *Not later than 15 days after the date of default, the licensee shall provide to the customer written notice of the opportunity to enter into a repayment plan. The written notice must:*

(a) *Be in English, if the initial transaction was conducted in English, or in Spanish, if the initial transaction was conducted in Spanish;*

(b) State the date by which the customer must act to enter into a repayment plan;

(c) Explain the procedures the customer must follow to enter into a repayment plan;

(d) If the licensee requires the customer to make an initial payment to enter into a repayment plan, explain the requirement and state the amount of the initial payment and the date the initial payment must be made;

(e) State that the customer has the opportunity to enter into a repayment plan with a term of at least 90 days after the date of default; and

(f) Include the following amounts:

(1) The total of payments or the remaining balance on the original loan;

(2) Any payments made on the loan;

(3) Any charges added to the loan amount allowed pursuant to the provisions of this chapter; and

(4) The total amount due if the customer enters into a repayment plan.

3. Under the terms of any repayment plan pursuant to this section:

(a) The customer must enter into the repayment plan not later than 30 days after the date of default, unless the licensee allows a longer period;

(b) The licensee must allow the period for repayment to extend at least 90 days after the date of default, unless the customer agrees to a shorter term;

(c) The licensee may require the customer to make an initial payment of not more than 20 percent of the total amount due under the terms of the repayment plan;

(d) For a deferred deposit loan:

(1) The licensee may require a customer to provide, as security, one or more checks or written authorizations for an electronic transfer of money which equal the total amount due under the terms of the repayment plan;

(2) The licensee shall, if the customer makes a payment in the amount of a check or written authorization taken as security for that payment, return to the customer the check or written authorization stamped "void" or destroy the check or written authorization; and

(3) The licensee shall not charge any fee to the customer pursuant to section 45 of this act for a check which is provided as security during the repayment plan and which is not paid upon presentment if, in connection with that loan, the licensee has previously charged at least one such fee.

4. If the licensee and customer enter into a repayment plan pursuant to this section, the licensee shall honor the terms of the repayment plan, and the licensee shall not:

(a) Except as otherwise provided by this chapter, charge any other amount to a customer, including, without limitation, any amount or charge payable directly or indirectly by the customer and imposed directly or indirectly by the licensee as an incident to or as a condition of entering into a repayment plan. Such an amount includes, without limitation:

(1) Any interest, regardless of the name given to the interest, other than the interest charged pursuant to the original loan agreement at a rate which does not exceed the annual percentage rate charged during the term of the original loan agreement; or

(2) Any origination fees, set-up fees, collection fees, transaction fees, negotiation fees, handling fees, processing fees, late fees, default fees or any other fees, regardless of the name given to the fee;

(b) Except as otherwise provided in this section, accept any additional security or collateral from the customer to enter into the repayment plan;

(c) Sell to the customer any insurance or require the customer to purchase insurance or any other goods or services to enter into the repayment plan;

(d) Make any other loan to the customer, unless the customer is seeking multiple loans that do not exceed the limit set forth in section 33.5 of this act;

(e) During the term of the repayment plan, attempt to collect the outstanding balance by commencing any civil action or process of alternative dispute resolution or by repossessing a vehicle, unless the customer defaults on the repayment plan; or

(f) Attempt to collect an amount that is greater than the amount owed under the terms of the repayment plan.

5. If the licensee and customer enter into a repayment plan pursuant to this section, the licensee shall:

(a) Prepare a written agreement establishing the repayment plan; and

(b) Give the customer a copy of the written agreement. The written agreement must:

(1) Be signed by the licensee and customer; and

(2) Contain all of the terms of the repayment plan, including, without limitation, the total amount due under the terms of the repayment plan."

Amend sec. 42, page 14, between lines 35 and 36, by inserting:

"7. If the customer defaults on the repayment plan, the licensee may, to collect the outstanding balance, commence any civil action or process of alternative dispute resolution or repossess a vehicle as otherwise authorized pursuant to this chapter."

Amend sec. 43, page 14, by deleting lines 36 through 41 and inserting:

"Sec. 43. 1. Except as otherwise provided in subsection 2, if a customer agrees to establish or extend the period for the repayment, renewal, refinancing or consolidation of an outstanding loan by using the proceeds of a new deferred deposit loan or short-term loan to pay the balance of the outstanding loan, the licensee shall not establish or extend such a period beyond 60 days after the expiration of the initial loan period.

2. This section does not apply to a deferred deposit loan or short-term loan if the licensee:

(a) Makes the deferred deposit loan or short-term loan to a customer pursuant to a loan agreement which, under its original terms:

(1) Charges an annual percentage rate of less than 200 percent;

(2) *Requires the customer to make a payment on the loan at least once every 30 days;*

(3) *Requires the loan to be paid in full in not less than 150 days; and*

(4) *Provides that interest does not accrue on the loan at the annual percentage rate set forth in the loan agreement after the date of maturity of the loan;*

(b) *Performs a credit check of the customer with a major consumer reporting agency before making the loan;*

(c) *Reports information relating to the loan experience of the customer to a major consumer reporting agency;*

(d) *Gives the customer the right to rescind the deferred deposit loan or short-term loan within 5 days after the loan is made without charging the customer any fee for rescinding the loan;*

(e) *Participates in good faith with a counseling agency that is:*

(1) *Accredited by the Council on Accreditation for Services for Families and Children, Inc., or its successor organization; and*

(2) *A member of the National Foundation for Credit Counseling, or its successor organization; and*

(f) *Does not commence any civil action or process of alternative dispute resolution on a defaulted loan or any extension or repayment plan thereof."*

Amend sec. 44, pages 14 and 15, by deleting lines 42 through 45 on page 14 and lines 1 through 12 on page 15, and inserting:

"Sec. 44. 1. *Except as otherwise provided in section 36.5 of this act, if a customer defaults on a loan or on any extension or repayment plan relating to the loan, whichever is later, the licensee may collect only the following amounts from the customer, less all payments made before and after default:*

(a) *The principal amount of the loan.*

(b) *The interest accrued before the expiration of the initial loan period at the annual percentage rate set forth in the disclosure statement required by the Truth in Lending Act and Regulation Z that is provided to the customer. If there is an extension relating to the loan, the licensee may charge and collect interest pursuant to this paragraph for a period not to exceed 60 days after the expiration of the initial loan period, unless otherwise allowed by section 43 of this act.*

(c) *The interest accrued after the expiration of the initial loan period or after any extension or repayment plan that is allowed pursuant to this chapter, whichever is later, at an annual percentage rate".*

Amend sec. 44, page 15, lines 17 and 18, by deleting "12 weeks." and inserting "90 days."

Amend sec. 44, page 15, line 24, by deleting "I," and inserting: "I and any other charges expressly permitted pursuant to sections 34, 36.5 and 42 of this act,".

Amend sec. 48, page 17, line 21, by deleting "business," and inserting: "business under the license,".

Amend sec. 48, page 17, line 25, by deleting "means." and inserting: "means, except that the applicant shall not propose to do business through any automated loan machine prohibited by section 29 of this act.".

Amend sec. 48, page 17, between lines 40 and 41, by inserting:

"4. The Commissioner shall consider an application to be withdrawn if the Commissioner has not received all information and fees required to complete the application within 6 months after the date the application is first submitted to the Commissioner or within such later period as the Commissioner determines in accordance with any existing policies of joint regulatory partners. If an application is deemed to be withdrawn pursuant to this subsection or if an applicant otherwise withdraws an application, the Commissioner may not issue a license to the applicant unless the applicant submits a new application and pays any required fees.".

Amend sec. 49, page 17, by deleting lines 44 and 45 and inserting: "the State of Nevada in the amount of \$50,000 plus an additional \$5,000 for each branch location at which the applicant proposes to do business under the license. Thereafter, each licensee shall maintain the surety bond so that the amount of the surety bond is \$50,000 plus an additional \$5,000 for each branch location at which the licensee does business under the license. The surety bond required by this section is for the use and benefit of any customer receiving the services of the licensee at any location at which the licensee does business under the license.".

Amend sec. 51, page 19, line 39, by deleting "means." and inserting: "means, except that the applicant shall not conduct business in this State through any automated loan machine prohibited by section 29 of this act.".

Amend sec. 52, page 19, line 43, by deleting "section" and inserting: "sections 53.5 and" .

Amend the bill as a whole by adding a new section designated sec. 53.5, following sec. 53, to read as follows:

"Sec. 53.5. 1. In addition to any other requirements set forth in this chapter, each applicant must submit proof satisfactory to the Commissioner that the applicant:

(a) Has a good reputation for honesty, trustworthiness and integrity and is competent to transact the business for which the applicant seeks to be licensed in a manner which protects the interests of the general public.

(b) Has not made a false statement of material fact on the application for the license.

(c) Has not committed any of the acts specified in subsection 2.

(d) Has not had a license issued pursuant to this chapter suspended or revoked within the 10 years immediately preceding the date of the application.

(e) Has not been convicted of, or entered a plea of nolo contendere to, a felony or any crime involving fraud, misrepresentation or moral turpitude.

(f) If the applicant is a natural person:

(1) Is at least 21 years of age; and

(2) *Is a citizen of the United States or lawfully entitled to remain and work in the United States.*

2. *In addition to any other lawful reasons, the Commissioner may refuse to issue a license to an applicant if the applicant:*

(a) *Has committed or participated in any act which, if committed or done by a holder of a license, would be grounds for the suspension or revocation of the license.*

(b) *Has previously been refused a license pursuant to this chapter or has had such a license suspended or revoked.*

(c) *Has participated in any act which was a basis for the refusal or revocation of a license pursuant to this chapter.*

(d) *Has falsified any of the information submitted to the Commissioner in support of the application for the license."*

Amend sec. 54, page 20, line 21, by deleting "*that the*" and inserting: "*that*:"

(a) *The*."

Amend sec. 54, page 20, by deleting line 25 and inserting: "*efficiently; and*

(b) *The applicant has satisfied the requirements set forth in section 53.5 of this act."*

Amend sec. 54, page 20, line 41, by deleting "*means.*" and inserting: "*means, except that the Commissioner shall not issue any license that would authorize the licensee to operate through any automated loan machine prohibited by section 29 of this act."*

Amend sec. 54, page 20, line 44, by deleting "*shall:*" and inserting "*must:*".

Amend sec. 57, page 21, line 41, after "Sec. 57." by inserting "*I.*".

Amend sec. 57, page 22, between lines 2 and 3, by inserting:

"2. *A licensee must obtain the approval of the Commissioner before using or changing a business name.*

3. *A licensee shall not:*

(a) *Use any business name which is identical or similar to a business name used by another licensee under this chapter or which may mislead or confuse the public.*

(b) *Use any printed forms which may mislead or confuse the public."*

Amend sec. 59, page 23, line 8, by deleting "*means.*" and inserting: "*means, except that the licensee shall not operate any automated loan machine prohibited by section 29 of this act."*

Amend sec. 60, page 23, line 12, after "*separate*" by inserting: "*written or electronic*".

Amend sec. 64, page 25, line 1, after "Sec. 64." by inserting "*I.*".

Amend sec. 64, page 25, between lines 6 and 7, by inserting:

"2. *If, after auditing one or more branch locations of the licensee, the Commissioner or his authorized representatives conclude that the loans, disclosures, loan practices, computer processes, filing systems and records are identical at each branch location, the Commissioner may make an examination of only those branch locations he deems necessary."*

Amend the bill as a whole by adding a new section designated sec. 65.5, following sec. 65, to read as follows:

"Sec. 65.5. In addition to any other lawful reasons, the Commissioner may suspend or revoke a license if the licensee has engaged in any act that would be grounds for denying a license pursuant this chapter."

Amend the bill as a whole by adding a new section designated sec. 73.5, following sec. 73, to read as follows:

"Sec. 73.5. In addition to any other remedy or penalty, the Commissioner may impose an administrative fine of not more than \$10,000 upon a person who, without a license, conducts any business or activity for which a license is required pursuant to the provisions of this chapter."

Amend sec. 74, page 28, by deleting lines 9 through 21 and inserting:

"Sec. 74. 1. Subject to the affirmative defense set forth in subsection 3, in addition to any other remedy or penalty, if a person violates any provision of section 29, 31 to 47, inclusive, 49, 50, 57 or 58 of this act or any regulation adopted pursuant thereto, the customer may bring a civil action against the person for any or all of the following relief:

- (a) Actual and consequential damages;*
- (b) Punitive damages, which are subject to the provisions of NRS 42.005;*
- (c) Reasonable attorney's fees and costs; and*
- (d) Any other legal or equitable relief that the court deems appropriate.*

2. Subject to the affirmative defense set forth in subsection 3, in addition to any other remedy or penalty, the customer may bring a civil action against a person pursuant to subsection 1 to recover an additional amount, as statutory damages, which is equal to \$1,000 for each violation if the person knowingly:

- (a) Operates a check-cashing service, deferred deposit loan service, short-term loan service or title loan service without a license, in violation of section 29 of this act;*
- (b) Fails to include in a loan agreement a disclosure of the right of the customer to rescind the loan, in violation of section 31 of this act;*
- (c) Violates any provision of section 33 of this act;*
- (d) Accepts collateral or security for a deferred deposit loan, in violation of section 35 of this act, except that a check or written authorization for an electronic transfer of money shall not be deemed to be collateral or security for a deferred deposit loan;*
- (e) Uses or threatens to use the criminal process in this State or any other state to collect on a loan made to the customer, in violation of section 36 of this act;*
- (f) Includes in any written agreement a promise by the customer to hold the person harmless, a confession of judgment by the customer or an assignment or order for the payment of wages or other compensation due the customer, in violation of section 36 of this act;*
- (g) Violates any provision of section 44 of this act; or*
- (h) Violates any provision of section 45 of this act.*

3. *A person may not be held liable in any civil action brought pursuant to this section if the person proves, by a preponderance of evidence, that the violation:*

- (a) *Was not intentional;*
- (b) *Was technical in nature; and*
- (c) *Resulted from a bona fide error, notwithstanding the maintenance of procedures reasonably adapted to avoid any such error.*

4. *For the purposes of subsection 3, a bona fide error includes, without limitation, clerical errors, calculation errors, computer malfunction and programming errors and printing errors, except that an error of legal judgment with respect to the person's obligations under this chapter is not a bona fide error."*

Amend the bill as a whole by adding a new section designated sec. 75.5, following sec. 75, to read as follows:

"Sec. 75.5. NRS 41.620 is hereby amended to read as follows:

41.620 1. ~~[Any]~~ *Except as otherwise provided in section 45 of this act, any person who:*

- (a) *Makes, utters, draws or delivers a check or draft for the payment of money drawn upon any financial institution or other person, when he has no account with the drawee of the instrument or has insufficient money, property or credit with the drawee to pay; or*
- (b) *Uses a credit card or debit card to obtain money, goods, property, services or anything of value, when he knows or should have known the credit card or debit card is no longer valid,*

↪ *and who fails to pay the amount in cash to the payee, issuer or other creditor within 30 days after a demand therefor in writing is mailed to him by certified mail, is liable to the payee, issuer or other creditor for the amount of the check, draft or extension of credit, and damages equal to three times the amount of the check, draft or extension of credit, but not less than \$100 nor more than \$500.*

2. *As used in this section, unless the context otherwise requires:*

- (a) *"Credit card" has the meaning ascribed to it in NRS 205.630;*
- (b) *"Debit card" has the meaning ascribed to it in NRS 205.635; and*
- (c) *"Issuer" has the meaning ascribed to it in NRS 205.650."*

Amend sec. 80, page 32, line 44, by deleting "*act.*" and inserting: "*act with regard to those services regulated pursuant to sections 2 to 74, inclusive, of this act.*".

Amend sec. 83, page 33, line 39, by deleting "A" and inserting: "Except as otherwise provided in subsections 3 and 4, a".

Amend sec. 83, page 34, between lines 6 and 7, by inserting:

"3. A person described in subsection 1 is not required to comply with the following provisions of sections 2 to 74, inclusive, of this act sooner than October 1, 2005, or the date of any extension granted by the Commissioner of Financial Institutions pursuant to subsection 4:

- (a) Any provision requiring the use of the Spanish language; and

(b) Any provision requiring changes to or replacement of existing computer software or major modifications to existing business processes, as determined by the Commissioner.

4. If the person is unable to comply with any provision described in paragraph (a) or (b) of subsection 3 by October 1, 2005, the person may request an extension from the Commissioner. The Commissioner may grant such an extension, to a date not later than January 1, 2006, if the person establishes that compliance by October 1, 2005:

- (a) Is not economically feasible;
- (b) Is prevented by factors beyond the control of the person; or
- (c) Is prevented by any other factors that the Commissioner deems to be an appropriate justification for an extension."

Amend the title of the bill to read as follows:

"AN ACT relating to financial services; revising the standards and procedures for the licensing and regulation of check-cashing services, deferred deposit loan services, certain short-term loan services and title loan services; repealing provisions governing check-cashing services and deferred deposit loans to conform with the revised standards and procedures; revising provisions relating to certain unfair lending practices; providing remedies and administrative penalties; and providing other matters properly relating thereto."

Senator Lee moved the adoption of the amendment.

Remarks by Senator Lee.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 496.

Bill read second time.

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

Amendment No. 870.

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

"Sec. 2. 1. *The Board and a local governmental entity shall, to the extent practicable, reduce duplication in the licensing procedure for a qualified applicant who is applying to the Board for a license to practice pursuant to this chapter and who is also applying to the local governmental entity for a license to practice massage therapy, if both applications are filed not more than 60 days apart.*

2. *If a qualified applicant submits an application to a local governmental entity for a license to practice massage therapy and, not later than 60 days after that application, the applicant also submits an application to the Board for a license to practice pursuant to this chapter:*

(a) The applicant is not required to submit a set of fingerprints to the Board if the applicant submitted a set of fingerprints with his application to the local governmental entity;

(b) The Board shall request from the local governmental entity a copy of any reports relating to a background investigation of the applicant;

(c) Upon receiving such a request, the local governmental entity shall provide to the Board any reports relating to a background investigation of the applicant; and

(d) The Board shall use the reports provided by the local governmental entity in reviewing the application for a license to practice pursuant to this chapter.

3. If a qualified applicant submits an application to the Board for a license to practice pursuant to this chapter and, not later than 60 days after that application, the applicant also submits an application to a local governmental entity for a license to practice massage therapy:

(a) The applicant is not required to submit a set of fingerprints to the local governmental entity if the applicant submitted a set of fingerprints with his application to the Board;

(b) The local governmental entity shall request from the Board a copy of any reports relating to a background investigation of the applicant;

(c) Upon receiving such a request, the Board shall provide to the local governmental entity any reports relating to a background investigation of the applicant; and

(d) The local governmental entity shall use the reports provided by the Board in reviewing the application for a license to practice massage therapy, except that the local governmental entity may conduct its own background investigation of the applicant if the local governmental entity deems it to be necessary.

Sec. 3. 1. The Board may, without examination, issue a limited license to a person currently licensed as a cosmetologist in another state or territory of the United States or the District of Columbia who intends to practice cosmetology in this State in the limited manner set forth in this section.

2. A limited license issued pursuant to this section authorizes the holder of the limited license to practice cosmetology in this State:

(a) In a resort hotel and in other types of locations the Board designates by regulation; and

(b) For not more than five periods, of not more than 10 days each, during any 1-year period for which the license is issued or renewed.

3. To apply for a limited license pursuant to this section, an applicant must submit to the Board:

(a) An application which includes the name of the applicant and the number or other designation identifying the applicant's license from the other jurisdiction;

(b) Any other information required by the Board; and

(c) An application fee of \$100.

4. *The Board may issue a limited license pursuant to this section for not more than 1 year and may renew the limited license annually. A limited license expires 1 year after its date of issuance.*

5. *A holder of a limited license may renew the limited license on or before the date of its expiration. To renew the limited license, the holder must:*

- (a) Apply to the Board for renewal; and*
- (b) Submit an annual renewal fee of \$100.*

6. *Not less than 5 days before practicing cosmetology in this State pursuant to a limited license, the holder of a limited license shall notify the Board in writing of the holder's intention to practice cosmetology in this State. The notice must specify:*

- (a) The name and limited license number of the holder;*
- (b) The specific dates on which the holder will be practicing cosmetology in this State; and*
- (c) The name and address of the location at which the holder will be practicing cosmetology in this State.*

7. *A holder of a limited license is subject to the regulatory and disciplinary authority of the Board to the same extent as any other licensed cosmetologist for all acts relating to the practice of cosmetology which occur in this State.*

8. *The Board:*

(a) Shall designate by regulation the types of locations, in addition to a resort hotel, at which a holder of a limited license may practice cosmetology in this State under a limited license.

(b) May adopt any other regulations as are necessary to carry out the provisions of this section.

9. *As used in this section, "resort hotel" has the meaning ascribed to it in NRS 463.01865."*

Amend the title of the bill to read as follows:

"AN ACT relating to cosmetology; requiring the State Board of Cosmetology and local governmental entities to reduce duplication in the licensing procedure by sharing certain background information of persons who apply for a license to practice cosmetology and a license to practice massage therapy; providing for the issuance of a limited license to practice cosmetology under certain circumstances; and providing other matters properly relating thereto."

Senator Carlton moved the adoption of the amendment.

Remarks by Senator Carlton.

Senator Hardy disclosed that his wife is a licensed cosmetologist and owns a salon.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Titus moved that Assembly Bill No. 440 be taken from the General File and placed on the General File for the next legislative day.

Remarks by Senator Titus.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 443.

Bill read third time.

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

Amendment No. 1011.

Amend the bill as a whole by renumbering sections 1 through 9 as sections 13 through 21 and adding new sections designated sections 1 through 12, following the enacting clause, to read as follows:

"Section 1. NRS 293C.115 is hereby amended to read as follows:

293C.115 1. ~~[The]~~ *Except as otherwise provided in subsection 2, the governing body of a city incorporated pursuant to general law may by ordinance provide for a primary city election and a general city election on:*

(a) The dates set forth for primary elections and general elections pursuant to the provisions of chapter 293 of NRS; or

(b) The dates set forth for primary city elections and general city elections pursuant to the provisions of this chapter.

2. *The governing body of a city incorporated pursuant to general law in a county whose population is 400,000 or more shall by ordinance provide for a primary city election and a general city election on the dates set forth for primary elections and general elections pursuant to the provisions of chapter 293 of NRS.*

3. If a governing body of a city adopts an ordinance pursuant to paragraph (a) of subsection 1 ~~[or]~~ *or subsection 2*, the dates set forth in NRS 293.12755, in subsections 2 to 5, inclusive, of NRS 293.165, and in NRS 293.175, 293.177, 293.345 and 293.368 apply for purposes of conducting the primary city elections and general city elections of the city.

~~[3.]~~ 4. If a governing body of a city adopts an ordinance pursuant to subsection 1 ~~[or]~~ *or is required to adopt an ordinance pursuant to subsection 2:*

(a) The term of office of any elected city official may not be shortened as a result of the ordinance; and

(b) Each elected city official holds office until the end of his term and until his successor has been elected and qualified.

Sec. 2. NRS 293C.291 is hereby amended to read as follows:

293C.291 If a candidate whose name appears on the ballot at a primary city election or general city election dies after the applicable date set forth in:

1. NRS 293C.370; or

2. NRS 293.368, if the governing body of the city has adopted an ordinance pursuant to paragraph (a) of subsection 1 *of NRS 293C.115 or subsection 2* of NRS 293C.115,

➡ but before the time of the closing of the polls on the day of the election, the city clerk shall post a notice of the candidate's death at each polling place where the candidate's name will appear on the ballot for the primary city election or general city election.

Sec. 3. NRS 267.110 is hereby amended to read as follows:

267.110 1. Any city having adopted a charter pursuant to the provisions of NRS 267.010 to 267.140, inclusive, has pursuant to the charter:

(a) All of the powers enumerated in the general laws of the State for the incorporation of cities.

(b) Such other powers necessary and not in conflict with the Constitution and laws of the State of Nevada to carry out the commission form of government.

2. The charter, when submitted, must:

(a) Fix the number of commissioners, their terms of office and their duties and compensation.

(b) Provide for all necessary appointive and elective officers for the form of government therein provided, and fix their salaries and emoluments, duties and powers.

(c) Fix, in accordance with the provisions of NRS 293C.140 and 293C.175 or with the provisions of NRS 293C.145, or with the provisions of paragraph (a) of subsection 1 *of NRS 293C.115 or subsection 2* of NRS 293C.115, the time for the first and subsequent elections for all elective officers. After the first election and the qualification of the officers who were elected, the old officers and all boards or offices and their emoluments must be abolished.

Sec. 4. Section 4 of the Charter of Boulder City is hereby amended to read as follows:

Section 4. Number; selection and term; recall.

1. The City Council shall have four Councilmen and a Mayor elected from the City at large in the manner provided in Article IX . ~~[, for terms of four years and until their successors have been elected and have taken office as provided in section 16, subject to recall as provided in section 111.5.]~~ No Councilman shall represent any particular constituency or district of the City, and each Councilman shall represent the entire City. (Amd. 2; 6-4-91; Add. 17; Amd. 1; 11-5-96)

2. (Repealed by Amd. 1; 6-4-91)

3. *Except as otherwise provided in section 96, all Councilmen and the Mayor shall serve for 4 years, subject to recall as provided in section 111.5.*

Sec. 5. Section 16 of the Charter of Boulder City is hereby amended to read as follows:

Section 16. Induction of Council into office; meetings of Council.

1. The City Council shall meet within ~~ten~~ 10 days after each ~~city~~ primary election and each ~~city~~ general election specified in Article IX, to canvass the returns and to declare the results. All newly elected or re-elected Mayor or Councilmen ~~shall~~ must be inducted into office at the next regular Council meeting following certification of the applicable ~~city~~ general election results. Immediately following such induction, both the Mayor and the Mayor pro tem ~~shall~~ must be designated as provided in section 7. Thereafter, the Council shall meet regularly at such times as it shall set by resolution from time to time, but not less frequently than once each month. (Add. 13; Amd. 1; 6-2-87; Amd. 2; 6-4-91; Add. 17; Amd. 1; 11-5-96)

A. (Add. 3; Amd. 2; 5-2-67; Repealed by Amd. 1; 6-4-91)

2. It is the intent of this Charter that deliberations and actions of the Council be conducted openly. All meetings of the City Council ~~shall~~ must be in accordance with chapter 241 of ~~the Nevada Revised Statutes.~~ NRS. (Add. 10; Amd. 1; 6-2-81)

3. Any emergency meeting of the City Council, as defined by chapter 241 ~~shall~~ of NRS, must be as provided therein, and in addition:

(a) An emergency meeting may be called by the Mayor or upon written notice issued by a majority of the Council.

(b) Prior notice of such an emergency meeting ~~shall~~ must be given to all members of the City Council. (Add. 10; Amd. 1; 6-2-81)

Sec. 6. Section 92 of the Charter of Boulder City is hereby amended to read as follows:

Section 92. Public parks, recreation areas, parking.

1. All public parks, public recreation areas and publicly owned off-street parking areas in existence at the time of incorporation, unless under private lease, must not be sold, leased or zoned for any other use without approval of the majority of the voters voting at a special election ~~for primary or general~~, a primary municipal and state election, ~~for primary~~ or a general municipal and state election.

2. A special election may be held only if the City Council determines, by a unanimous vote, that an emergency exists. The determination made by the City Council is conclusive unless it is shown that the City Council acted with fraud or a gross abuse of discretion. An action to challenge the determination made by the City Council must be commenced within 15 days after the City Council's determination is final. As used in this subsection, "emergency" means any unexpected occurrence or combination of occurrences which requires immediate action by the City Council to prevent or mitigate a substantial financial loss to the City or to enable the City Council to provide an essential service to the residents of the City.

Sec. 7. Section 96 of the Charter of Boulder City is hereby amended to read as follows:

Section 96. Conduct of ~~city~~ elections.

1. All city elections must be nonpartisan in character and must be conducted in accordance with the provisions of the general election laws of

the State of Nevada and any ordinance regulations as adopted by the City Council which are consistent with law and this Charter. (1959 Charter)

2. ~~{All}~~ Except as otherwise provided in subsections 3 and 4, all full terms of office in the City Council are ~~{four years, and}~~ 4 years. Councilmen must be elected at large without regard to precinct residency.

3. Two ~~{full-term}~~ Councilmen and the Mayor are to be elected ~~{in each year immediately preceding a federal presidential election, and two full term}~~ on the first Tuesday after the first Monday in June 2003, at a general municipal election to be held for that purpose. The two Councilmen and the Mayor shall hold office until their successors have been elected and qualified pursuant to subsection 5.

4. Two Councilmen are to be elected ~~{in each year immediately following a federal presidential election.}~~ on the first Tuesday after the first Monday in June 2005, at a general municipal election to be held for that purpose. The two Councilmen shall hold office until their successors have been elected and qualified pursuant to subsection 6.

5. Two Councilmen and the Mayor are to be elected on the first Tuesday after the first Monday in November 2006, and at each successive interval of 4 years thereafter. The two Councilmen and the Mayor shall hold office for a period of 4 years and until their successors have been elected and qualified.

6. Two Councilmen are to be elected on the first Tuesday after the first Monday in November 2008, and at each successive interval of 4 years thereafter. The two Councilmen shall hold office for a period of 4 years and until their successors have been elected and qualified.

7. In each election, the candidates receiving the greatest number of votes must be declared elected to the vacant full-term positions. (Add. 17; Amd. 1; 11-5-96)

A. In the event one or more ~~{two-year}~~ 2-year term positions on the Council will be available at the time of a municipal election as provided in section 12, candidates must file specifically for such ~~{position(s).}~~ positions. Candidates receiving the greatest respective number of votes must be declared elected to the respective available ~~{two-year}~~ 2-year positions. (Add. 15; Amd. 2; 6-4-91)

~~{3.—A city}~~

8. A primary election must be held on the first Tuesday ~~{after the first Monday in April}~~ in September of each ~~{odd-numbered}~~ even-numbered year and a ~~{city}~~ general election must be held on the first Tuesday after the first Monday in ~~{June}~~ November of each ~~{odd-numbered}~~ even-numbered year.

A. A primary election must not be held if no more than double the number of Councilmen to be elected file as candidates. A primary election must not be held for the office of Mayor if no more than two candidates file for that position. The primary election must be held for the purpose of eliminating candidates in excess of a figure double the number of Councilmen to be elected. (Add. 17; Amd. 1; 11-5-96)

B. If, in the primary ~~[city]~~ election, a candidate receives votes equal to a majority of voters casting ballots in that election, he shall be considered elected to one of the vacancies and his name ~~[shall]~~ *must* not be placed on the ballot for the general ~~[city]~~ election. (Add. 10; Amd. 7; 6-2-81)

C. In each primary and general election, voters ~~[shall be]~~ *are* entitled to cast ballots for candidates in a number equal to the number of seats to be filled in the city elections. (Add. 11; Amd. 5; 6-7-83)

Sec. 8. Section 100 of the Charter of Boulder City is hereby amended to read as follows:

Section 100. Registered voters' power of initiative and referendum concerning city ordinances.

The registered voters of a city may:

1. Propose ordinances to the Council and, if the Council fails to adopt an ordinance so proposed without change in substance, ~~[to]~~ *may* adopt or reject it at a primary ~~[or general]~~ municipal *and state* election ~~[or primary]~~ or general *municipal and state* election.

2. Require reconsideration by the Council of any adopted ordinance ~~[,]~~ and , if the Council fails to repeal an ordinance so considered, ~~[to]~~ *may* approve or reject it ~~[as]~~ *at* a primary ~~[or general]~~ municipal *and state* election or ~~[primary or]~~ general *municipal and state* election.

Sec. 9. Section 102 of the Charter of Boulder City is hereby amended to read as follows:

Section 102. Results of election.

1. If a majority of the registered voters voting on a proposed initiative ordinance vote in its favor, it shall be considered adopted upon certification of the results of the election and must be treated in all respects in the same manner as ordinances of the same kind adopted by the Council. If conflicting ordinances are approved at the same election, the one receiving the greatest number of affirmative votes prevails to the extent of the conflict.

2. If a majority of the registered voters voting on a referred ordinance vote against it, it shall be considered repealed upon certification of the results of the election.

3. No initiative ordinance voted upon by the registered voters , or an initiative ordinance in substantially the same form as one voted upon by the people, may again be placed on the ballot until the next primary ~~[or general]~~ municipal *and state* election or ~~[primary or]~~ general *municipal and state* election.

Sec. 10. Section 119 of the Charter of Boulder City is hereby amended to read as follows:

Section 119. Amending the Charter.

1. An amendment to this Charter:

A. May be made by the Legislature directly by the use of mandatory specific wording or indirectly by the use of wording allowing flexibility in expressing the required change.

(a) If a statute is enacted which directly amends this Charter, such an amendment is not subject to public approval as provided in subsection B and must be included in the Charter and identified as having been amended by the particular statute involved.

(b) If a statute is enacted which requires that this Charter be amended but does not require the specific wording to be used, the City Council shall propose a suitable amendment to be submitted to the registered voters of the City as provided in subsection B. If such a proposed amendment is not adopted by the voters, it must be redrafted and resubmitted to the voters at one or more special, primary ~~or general~~ city and state elections or ~~primary or~~ general city and state elections until an amendment is adopted.

B. May be proposed by the City Council and submitted to the registered voters of the City at a special election or the next primary ~~or general~~ city and state election or ~~primary or~~ general city and state election.

C. May be proposed by a petition signed by registered voters of the City equal in number to 15 percent or more of the voters who voted at the latest preceding general city election and submitted to registered voters of the City at a special election or at the next primary ~~or general~~ city and state election or ~~primary or~~ general city and state election.

2. A special election may be held only if the City Council determines, by a unanimous vote, that an emergency exists. The determination made by the City Council is conclusive unless it is shown that the City Council acted with fraud or a gross abuse of discretion. An action to challenge the determination made by the City Council must be commenced within 15 days after the City Council's determination is final. As used in this subsection, "emergency" means any unexpected occurrence or combination of occurrences which requires immediate action by the City Council to prevent or mitigate a substantial financial loss to the City or to enable the City Council to provide an essential service to the residents of the City.

3. The City Attorney shall draft any amendment proposed pursuant to subsections A(b) or B or, if such a proposed amendment has been previously drafted, the City Attorney shall review the previous draft and recommend to the Council any suggested changes or corrections. (Amd. 3; 6-6-89)

4. The City Attorney shall, upon request, review any amendment intended to be proposed by petition pursuant to subsection C, make only such corrections as are agreed to by the proposers and report to the City Council his analysis of the significance and potential effects of the proposed amendment. (Amd. 3; 6-6-89)

5. A petition for amendment must be in the form specified by state law for city initiative petitions, and must be filed with the City Clerk not later than 6 months before the date of the primary ~~or general~~ city and state election or ~~primary or~~ general city and state election at which the proposed amendment is to be submitted to the voters of the City. (Amd. 3; 6-6-89)

6. When an amendment is adopted by the registered voters of the City, the City Clerk shall, within 30 days thereafter, transmit a certified copy of the amendment to the Legislative Counsel. (Add. 13; Amd. 3; 6-2-87)

Sec. 11. Section 138 of the Charter of Boulder City is hereby amended to read as follows:

Section 138. Sale of public utilities; proviso.

1. No public utility of any kind, after having been acquired by the City, may thereafter be sold or leased by the City, unless the proposition for the sale or lease has been submitted to the electors of the City at a special election ~~for primary or general~~, a *primary municipal and state* election, or ~~primary or~~ a general *municipal and state* election. After a majority vote of those electors in favor of the sale, the sale may not be made except after 30 days' published notice thereof, except that the provisions of this section do not apply to a sale by the Council of parts, equipment, trucks, engines and tools ~~to~~ which have become obsolete or worn out, any of which equipment may be sold by the Council in the regular course of business.

2. A special election may be held only if the City Council determines, by a unanimous vote, that an emergency exists. The determination made by the City Council is conclusive unless it is shown that the City Council acted with fraud or a gross abuse of discretion. An action to challenge the determination made by the City Council must be commenced within 15 days after the City Council's determination is final. As used in this subsection, "emergency" means any unexpected occurrence or combination of occurrences which requires immediate action by the City Council to prevent or mitigate a substantial financial loss to the City or to enable the City Council to provide an essential service to the residents of the City. (1959 Charter)

Sec. 12. Section 143 of the Charter of Boulder City is hereby amended to read as follows:

Section 143. Expenditures from Capital Improvement Fund.

1. All expenditures from the Capital Improvement Fund must be approved by a simple majority of the votes cast by the registered voters of the City on a proposition placed before them in a special election ~~for primary or general~~, a *primary municipal and state* election, or ~~primary or~~ a general *municipal and state* election.

2. A special election may be held only if the City Council determines, by a unanimous vote, that an emergency exists. The determination made by the City Council is conclusive unless it is shown that the City Council acted with fraud or a gross abuse of discretion. An action to challenge the determination made by the City Council must be commenced within 15 days after the City Council's determination is final. As used in this subsection, "emergency" means any unexpected occurrence or combination of occurrences which requires immediate action by the City Council to prevent or mitigate a substantial financial loss to the City or to enable the City Council to provide an essential service to the residents of the City. (Add. 7; Amd. 5; 6-3-75)".

Amend the bill as a whole by renumbering sections 10 through 14 as sections 36 through 40 and adding new sections designated sections 22 through 35, following sec. 9, to read as follows:

"Sec. 22. Section 2.010 of the Charter of the City of Henderson, being Chapter 266, Statutes of Nevada 1971, as last amended by Chapter 596, Statutes of Nevada 1995, at page 2206, is hereby amended to read as follows:

Sec. 2.010 City Council: Qualifications; election; term of office; salary.

1. The legislative power of the City is vested in a City Council consisting of four Councilmen and the Mayor.

2. The Mayor must be:

(a) A bona fide resident of the territory which is established by the boundaries of the City for the 12 months immediately preceding the last day for filing a declaration of candidacy for the office.

(b) A qualified elector within the City.

3. Each Councilman must be:

(a) A bona fide resident of the territory which is established by the boundaries of the City for the 12 months immediately preceding the last day for filing a declaration of candidacy for the office.

(b) A qualified elector within the ward which he represents.

(c) A resident of the ward which he represents for at least 30 days immediately preceding the last day for filing a declaration of candidacy for the office, except that changes in ward boundaries pursuant to the provisions of section 1.040 do not affect the right of any elected Councilman to continue in office for the term for which he was elected.

4. All Councilmen, including the Mayor, must be voted upon by the registered voters of the City at large and shall serve for terms of 4 years ~~[]~~, *except as otherwise provided in section 5.020.*

5. The Mayor and Councilmen are entitled to receive a salary in an amount fixed by the City Council. The City Council shall not adopt an ordinance which increases or decreases the salary of the Mayor or the Councilmen during the term for which they have been elected or appointed.

Sec. 23. Section 5.010 of the Charter of the City of Henderson, being Chapter 266, Statutes of Nevada 1971, as last amended by Chapter 637, Statutes of Nevada 1999, at page 3565, is hereby amended to read as follows:

Sec. 5.010 Primary election.

1. A primary election must be held on the *first* Tuesday ~~[after the first Monday in April of each odd-numbered year,]~~ of September 2006, and at each successive interval of 2 years thereafter, at which time there must be nominated candidates for offices to be voted for at the next general ~~[municipal]~~ election.

2. A candidate for any office to be voted for at any primary ~~[municipal]~~ election must file a declaration of candidacy as provided by the election laws of this State.

3. All candidates for elective office must be voted upon by the registered voters of the City at large.

4. If in the primary election no candidate receives a majority of votes cast in that election for the office for which he is a candidate, the names of the two candidates receiving the highest number of votes must be placed on the ballot for the general election. If in the primary election, regardless of the number of candidates for an office, one candidate receives a majority of votes cast in that election for the office for which he is a candidate, he must be declared elected and no general election need be held for that office.

Sec. 24. Section 5.020 of the Charter of the City of Henderson, being Chapter 266, Statutes of Nevada 1971, as last amended by Chapter 209, Statutes of Nevada 2001, at page 971, is hereby amended to read as follows:

Sec. 5.020 General ~~{municipal election.}~~ elections.

1. ~~{A general election must be held in the City on}~~ *On the first Tuesday after the first Monday in June {of each odd numbered year and on the same day every 2 years thereafter, at which time the registered voters of the City shall elect city officers to fill the available elective positions.*

~~2. All candidates for the office of Mayor, Councilman and Municipal Judge must be voted upon by the registered voters of the City at large. The term of office for members of the City Council and the Mayor is 4 years. Except as otherwise provided in subsection 3 of section 4.015 of this Charter, the term of office for a Municipal Judge is 6 years.}~~ *2005, there must be elected by the qualified voters of the City, at a general municipal election to be held for that purpose, a Mayor and a Councilman from the third ward, both of whom will hold office until their successors have been elected and qualified pursuant to subsection 7.*

2. On the first Tuesday after the first Monday in June 2003, there must be elected by the qualified voters of the City, at a general municipal election to be held for that purpose, Councilmen from the first, second and fourth wards, all of whom will hold office until their successors have been elected and qualified pursuant to subsection 6.

3. *On the first Tuesday after the first Monday in June 2001 , {and every 6 years thereafter,}* there must be elected by the qualified voters of the City, at a general municipal election to be held for that purpose, a Municipal Judge for Department 1 who will hold office until his successor has been elected and qualified ~~{}~~ *pursuant to subsection 8.*

4. *On the first Tuesday after the first Monday in June 2003 , {and every 6 years thereafter,}* there must be elected by the qualified voters of the City, at a general municipal election to be held for that purpose, a Municipal Judge for Department 2 who will hold office until his successor has been elected and qualified ~~{}~~ *pursuant to subsection 9.*

5. *On the first Tuesday after the first Monday in June 2005 , {and every 6 years thereafter,}* there must be elected by the qualified voters of the City, at a general municipal election to be held for that purpose, a Municipal Judge for Department 3 who will hold office until his successor has been elected and qualified ~~{}~~ *pursuant to subsection 10.*

6. *On the first Tuesday after the first Monday in November 2006, and at each successive interval of 4 years thereafter, there must be elected by the qualified voters of the City, at the general election, Councilmen from the first, second and fourth wards, all of whom will hold office until their successors have been elected and qualified.*

7. *On the first Tuesday after the first Monday in November 2008, and at each successive interval of 4 years thereafter, there must be elected by the qualified voters of the City, at the general election, a Mayor and a Councilman from the third ward, both of whom will hold office until their successors have been elected and qualified.*

8. *On the first Tuesday after the first Monday in November 2006, and at each successive interval of 6 years thereafter, there must be elected by the qualified voters of the City, at the general election, a Municipal Judge for Department 1 who shall hold office until his successor has been elected and qualified.*

9. *On the first Tuesday after the first Monday in November 2008, and at each successive interval of 6 years thereafter, there must be elected by the qualified voters of the City, at the general election, a Municipal Judge for Department 2 who will hold office until his successor has been elected and qualified.*

10. *On the first Tuesday after the first Monday in November 2010, and at each successive interval of 6 years thereafter, there must be elected by the qualified voters of the City, at the general election, a Municipal Judge for Department 3 who will hold office until his successor has been elected and qualified.*

11. *All candidates for the offices of Mayor, Councilman and Municipal Judge must be voted upon by the registered voters of the City at large. Except as otherwise provided in subsections 1 and 2, the term of office for a member of the City Council and the Mayor is 4 years. Except as otherwise provided in subsections 3, 4 and 5 and in subsection 3 of section 4.015, the term of office for a Municipal Judge is 6 years.*

Sec. 25. Section 1.140 of the Charter of the City of Las Vegas, being Chapter 517, Statutes of Nevada 1983, as last amended by Chapter 6, Statutes of Nevada 2001, at page 10, is hereby amended to read as follows:

Sec. 1.140 Elective offices.

1. The elective officers of the City consist of:

(a) A Mayor.

(b) One Councilman from each ward.

(c) Municipal Judges.

2. ~~[The]~~ *Except as otherwise provided in section 5.010, the terms of office of the Mayor and Councilmen are 4 years.*

3. *Except as otherwise provided in subsection 3 of section 4.010 ~~[of this Charter]~~ or section 5.010, the term of office of a Municipal Judge is 6 years.*

Sec. 26. Section 2.310 of the Charter of the City of Las Vegas, being Chapter 517, Statutes of Nevada 1983, as last amended by Chapter 416, Statutes of Nevada 2001, at page 2101, is hereby amended to read as follows:

Sec. 2.310 Powers of City Council: Acquisition or establishment of City utility.

1. Except as otherwise provided in subsection 3 of section 2.300 and section 2.315, the City Council, on behalf of the City and in its name, may acquire, establish, hold, manage and operate, alone or with any other government or any instrumentality or subdivision of any government, any public utility in the manner which is provided in this section.

2. The City Council ~~must~~ *shall* adopt a resolution which sets forth fully and in detail:

(a) The public utility which is proposed to be acquired or established.

(b) The estimated cost of that utility ~~to~~ as shown in a recent report, which has been approved by the City Council, of an engineer or consulting firm which had previously been appointed by the City Council for that purpose.

(c) The proposed bonded indebtedness which must be incurred to acquire or establish that utility, the terms, amount and rate of interest of that indebtedness and the time within which, and the fund from which, that indebtedness is redeemable.

(d) That a public hearing on the advisability of acquiring the public utility will be held at the first regular meeting of the City Council after the final publication of the resolution.

3. The resolution must be published in full at least once a week for 4 successive weeks.

4. At the first regular meeting of the City Council, or any adjournment of that meeting, after the completion of the publication, the City Council may, without an election, enact an ordinance for that purpose ~~to~~ which must conform in all respects to the terms and conditions of the resolution, unless, within 30 days after the final publication of the resolution, a petition is filed with the City Clerk which has been signed by a number of registered voters of the City which is not less than 15 percent of the registered voters of the City, as shown by the last preceding registration list, who own not less than 10 percent in assessed value of the taxable property within the City, as shown by the last preceding tax list or assessment roll, and which prays for the submission of the question of the enactment of the proposed ordinance at a special election or the next primary ~~for general~~ *municipal and state* election or ~~primary or~~ *general municipal and state* election. Upon the filing of that petition, the proposed ordinance may not be enacted or be effective for any purpose unless, at a special election ~~for primary or general~~ , *primary municipal and state* election , or ~~primary or~~ *general municipal and state* election, a majority of the votes which are cast in that election are cast in favor of the enactment of the ordinance.

5. A special election may be held only if the City Council determines, by a unanimous vote, that an emergency exists. The determination made by the

City Council is conclusive unless it is shown that the City Council acted with fraud or a gross abuse of discretion. An action to challenge the determination made by the City Council must be commenced within 15 days after the City Council's determination is final. As used in this subsection, "emergency" means any unexpected occurrence or combination of occurrences which requires immediate action by the City Council to prevent or mitigate a substantial financial loss to the City or to enable the City Council to provide an essential service to the residents of the City.

6. If the proposed ordinance is adopted, without an election or as a result of an election, the City Council may issue bonds to obtain revenue for acquiring or constructing systems, plants, works, instrumentalities and properties which are needed in connection with that public utility.

Sec. 27. Section 5.010 of the Charter of the City of Las Vegas, being Chapter 517, Statutes of Nevada 1983, as last amended by Chapter 637, Statutes of Nevada 1999, at page 3565, is hereby amended to read as follows:

Sec. 5.010 Primary ~~[municipal]~~ elections.

1. On the Tuesday after the first Monday in April ~~[2001, and at each successive interval of 4 years,]~~ 2005, a primary municipal election must be held in the City , at which time candidates for ~~[half of the offices of]~~ Councilman *from the second, fourth and sixth wards*, and for Municipal Judge ~~[, Department]~~ *for Departments 2, 3 and 5* must be nominated.

2. On the Tuesday after the first Monday in April 2003, ~~[and at each successive interval of 4 years,]~~ a primary municipal election must be held in the City , at which time candidates for Mayor, for ~~[the other half of the offices of]~~ Councilman *from the first, third and fifth wards* and for Municipal Judge ~~[, Department]~~ *for Departments 1, 4 and 6* must be nominated.

3. *On the Tuesday after the first Monday in September 2006, and at each successive interval of 4 years, a primary election must be held in the City, at which time candidates for Mayor and for Councilman from the first, third and fifth wards must be nominated.*

4. *On the Tuesday after the first Monday in September 2008, and at each successive interval of 4 years, a primary election must be held in the City, at which time candidates for Councilman from the second, fourth and sixth wards must be nominated.*

5. *On the Tuesday after the first Monday in September 2008, and at each successive interval of 6 years, a primary election must be held in the City, at which time candidates for Municipal Judge for Departments 1, 4 and 6 must be nominated.*

6. *On the Tuesday after the first Monday in September 2010, and at each successive interval of 6 years, a primary election must be held in the City, at which time candidates for Municipal Judge for Departments 2, 3 and 5 must be nominated.*

7. The candidates for Councilman who are to be nominated as provided in subsections 1 ~~[and 2]~~ to 4, inclusive, must be nominated and voted for separately according to the respective wards. ~~[The candidates from each~~

~~even-numbered ward must be nominated as provided in subsection 1, and the candidates from each odd-numbered ward must be nominated as provided in subsection 2.~~

~~4-}~~ 8. If the City Council has established an additional department or departments of the Municipal Court pursuant to section 4.010 ~~of this Charter~~ and, as a result, more than one office of Municipal Judge is to be filled at any election, the candidates for those offices must be nominated and voted upon separately according to the respective departments.

~~{5-}~~ 9. Each candidate for the municipal offices which are provided for in subsections 1 ~~{, 2 and 4}~~ to 6, inclusive, must file a declaration of candidacy with the City Clerk. All filing fees collected by the City Clerk must be paid into the City Treasury.

~~{6-}~~ 10. If, in the primary election, regardless of the number of candidates for an office, one candidate receives a majority of votes which are cast in that election for the office for which he is a candidate, he must be declared elected for the term which commences on the day of the first regular meeting of the City Council next succeeding the meeting at which the canvass of the returns is made, and no general election need be held for that office. If, in the primary election, no candidate receives a majority of votes which are cast in that election for the office for which he is a candidate, the names of the two candidates who receive the highest number of votes must be placed on the ballot for the general election.

Sec. 28. Section 5.020 of the Charter of the City of Las Vegas, being Chapter 517, Statutes of Nevada 1983, at page 1415, is hereby amended to read as follows:

Sec. 5.020 General ~~{municipal election.}~~ elections.

1. A general ~~{municipal}~~ election must be held in the City on the first Tuesday after the ~~{1st}~~ first Monday in ~~{June}~~ November of each ~~{odd-numbered}~~ even-numbered year and on the same day every 2 years thereafter, at which time there must be elected those officers whose offices are required to be filled by election in that year.

2. All candidates for elective office, except the office of Councilman, must be voted upon by the registered voters of the City at large.

Sec. 29. Section 5.110 of the Charter of the City of Las Vegas, being Chapter 517, Statutes of Nevada 1983, at page 1416, is hereby amended to read as follows:

Sec. 5.110 Special elections: Registration of electors.

1. If a question is to be submitted to the registered voters of the City at a ~~{municipal or state}~~ primary *municipal and state election* or general *municipal and state election*, no notice of registration of electors is required other than that which is required by the election laws of the State for that election. If the question is to be submitted at a special municipal election, the City Clerk shall, at the expense of the City, cause to be published at least once a week for 5 consecutive weeks by five weekly insertions 1 week apart, the first publication to be not more than 60 days nor less than 45 days next

preceding the election, a notice which has been signed by ~~him~~ *the City Clerk* to the effect that registration for the special election will be closed on the date which is designated in the notice, as provided in this section.

2. Except as *otherwise* provided in this subsection, the Office of the City Clerk must be open for the special election from 9 a.m. to 12 m. and from 1 p.m. to 5 p.m. on Mondays through Fridays, with legal holidays excepted, for the registration of any qualified elector.

Sec. 30. Section 1.060 of the Charter of the City of North Las Vegas, being Chapter 573, Statutes of Nevada 1971, as last amended by Chapter 515, Statutes of Nevada 1997, at page 2451, is hereby amended to read as follows:

Sec. 1.060 Elective offices: Vacancies. Except as otherwise provided in NRS 268.325:

1. A vacancy in the City Council or in the office of Mayor or Municipal Judge must be filled by a majority vote of the members of the City Council within 30 days after the occurrence of the vacancy. A person may be selected to fill a prospective vacancy in the City Council before the vacancy occurs. In such a case, each member of the Council, except any member whose term of office expires before the occurrence of the vacancy, may participate in any action taken by the Council pursuant to this section. The appointee must have the same qualifications as are required of the elective official.

2. No such appointment extends beyond the first day of ~~July~~ *January* after the next municipal election, at which election the office must be filled for the remaining unexpired term.

Sec. 31. Section 2.010 of the Charter of the City of North Las Vegas, being Chapter 573, Statutes of Nevada 1971, as last amended by Chapter 344, Statutes of Nevada 1999, at page 1413, is hereby amended to read as follows:

Sec. 2.010 City Council: Qualifications; election; term of office; salary.

1. The legislative power of the City is vested in a City Council consisting of four Councilmen and a Mayor.

2. The Mayor must be:

(a) A bona fide resident of the City for at least 6 months immediately preceding his election.

(b) A qualified elector within the City.

3. Each Councilman:

(a) Must be a qualified elector who has resided in the ward which he represents for at least 30 days immediately preceding the last day for filing a declaration of candidacy for his office.

(b) Must continue to live in the ward he represents, except that changes in ward boundaries made pursuant to section 1.045 ~~[of this Charter]~~ will not affect the right of any elected Councilman to continue in office for the term for which he was elected.

4. At the time of filing, if so required by an ordinance duly enacted, candidates for the office of Mayor and Councilman shall produce evidence in satisfaction of any or all of the qualifications provided in subsection 2 or 3, whichever is applicable.

5. All Councilmen, including the Mayor, must be voted upon by the registered voters of the City at large. ~~{, and their}~~

6. *Except as otherwise provided in section 5.010, the terms of office of the Mayor and the Councilmen are 4 years.*

~~{6.}~~ 7. The Mayor and Councilmen are entitled to receive a salary in an amount fixed by the City Council.

Sec. 32. Section 4.005 of the Charter of the City of North Las Vegas, being Chapter 215, Statutes of Nevada 1997, as amended by Chapter 73, Statutes of Nevada 2003, at page 484, is hereby amended to read as follows:

Sec. 4.005 Municipal Court.

1. There is a Municipal Court of the City which consists of at least one department. Each department must be presided over by a Municipal Judge and has such power and jurisdiction as is prescribed in, and is, in all respects which are not inconsistent with this Charter, governed by the provisions of chapters 5 and 266 of NRS which relate to municipal courts.

2. The City Council may, from time to time, by ordinance, establish additional departments of the Municipal Court and shall appoint an additional Municipal Judge for each additional department.

3. At the first municipal primary or municipal general election that follows the appointment of an additional Municipal Judge to a newly created department of the Municipal Court, the successor to that Municipal Judge must be elected for an initial term of not more than 6 years, as determined by the City Council, ~~{in order}~~ so that, as nearly as practicable, one-third of the number of Municipal Judges ~~{be}~~ is elected every 2 years.

4. Except as otherwise provided by the ordinance establishing an additional department ~~{,}~~ or section 5.010, each Municipal Judge must be voted upon by the registered voters of the City at large and holds office for a period of 6 years and until his successor has been elected and qualified.

5. The respective departments of the Municipal Court must be numbered 1 through the appropriate Arabic numeral, as additional departments are approved by the City Council. A Municipal Judge must be elected for each department by number.

Sec. 33. Section 5.010 of the Charter of the City of North Las Vegas, being Chapter 573, Statutes of Nevada 1971, as last amended by Chapter 73, Statutes of Nevada 2003, at page 485, is hereby amended to read as follows:

Sec. 5.010 General ~~{municipal}~~ elections.

1. On the Tuesday after the first Monday in June ~~{1977, and at each successive interval of 4 years thereafter, there shall}~~ 2003, there must be elected by the qualified voters of the City, at a general *municipal* election to be held for that purpose, a Mayor and two Councilmen, who shall hold office

~~[for a period of 4 years and]~~ until their successors have been elected and qualified ~~[] pursuant to subsection 3.~~

2. On the Tuesday after the first Monday in June ~~[1975, and at each successive interval of 4 years thereafter, there shall]~~ 2005, there must be elected by the qualified voters of the City, at a general *municipal* election to be held for that purpose, two Councilmen ~~[]~~ who shall hold office ~~[for a period of 4 years and]~~ until their successors have been elected and qualified ~~[] pursuant to subsection 4.~~

3. *On the Tuesday after the first Monday in November 2006, and at each successive interval of 4 years thereafter, there must be elected by the qualified voters of the City, at a general election to be held for that purpose, a Mayor and two Councilmen, who shall hold office for a period of 4 years and until their successors have been elected and qualified.*

4. *On the Tuesday after the first Monday in November 2008, and at each successive interval of 4 years thereafter, there must be elected by the qualified voters of the City, at a general election to be held for that purpose, two Councilmen who shall hold office for a period of 4 years and until their successors have been elected and qualified.*

5. *On the Tuesday after the first Monday in November 2006, and at each successive interval of 6 years thereafter, there must be elected by the qualified voters of the City, at a general election to be held for that purpose, a Municipal Judge for Department 1 who shall hold office for a period of 6 years and until his successor has been elected and qualified.*

Sec. 34. Section 5.020 of the Charter of the City of North Las Vegas, being Chapter 573, Statutes of Nevada 1971, as last amended by Chapter 637, Statutes of Nevada 1999, at page 3566, is hereby amended to read as follows:

Sec. 5.020 Primary ~~[municipal]~~ elections; declaration of candidacy.

1. The City Council shall provide by ordinance for candidates for elective office to declare their candidacy and file the necessary documents. The seats for City Councilmen must be designated by the numbers one through four, which numbers must correspond with the wards the candidates for City Councilmen will seek to represent. A candidate for the office of City Councilman shall include in his declaration of candidacy the number of the ward which he seeks to represent. Each candidate for City Council must be designated as a candidate for the City Council seat that corresponds with the ward that he seeks to represent.

2. If for any general municipal election there are three or more candidates for the offices of Mayor or Municipal Judge, or for a particular City Council seat, a primary election for any such office must be held on the *first Tuesday* ~~[following the first Monday in April]~~ *in September* preceding the general election.

3. Except as otherwise provided in subsection 4, after the primary election, the names of the two candidates for Mayor, Municipal Judge and

each City Council seat who receive the highest number of votes must be placed on the ballot for the general election.

4. If one of the candidates for Mayor, Municipal Judge or a City Council seat receives a majority of the total votes cast for that office in the primary election, he ~~[shall]~~ *must* be declared elected to office and his name must not appear on the ballot for the general election.

Sec. 35. Section 5.080 of the Charter of the City of North Las Vegas, being Chapter 573, Statutes of Nevada 1971, as last amended by Chapter 465, Statutes of Nevada 1985, at page 1440, is hereby amended to read as follows:

Sec. 5.080 Election returns; canvass; certificates of election; entry of officers upon duties; tie vote procedure.

1. The election returns from any special, primary or general municipal election ~~[shall]~~ *must* be filed with the City Clerk, who shall immediately place the returns in a safe or vault, and no person may be permitted to handle, inspect or in any manner interfere with the returns until canvassed by the City Council.

2. The City Council shall meet at any time within 16 days after any election and shall canvass the returns and declare the result. The election returns must then be sealed and kept by the City Clerk for 6 months, and no person may have access thereto except on order of a court of competent jurisdiction or by order of the City Council.

3. The City Clerk, under his hand and official seal, shall issue to each person declared to be elected a certificate of election. The officers so elected shall qualify and enter upon the discharge of their respective duties on the ~~[1st]~~ first day of ~~[July]~~ January next following their election.

4. If any election should result in a tie, the City Council shall summon the candidates who received the tie vote and determine the tie by lot. The Clerk shall then issue to the winner a certificate of election."

Amend the bill as a whole by adding a new section designated sec. 41, following sec. 14, to read as follows:

"Sec. 41. On or before January 1, 2006, the governing body of a city incorporated pursuant to general law in a county whose population is 400,000 or more shall adopt the ordinance required pursuant to the provisions of subsection 2 of NRS 293C.115, as amended by this act."

Amend the title of the bill to read as follows:

"AN ACT relating to elections; providing that the governing body of a city incorporated pursuant to general law in a county whose population is 400,000 or more shall adopt an ordinance to provide for a primary city election and general city election on the dates for state primary elections and state general elections; amending the charters of certain cities to revise the timing of municipal elections; and providing other matters properly relating thereto."

Amend the summary of the bill to read as follows:

"SUMMARY—Amends timing of certain municipal elections. (BDR S-512)".

Senator Cegavske moved the adoption of the amendment.

Remarks by Senators Cegavske and Care.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the President and Secretary signed Senate Bills Nos. 15, 19, 81, 131, 135, 138, 169, 180, 184, 395, 424, 443, 483; Senate Joint Resolution No. 12; Senate Concurrent Resolution No. 43; Assembly Bill No. 70.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Amodei, the privilege of the floor of the Senate Chamber for this day was extended to the following students, teacher and chaperones from the Bordewich-Bray Elementary School: Joe Torres, Brandon Murray, Alejandro Rios, Christopher Spencer, Dakota Cave, Katarina Pancho, Alexander Pray; chaperones: Bruce Magner, Jeanne Abercrombie and Laurie Johns and the following students, teacher/chaperones from the Capital Christian School: Noelle Conover, Ian Devine, Andrew Gutierrez, Rachel Lackey, Marissa Mills, Taylor Negrete, Archie Redmond, Matthew Roberts, Michaela Roth, Nick Walker, Justin Wall, Ryan West, Alec Donner, Colton Harnar, Michael Alan Lake, Joseph Massett, Dennise Mena, Sam Merritt, Stacey Nierei, Jacob Rodriguez, Hannah Rutherford, Matthew Sisco, Jordan Van Worth, Aaron Wiley; teacher/chaperones: Anita Swearingen, Mona Scouller, Emily Hallas and Vickie Roberts.

On request of Senator Mathews, the privilege of the floor of the Senate Chamber for this day was extended to the following students, teachers and chaperones from the Virginia Palmer Elementary School: Kashawn Amjad, Anahi Arenas, Karina Arenas, Chelsea Bosco, Jasmine Bravo, Roxana Carranco, Karen Carranza, Alex Chavez, Timothy Cook, Daniel Dixon, Raven Durr, Felix Garcia Huipe, Lucas Jones, Timothy Keelin, Timothy Klotz, Shawn Koepnick, Jennifer Lopez Lugo, Bilal Maqsood, Jeremy Osburn, Juan Pinedo-Hernandez, Alejandra Rodriguez-Avila, Melissa Rojo, Aspen Scott, Cierra Stevenson, Brandon Taylor, Chelsea Taylor, Georgie Vowinkel, Katelyn Wolf, Cassidy Bosco, Alvaro Briceno, Alan Brown, Marianna Carter, Elizabeth Garcia, Kevin Garcia, Abril Gutierrez, Mackenzie Hardin, Gregory Hernandez-Castorena, Julio Landeros, Maggie Lutes, Crystal Martinez, Allana Montoya, Marielle Regis, Jorge Rodriguez, Taran Romero, Emanuel Sanchez, Aaina Sharma, Julio Soto, Bettie Lu Stoddart, Luis Valle, Paul Zavadil, Oshay Bazile, Andrew Ortiz, David Ramerez, Alfredo Perez, Creed Armendariz, Michael-Thomas Brown, Katherine Calkins, Miguel Camacho-Villa, Sativa Carroll, Bryan Chanez, Amanda Davis, Ashly Flores, Eduardo Flores Esparza, Tori Huey, Tara Humphreys, Madison Kell, Laura Lopez-Perez, Luis Lopez-Rangel, Kyle

Matzen, Brittanie Morales, Vanessa Navarro, Bailey Newell, Fantasia Nielsen, Eric Onisile, Michael Onyeagbako, Alejandra Perez, Gagan Riar, Jordan Rose, Matthew Aulsgiver, Kristina Stocking, Cindy Torres-Murillo, Josue Virgen; teachers and chaperones: Carolann Kahler, Mrs. Gutierrez, Mrs. Koepnick, Mrs. Roseborough, Mary Overpeck, Karen Stocking, Amber Carroll, Denise Chanez, Stacy Humphreys, Angie White, Tanish Bravo, Sandra Hernandez, Robbie Vowinkel, Silvia Garcia, Maria Hernandez, Stacey Bosco, Maria Gutierrez and Maria Flores.

Senator Raggio moved that the Senate adjourn until Friday, May 27, 2005, at 11 a.m.

Motion carried.

Senate adjourned at 3:04 p.m.

Approved:

LORRAINE T. HUNT
President of the Senate

Attest: CLAIRE J. CLIFT
Secretary of the Senate