

THE ONE HUNDRED AND TENTH DAY

CARSON CITY (Friday), May 27, 2005

Senate called to order at 11:36 a.m.

President Hunt presiding.

Roll called.

All present.

Prayer by the Chaplain, Reverend Dixie Jennings-Teats.

Create in us clean hearts, O God, and renew a right spirit within us.

As we breathe in, let us come into the center of our beings, into the depths of our lives.

Remind us of what is important as we breathe out.

Let us release all that binds us in narrow concerns.

Let us hear Your invitation to Your common table for all people.

Let the work of this Legislature be centered in true creativity, true consensus for the common good of 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. 44, 540, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

RANDOLPH J. TOWNSEND, *Chair*

Madam President:

Your Committee on Finance, to which was rereferred Senate Bill No. 463, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

WILLIAM J. RAGGIO, *Chair*

Madam President:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 31, 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 Government Affairs, to which was referred Assembly Bill No. 385, has had the same under consideration, and begs leave to report the same back with the recommendation: Rerefer to the Committee on Commerce and Labor.

WARREN B. HARDY II, *Chair*

Madam President:

Your Committee on Human Resources and Education, to which was referred Assembly Bill No. 280, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MAURICE E. WASHINGTON, *Chair*

Madam President:

Your Committee on Taxation, to which was referred Assembly Joint Resolution No. 11, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MIKE MCGINNESS, *Chair*

Madam President:

Your Committee on Transportation and Homeland Security, to which was referred Assembly Bill No. 240, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DENNIS NOLAN, *Chair*

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, May 26, 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. 321, 368, 384, 398, 401, 410, 481.

Also, I have the honor to inform your honorable body that the Assembly on this day passed, as amended, Assembly Bills Nos. 209, 310, 413, 514.

Also, I have the honor to inform your honorable body that the Assembly amended, and on this day passed, as amended, Senate Bill No. 29, Amendment No. 834; Senate Bill No. 83, Amendment No. 824; Senate Bill No. 122, Amendment No. 904; Senate Bill No. 150, Amendment No. 887; Senate Bill No. 163, Amendment No. 972; Senate Bill No. 170, Amendment No. 864; Senate Bill No. 263, Amendment No. 999; Senate Bill No. 287, Amendment No. 854; Senate Bill No. 290, Amendment No. 712; Senate Bill No. 307, Amendment No. 728; Senate Bill No. 326, Amendment No. 998; Senate Bill No. 335, Amendment No. 959; Senate Bill No. 338, Amendment No. 815; Senate Bill No. 389, Amendment No. 909; Senate Bill No. 411, Amendment No. 786; Senate Bill No. 415, Amendment No. 826; Senate Bill No. 421, Amendment No. 910; Senate Bill No. 432, Amendment No. 882; Senate Bill No. 444, Amendment No. 956; Senate Bill No. 445, Amendment No. 851; Senate Bill No. 450, Amendment No. 814; Senate Bill No. 452, Amendment No. 795; Senate Bill No. 453, Amendment No. 881; Senate Bill No. 460, Amendment No. 970; Senate Bill No. 488, Amendment No. 993; Senate Bill No. 489, Amendment No. 955, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Assembly on this day concurred in the Senate Amendment No. 790 to Assembly Bill No. 15; Senate Amendment No. 708 to Assembly Bill No. 395.

Also, I have the honor to inform your honorable body that the Assembly on this day respectfully refused to concur in the Senate Amendment No. 801 to Assembly Bill No. 51; Senate Amendment No. 706 to Assembly Bill No. 501.

DIANE KEETCH

Assistant Chief Clerk of the Assembly

WAIVERS AND EXEMPTIONS

NOTICE OF EXEMPTION

May 27, 2005

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the exemption of: Senate Bill No. 479.

MARK STEVENS

Fiscal Analysis Division

MOTIONS, RESOLUTIONS AND NOTICES

Senator Raggio moved that for this legislative day, all necessary rules be suspended, and that all bills and joint resolutions returned from reprint be

declared emergency measures under the Constitution and be immediately placed on the third reading and final passage next agenda, time permitting.

Remarks by Senator Raggio.

Motion carried.

Senator Hardy moved that Assembly Bill No. 334 be taken from the General File and placed on the General File on the third agenda.

Remarks by Senator Hardy.

Motion carried.

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

Remarks by Senator Mathews.

Motion carried.

Senator McGinness moved that Senate Bill No. 391 be taken from the Secretary's desk and placed on the top of the Second Reading File on the second agenda.

Remarks by Senator McGinness.

Motion carried.

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

Remarks by Senator Nolan.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Assembly Bill No. 209.

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

Motion carried.

Assembly Bill No. 310.

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

Motion carried.

Assembly Bill No. 413.

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

Motion carried.

Assembly Bill No. 514.

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

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Amodei moved that Assembly Bill No. 267 be taken from the Secretary's desk and placed on the bottom of the General File on the second agenda.

Remarks by Senator Amodei.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 406.

Bill read second time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 1007.

Amend sec. 4, page 15, line 35, by deleting "*diploma.*" and inserting: "*diploma or, at the discretion of the pupil, another type of diploma for which the pupil is otherwise eligible.*".

Amend sec. 8, page 17, line 42, by deleting "~~[a] each~~" and inserting "a":

Amend sec. 8, page 17, line 44, by deleting "*shall.*" and inserting: "*and the governing body of a charter school may.*".

Amend sec. 8, page 18, by deleting lines 9 through 24 and inserting:

"2. The board of trustees of each school district shall".

Amend sec. 19, page 25, line 28, after "5." by inserting: "A school district or charter school that receives an allocation of money pursuant to this section:

(a) Shall use the money to supplement and not replace the money that the school district or charter school would otherwise expend for programs of career and technical education.

(b) Shall not use the money to:

(1) Settle or arbitrate disputes or negotiate settlements between the school district or charter school and an organization that represents licensed employees of the school district or charter school, as applicable.

(2) Adjust the schedules of salaries and benefits of the employees of the school district or charter school.

6."

Amend sec. 19, page 25, line 30, by deleting "6." and inserting "7."

Amend the title of the bill by deleting the seventh through eleventh lines and inserting: "program of career and technical education; authorizing school districts and charter schools to establish and maintain a program of".

Senator Raggio moved the adoption of the amendment.

Remarks by Senator Raggio.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 39.

Bill read second time.

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

Amendment No. 1084.

Amend the bill as a whole by deleting sections 10 and 11 and adding new sections designated sections 10 and 11, following sec. 9, to read as follows:

"Sec. 10. Chapter 281 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *If any present or former state officer or employee is alleged to have violated any provision of this chapter, unless the state officer or employee retains his own legal counsel or the Attorney General tenders the defense of the state officer or employee to an insurer who, pursuant to a contract of insurance, is authorized to defend the state officer or employee, the Attorney General shall defend the state officer or employee or employ special counsel to defend the state officer or employee if:*

(a) The state officer or employee submits a written request for defense in the manner provided in NRS 41.0339; and

(b) Based on the facts and allegations known to the Attorney General, the Attorney General determines that the act or omission on which the alleged violation is based:

(1) Appears to be within the course and scope of public duty or employment of the state officer or employee; and

(2) Appears to have been performed or omitted in good faith.

2. *The Attorney General shall create a written record setting forth the basis for his determination of whether to defend the state officer or employee pursuant to paragraph (b) of subsection 1. The written record is not admissible in evidence at trial or in any other judicial or administrative proceeding in which the state officer or employee is a party, except in connection with an application to withdraw as the attorney of record.*

Sec. 11. NRS 281.431 is hereby amended to read as follows:

281.431 As used in NRS 281.411 to 281.581, inclusive, *and section 10 of this act*, unless the context otherwise requires, the words and terms defined in NRS 281.432 to 281.4375, inclusive, have the meanings ascribed to them in those sections."

Amend the title of the bill to read as follows:

"AN ACT relating to government; providing a procedure for a bidder to file a notice of protest regarding certain contracts; expanding the criteria that may be used to select the lowest responsive and responsible bidder on certain contracts; expanding the types of contracts which by nature are not adapted to award by competitive bidding; requiring the Attorney General to defend a state officer or employee alleged to have committed an ethical violation under certain circumstances; and providing other matters properly relating thereto."

Amend the summary of the bill to read as follows:

"SUMMARY—Makes various changes to provisions governing purchasing by state and local governments and ethics in government. (BDR 27-560)".

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. 185.

Bill read second time.

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

Amendment No. 1010.

Amend section 1, page 2, line 3, after "*initiative*" by inserting "*or referendum*".

Amend section 1, page 2, line 6, by deleting "*accurate*".

Amend section 1, page 2, by deleting line 7 and inserting: "*description of the effect of the initiative or referendum if the initiative or referendum is approved by the*".

Amend section 1, page 2, line 8, by deleting: "*at the top of*" and inserting "*on*".

Amend section 1, page 2, lines 11 and 13, after "*initiative*" by inserting "*or referendum*".

Amend section 1, page 2, line 16, by deleting "*initiative.*" and inserting: "*initiative or referendum.*".

Amend sec. 2, page 2, line 20, after "~~it~~" by inserting "*or referendum*".

Amend sec. 2, page 2, by deleting line 22 and inserting: "*initiative or referendum, including the description required pursuant to section 1*".

Amend sec. 2, page 2, line 24, after "*initiative*" by inserting "*or referendum*".

Amend sec. 2, page 3, lines 2, 3, 5, 6 and 10, after "*initiative*" by inserting "*or referendum*".

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. NRS 295.045 is hereby amended to read as follows:

295.045 1. ~~{A copy of a petition for referendum must be placed on file in the Office of the Secretary of State before it may be presented to the registered voters for their signatures.~~

2.} A petition for referendum must be filed with the Secretary of State not less than 120 days before the date of the next succeeding general election.

{3.} 2. The Secretary of State shall certify the questions to the county clerks, and they shall publish them in accordance with the provisions of law requiring county clerks to publish questions and proposed constitutional amendments which are to be submitted for popular vote.

{4.} 3. The title of the statute or resolution must be set out on the ballot, and the question printed upon the ballot for the information of the voters must be as follows: "Shall the statute (setting out its title) be approved?"

~~{5-}~~ 4. Where a mechanical voting system is used, the title of the statute must appear on the list of offices and candidates and the statements of measures to be voted on and may be condensed to no more than 25 words.

~~{6-}~~ 5. The votes cast upon the question must be counted and canvassed as the votes for state officers are counted and canvassed."

Amend sec. 3, page 3, by deleting line 17 and inserting: "*or referendum required pursuant to section 1 of this act may be challenged by*".

Amend sec. 3, page 3, line 28, by deleting "5" and inserting "~~{5}~~ 7".

Amend sec. 3, page 3, line 30, by deleting "filed with" and inserting: "~~{filed with}~~ *certified as sufficient*".

Amend the title of the bill to read as follows:

"AN ACT relating to elections; limiting petitions for initiative or referendum to one subject; requiring a petition for initiative or referendum to include a description of the effect of the initiative or referendum if approved by the voters; requiring the Secretary of State to obtain under certain circumstances a fiscal note from the Fiscal Analysis Division of the Legislative Counsel Bureau; requiring the Secretary of State to post a copy of the petition for initiative or referendum, the description of the effect if the initiative or referendum is approved by the voters and any fiscal note on his Internet website; requiring a challenge to the description of the effect of an initiative or a referendum to be filed not later than 30 days after a copy of the petition is placed on file with the Secretary of State; amending the timeframe for challenging the legal sufficiency of a petition for initiative or referendum; and providing other matters properly relating thereto."

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. 236.

Bill read second time.

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

Amendment No. 687.

Amend sec. 3, page 5, by deleting lines 16 through 18 and inserting: "*generator's bill for that billing period but must be reflected as a credit that is carried forward to offset the value of the electricity supplied by the utility during a subsequent billing period. At the discretion of the utility, the credit may be in a dollar amount or in kilowatt hours. If the credit is reflected as excess electricity and the customer-generator is billed for electricity pursuant to a time-of-use rate schedule, the excess electricity carried forward must be added to the same time-of-use period as the time-of-use period in which it was generated unless the subsequent billing period lacks a corresponding time-of-use period. In that case, the excess electricity carried forward must be apportioned evenly among the available time-of-use*

periods. Excess electricity may be carried forward to subsequent billing periods indefinitely, but a customer-generator is not entitled to receive compensation for any excess electricity that remains if the net metering system ceases to operate or is disconnected from the utility's transmission and distribution facilities, the customer-generator ceases to be a customer of the utility at the premises served by the net metering system or the customer-generator transfers the net metering system to another person."

Amend sec. 3, page 5, between lines 20 and 21, by inserting:

"(3) The excess electricity which is fed back to the utility shall be deemed to be electricity that the utility generated or acquired from a renewable energy system for the purposes of complying with its portfolio standard pursuant to NRS 704.7801 to 704.7828, inclusive."

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

"Sec. 8. NRS 278.160 is hereby amended to read as follows:

278.160 1. Except as otherwise provided in subsection 4 of NRS 278.150 and subsection 3 of NRS 278.170, the master plan, with the accompanying charts, drawings, diagrams, schedules and reports, may include such of the following subject matter or portions thereof as are appropriate to the city, county or region, and as may be made the basis for the physical development thereof:

(a) Community design. Standards and principles governing the subdivision of land and suggestive patterns for community design and development.

(b) Conservation plan. For the conservation, development and utilization of natural resources, including, without limitation, water and its hydraulic force, underground water, water supply, *solar or wind energy*, forests, soils, rivers and other waters, harbors, fisheries, wildlife, minerals and other natural resources. The plan must also cover the reclamation of land and waters, flood control, prevention and control of the pollution of streams and other waters, regulation of the use of land in stream channels and other areas required for the accomplishment of the conservation plan, prevention, control and correction of the erosion of soils through proper clearing, grading and landscaping, beaches and shores, and protection of watersheds. The plan must also indicate the maximum tolerable level of air pollution.

(c) Economic plan. Showing recommended schedules for the allocation and expenditure of public money in order to provide for the economical and timely execution of the various components of the plan.

(d) Historical properties preservation plan. An inventory of significant historical, archaeological and architectural properties as defined by a city, county or region, and a statement of methods to encourage the preservation of those properties.

(e) Housing plan. The housing plan must include, without limitation:

(1) An inventory of housing conditions, needs and plans and procedures for improving housing standards and for providing adequate housing.

- (2) An inventory of affordable housing in the community.
- (3) An analysis of the demographic characteristics of the community.
- (4) A determination of the present and prospective need for affordable housing in the community.
- (5) An analysis of any impediments to the development of affordable housing and the development of policies to mitigate those impediments.
- (6) An analysis of the characteristics of the land that is the most appropriate for the construction of affordable housing.
- (7) An analysis of the needs and appropriate methods for the construction of affordable housing or the conversion or rehabilitation of existing housing to affordable housing.
- (8) A plan for maintaining and developing affordable housing to meet the housing needs of the community.
- (f) Land use plan. An inventory and classification of types of natural land and of existing land cover and uses, and comprehensive plans for the most desirable utilization of land. The land use plan may include a provision concerning the acquisition and use of land that is under federal management within the city, county or region, including, without limitation, a plan or statement of policy prepared pursuant to NRS 321.7355.
- (g) Population plan. An estimate of the total population which the natural resources of the city, county or region will support on a continuing basis without unreasonable impairment.
- (h) Public buildings. Showing locations and arrangement of civic centers and all other public buildings, including the architecture thereof and the landscape treatment of the grounds thereof.
- (i) Public services and facilities. Showing general plans for sewage, drainage and utilities, and rights-of-way, easements and facilities therefor, including, without limitation, any utility projects required to be reported pursuant to NRS 278.145.
- (j) Recreation plan. Showing a comprehensive system of recreation areas, including, without limitation, natural reservations, parks, parkways, trails, reserved riverbank strips, beaches, playgrounds and other recreation areas, including, when practicable, the locations and proposed development thereof.
- (k) Rural neighborhoods preservation plan. In any county whose population is 400,000 or more, showing general plans to preserve the character and density of rural neighborhoods.
- (l) Safety plan. In any county whose population is 400,000 or more, identifying potential types of natural and man-made hazards, including, without limitation, hazards from floods, landslides or fires, or resulting from the manufacture, storage, transfer or use of bulk quantities of hazardous materials. The plan may set forth policies for avoiding or minimizing the risks from those hazards.
- (m) School facilities plan. Showing the general locations of current and future school facilities based upon information furnished by the appropriate local school district.

(n) Seismic safety plan. Consisting of an identification and appraisal of seismic hazards such as susceptibility to surface ruptures from faulting, to ground shaking or to ground failures.

(o) Solid waste disposal plan. Showing general plans for the disposal of solid waste.

(p) Streets and highways plan. Showing the general locations and widths of a comprehensive system of major traffic thoroughfares and other traffic ways and of streets and the recommended treatment thereof, building line setbacks, and a system of naming or numbering streets and numbering houses, with recommendations concerning proposed changes.

(q) Transit plan. Showing a proposed multimodal system of transit lines, including mass transit, streetcar, motorcoach and trolley coach lines, paths for bicycles and pedestrians, and related facilities.

(r) Transportation plan. Showing a comprehensive transportation system, including, without limitation, locations of rights-of-way, terminals, viaducts and grade separations. The plan may also include port, harbor, aviation and related facilities.

2. The commission may prepare and adopt, as part of the master plan, other and additional plans and reports dealing with such other subjects as may in its judgment relate to the physical development of the city, county or region, and nothing contained in NRS 278.010 to 278.630, inclusive, prohibits the preparation and adoption of any such subject as a part of the master plan.

Sec. 9. NRS 278.250 is hereby amended to read as follows:

278.250 1. For the purposes of NRS 278.010 to 278.630, inclusive, the governing body may divide the city, county or region into zoning districts of such number, shape and area as are best suited to carry out the purposes of NRS 278.010 to 278.630, inclusive. Within the zoning district, it may regulate and restrict the erection, construction, reconstruction, alteration, repair or use of buildings, structures or land.

2. The zoning regulations must be adopted in accordance with the master plan for land use and be designed:

- (a) To preserve the quality of air and water resources.
- (b) To promote the conservation of open space and the protection of other natural and scenic resources from unreasonable impairment.
- (c) To provide for recreational needs.
- (d) To protect life and property in areas subject to floods, landslides and other natural disasters.
- (e) To conform to the adopted population plan, if required by NRS 278.170.
- (f) To develop a timely, orderly and efficient arrangement of transportation and public facilities and services, including facilities and services for bicycles.
- (g) To ensure that the development on land is commensurate with the character and the physical limitations of the land.

(h) To take into account the immediate and long-range financial impact of the application of particular land to particular kinds of development, and the relative suitability of the land for development.

(i) To promote health and the general welfare.

(j) To ensure the development of an adequate supply of housing for the community, including the development of affordable housing.

(k) To ensure the protection of existing neighborhoods and communities, including the protection of rural preservation neighborhoods.

(l) *To promote systems which use solar or wind energy.*

3. The zoning regulations must be adopted with reasonable consideration, among other things, to the character of the area and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the city, county or region.

4. In exercising the powers granted in this section, the governing body may use any controls relating to land use or principles of zoning that the governing body determines to be appropriate, including, without limitation, density bonuses, inclusionary zoning and minimum density zoning.

5. As used in this section:

(a) "Density bonus" means an incentive granted by a governing body to a developer of real property that authorizes the developer to build at a greater density than would otherwise be allowed under the master plan, in exchange for an agreement by the developer to perform certain functions that the governing body determines to be socially desirable, including, without limitation, developing an area to include a certain proportion of affordable housing.

(b) "Inclusionary zoning" means a type of zoning pursuant to which a governing body requires or provides incentives to a developer who builds residential dwellings to build a certain percentage of those dwellings as affordable housing.

(c) "Minimum density zoning" means a type of zoning pursuant to which development must be carried out at or above a certain density to maintain conformance with the master plan."

Amend sec. 8, page 8, line 25, by deleting "structure," and inserting: "structure ~~[-]~~ *if such systems and structures are otherwise in compliance with applicable building codes and zoning ordinances, including those relating to the design, location and soundness of such systems and structures,*".

Amend sec. 8, page 8, line 28, after "5." by inserting: "*The amendments required by subsection 4 may address, without limitation:*

(a) *The inclusion of characteristics of land and structures that are most appropriate for the construction and use of systems using solar and wind energy.*

(b) *The recognition of any impediments to the development of systems using solar and wind energy.*

(c) The preparation of design standards for the construction, conversion or rehabilitation of new and existing systems using solar and wind energy.

6."

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

"Sec. 11. The Legislature hereby declares that wind energy is a clean, renewable energy source, the use of which must be promoted. Regional planning is needed for communities to choose good turbine locations where wind is available. The provisions of this act allow the governing bodies of cities and counties to promote the use of this renewable resource while promoting the general welfare by regulating the location, height and noise level of wind turbines, as well as the parcel size on which turbines may be placed. The provisions of this act require cities and counties to balance the effects that wind turbines have on the environment through the existing master plan and zoning process."

Senator Hardy moved the adoption of the amendment.

Remarks by Senator Townsend.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 312.

Bill read second time.

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

Amendment No. 1049.

Amend the bill as a whole by deleting sections 1 through 17, renumbering sec. 18 as sec. 25, and adding new sections designated sections 1 through 24, following the enacting clause, to read as follows:

"Section 1. Chapter 321 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *Except as otherwise provided in subsection 5, NRS 322.063, 322.065 or 322.075, except as otherwise required by federal law and except for land that is sold or leased pursuant to an agreement entered into pursuant to NRS 277.080 to 277.170, inclusive, when offering any land for sale or lease, the State Land Registrar shall:*

(a) Obtain two independent and confidential appraisals of the land before selling or leasing it. The appraisals must have been prepared not more than 6 months before the date on which the land is offered for sale or lease.

(b) Notwithstanding the provisions of chapter 333 of NRS, select the two independent appraisers from the list of appraisers established pursuant to subsection 2.

(c) Verify the qualifications of each appraiser selected pursuant to paragraph (b). The determination of the State Land Registrar as to the qualifications of an appraiser is conclusive.

2. *The State Land Registrar shall adopt regulations for the procedures for creating or amending a list of appraisers qualified to conduct appraisals of land offered for sale or lease by the State Land Registrar. The list must:*

- (a) Contain the names of all persons qualified to act as a general appraiser in the same county as the land that may be appraised; and*
- (b) Be organized at random and rotated from time to time.*

3. *An appraiser chosen pursuant to subsection 1 must provide a disclosure statement which includes, without limitation, all sources of income of the appraiser that may constitute a conflict of interest and any relationship of the appraiser with the owner of the land or the owner of an adjoining property.*

4. *An appraiser shall not perform an appraisal on any land offered for sale or lease by the State Land Registrar if the appraiser or a person related to the appraiser within the first degree of consanguinity or affinity has an interest in the land or an adjoining property.*

5. *If a lease of land is for residential property and the term of the lease is 1 year or less, the State Land Registrar shall obtain an analysis of the market value of similar rental properties prepared by a licensed real estate broker or salesman when offering such a property for lease.*

Sec. 2. NRS 321.335 is hereby amended to read as follows:

321.335 1. Except as *otherwise* provided in NRS 321.125 , ~~and~~ 321.510, 322.063, 322.065 or 322.075, *except as otherwise require by federal law and except for an agreement entered into pursuant to the provisions of NRS 277.080 to 277.170, inclusive, or a lease of residential property with a term of 1 year or less, after April 1, 1957, all sales or leases of any lands that the Division is required to hold pursuant to NRS 321.001, including lands subject to contracts of sale that have been forfeited, are governed by the provisions of this section.*

2. Whenever the State Land Registrar deems it to be in the best interests of the State of Nevada that any lands owned by the State and not used or set apart for public purposes be sold ~~[-] or leased~~, he may, with the approval of the State Board of Examiners and the Interim Finance Committee, cause those lands to be sold ~~at public auction or~~ *or leased* upon sealed bids, *or oral offer after the opening of sealed bids* for cash or pursuant to a contract of sale ~~[-] or lease~~, at a price not less than ~~their~~ *the highest* appraised value *for the lands* plus the costs of appraisal and publication of notice of sale ~~[-] or lease~~.

3. Before offering any land for sale ~~[-] or lease~~, the State Land Registrar shall cause it to be appraised by ~~a competent appraiser~~ *competent appraisers selected pursuant to section 1 of this act*.

4. After receipt of the report of the ~~appraiser~~ *appraisers*, the State Land Registrar shall cause a notice of sale *or lease* to be published once a week for 4 consecutive weeks in a newspaper of general circulation published in the county where the land to be sold *or leased* is situated, and in such other newspapers as he deems appropriate. If there is no newspaper

published in the county where the land to be sold *or leased* is situated, the notice must be so published in a newspaper published in this State having a general circulation in the county where the land is situated.

5. The notice must contain:

- (a) A description of the land to be sold ~~{-}~~ *or leased*;
- (b) A statement of the terms of sale ~~{-}~~ *or lease*;
- (c) A statement ~~{of whether}~~ that the land will be sold ~~{at public auction or upon sealed bids to the highest bidder}~~;
- ~~(d) If the sale is to be at public auction, the time and place of sale; and~~
- ~~(e) If the sale is to be upon sealed bids, the~~ pursuant to subsection 6; and
- (d) The place where the *sealed* bids will be accepted, the first and last days on which the *sealed* bids will be accepted, and the time when and place where the *sealed* bids will be opened ~~{-}~~ and oral offers submitted pursuant to subsection 6 will be accepted.

6. *At the time and place fixed in the notice published pursuant to subsection 4, all sealed bids which have been received must, in public session, be opened, examined and declared by the State Land Registrar. Of the proposals submitted which conform to all terms and conditions specified in the notice published pursuant to subsection 4 and which are made by responsible bidders, the bid which is the highest must be finally accepted, unless a higher oral offer is accepted or the State Land Registrar rejects all bids and offers. Before finally accepting any written bid, the State Land Registrar shall call for oral offers. If, upon the call for oral offers, any responsible person offers to buy or lease the land upon the terms and conditions specified in the notice, for a price exceeding by at least 5 percent the highest written bid, then the highest oral offer which is made by a responsible person must be finally accepted.*

7. The State Land Registrar may reject any bid or oral offer to purchase or lease submitted pursuant to subsection 6, if he deems the bid or offer to be:

- (a) Contrary to the public interest.
- (b) For a lesser amount than is reasonable for the land involved.
- (c) On lands which it may be more beneficial for the State to reserve.
- (d) On lands which are requested by the State of Nevada or any department, agency or institution thereof.

~~{7-}~~ 8. Upon acceptance of any bid or oral offer and payment to the State Land Registrar in accordance with the terms of sale specified in the notice of sale, the State Land Registrar shall convey title by quitclaim or cause a patent to be issued as provided in NRS 321.320 and 321.330.

~~{8-}~~ 9. *Upon acceptance of any bid or oral offer and payment to the State Land Registrar in accordance with the terms of lease specified in the notice of lease, the State Land Registrar shall enter into a lease agreement with the person submitting the accepted bid or oral offer pursuant to the terms of lease specified in the notice of lease.*

10. The State Land Registrar may require any person requesting that state land be sold pursuant to the provisions of this section to deposit a sufficient amount of money to pay the costs to be incurred by the State Land Registrar in acting upon the application, including the costs of publication and the expenses of appraisal. This deposit must be refunded whenever the person making the deposit is not the successful bidder. The costs of acting upon the application, including the costs of publication and the expenses of appraisal, must be borne by the successful bidder.

11. *If land that is offered for sale or lease pursuant to this section is not sold or leased at the initial offering of the contract for the sale or lease of the land, the State Land Registrar may offer the land for sale or lease a second time pursuant to this section. If there is a material change relating to the title, zoning or an ordinance governing the use of the land, the State Land Registrar must obtain a new appraisal of the land pursuant to the provisions of section 1 of this act before offering the land for sale or lease a second time. If land that is offered for sale or lease pursuant to this section is not sold or leased at the second offering of the contract for the sale or lease of the land, the State Land Registrar may list the land for sale or lease at the appraised value with a licensed real estate broker, provided that the broker or a person related to the broker within the first degree of consanguinity or affinity does not have an interest in the land or an adjoining property.*

Sec. 3. NRS 322.060 is hereby amended to read as follows:

322.060 ~~[Leases]~~ *Subject to the provisions of NRS 321.335, leases or easements authorized pursuant to the provisions of NRS 322.050, and not made for the purpose of extracting oil, coal or gas or the utilization of geothermal resources from the lands leased, must be:*

1. For such areas as may be required to accomplish the purpose for which the land is leased or the easement granted.

2. Except as otherwise provided in NRS 322.063, 322.065 and 322.067, for such term and consideration as the Administrator of the Division of State Lands of the State Department of Conservation and Natural Resources, as ex officio State Land Registrar, may determine reasonable based upon the fair market value of the land.

3. Executed upon a form to be prepared by the Attorney General. The form must contain all of the covenants and agreements usual or necessary to such leases or easements.

Sec. 4. Chapter 244 of NRS is hereby amended by adding thereto the provisions set forth as sections 5 and 6 of this act.

Sec. 5. 1. *Except as otherwise provided in NRS 244.189, 244.276, 244.279, 244.2825, 244.284, 244.287, 244.290 and 278.479 to 278.4965, inclusive, except as otherwise required by federal law or pursuant to a cooperative agreement entered into pursuant to NRS 277.050 or 277.053 or an interlocal agreement in existence on or before October 1, 2004, and except if the board of county commissioners is entering into a joint development agreement for real property owned by the county to which the*

board of county commissioners is a party or if the sale or lease of real property larger than 1 acre is approved by the voters at a primary or general election or special election, the board of county commissioners shall, when offering any real property for sale or lease:

(a) Obtain two independent and confidential appraisals of the real property before selling or leasing it. The appraisals must have been prepared not more than 6 months before the date on which the real property is offered for sale or lease.

(b) Select the two independent appraisers from the list of appraisers established pursuant to subsection 2.

(c) Verify the qualifications of each appraiser selected pursuant to paragraph (b). The determination of the board of county commissioners as to the qualifications of the appraiser is conclusive.

2. The board of county commissioners shall adopt by ordinance the procedures for creating or amending a list of appraisers qualified to conduct appraisals of real property offered for sale or lease by the board. The list must:

(a) Contain the names of all persons qualified to act as a general appraiser in the same county as the real property that may be appraised; and

(b) Be organized at random and rotated from time to time.

3. An appraiser chosen pursuant to subsection 1 must provide a disclosure statement which includes, without limitation, all sources of income that may constitute a conflict of interest and any relationship with the real property owner or the owner of an adjoining real property.

4. An appraiser shall not perform an appraisal on any real property for sale or lease by the board of county commissioners if the appraiser or a person related to the appraiser within the first degree of consanguinity or affinity has an interest in the real property or an adjoining property.

Sec. 6. 1. A board of county commissioners may sell, lease or otherwise dispose of real property for the purposes of redevelopment or economic development:

(a) Without first offering the real property to the public; and

(b) For less than fair market value of the real property.

2. Before a board of county commissioners may sell, lease or otherwise dispose of real property pursuant to this section, the board must:

(a) Obtain an appraisal of the real property pursuant to section 4 of this act; and

(b) Adopt a resolution finding that it is in the best interest of the public to sell, lease or otherwise dispose of the real property:

(1) Without offering the real property to the public; and

(2) For less than fair market value of the real property.

3. As used in this section:

(a) "Economic development" means:

(1) The establishment of new commercial enterprises or facilities within the county;

(2) *The support, retention or expansion of existing commercial enterprises or facilities within the county;*

(3) *The establishment, retention or expansion of public, quasi-public or other facilities or operations within the county;*

(4) *The establishment of residential housing needed to support the establishment of new commercial enterprises or facilities or the expansion of existing commercial enterprises or facilities; or*

(5) *Any combination of the activities described in subparagraphs (1) to (4), inclusive,*

➤ *to create and retain opportunities of employment for the residents of the county.*

(b) *"Redevelopment" has the meaning ascribed to it in NRS 279.408.*

Sec. 7. NRS 244.281 is hereby amended to read as follows:

244.281 Except as otherwise provided in *this section and section 5 of this act and NRS 244.189, 244.276, 244.279, 244.2825 [and 244.288], 244.284, 244.287, 244.290, 278.479 to 278.4965, inclusive, except as otherwise required by federal law or pursuant to a cooperative agreement entered into pursuant to NRS 277.050 or 277.053 or an interlocal agreement in existence on or before October 1, 2004, and except if the board of county commissioners is entering into a joint development agreement for real property owned by the county to which the board of county commissioners is a party or if the sale or lease of real property larger than 1 acre is approved by the voters at a primary or general election or special election:*

1. When a board of county commissioners has determined by resolution that the sale or ~~[exchange]~~ lease of any real property owned by the county will be for purposes other than to establish, align, realign, change, vacate or otherwise adjust any street, alley, avenue or other thoroughfare, or portion thereof, or flood control facility within the county and will be in the best interest of the county, it may:

(a) Sell the property ~~[at public auction,]~~ in the manner prescribed for the sale of real property in NRS 244.282.

(b) ~~[Sell the property through a licensed real estate broker, or if there is no real estate broker resident of the county, the board of county commissioners may negotiate the sale of the property. No exclusive listing may be given. In all listings, the board of county commissioners shall specify the minimum price, the terms of sale and the commission to be allowed, which must not exceed the normal commissions prevailing in the community at the time.]~~

(c) ~~Exchange the property for other real property of substantially equal value, or for other real property plus an amount of money equal to the difference in value, if it has also determined by resolution that the acquisition of the other real property will be in the best interest of the county.] Lease the property in the manner prescribed for the lease of real property in NRS 244.283.~~

2. Before the board of county commissioners may sell ~~for exchange~~ or lease any real property as provided in ~~paragraphs (b) and (c) of~~ subsection 1, it shall:

(a) Post copies of the resolution described in subsection 1 in three public places in the county; and

(b) Cause to be published at least once a week for 3 successive weeks, in a newspaper qualified under chapter 238 of NRS that is published in the county in which the real property is located, a notice setting forth:

(1) A description of the real property proposed to be sold or ~~exchanged~~ leased in such a manner as to identify it;

(2) The minimum price, if applicable, of the real property proposed to be sold or ~~exchanged~~ leased; and

(3) The places at which the resolution described in subsection 1 has been posted pursuant to paragraph (a), and any other places at which copies of that resolution may be obtained.

➤ If no qualified newspaper is published within the county in which the real property is located, the required notice must be published in some qualified newspaper printed in the State of Nevada and having a general circulation within that county.

3. ~~In addition to the requirements set forth in paragraph (b) of subsection 2, in case of:~~

(a) ~~A sale, the notice must state the name of the licensed real estate broker handling the sale and invite interested persons to negotiate with him.~~

(b) ~~An exchange, the notice must call for offers of cash or exchange. The commission shall accept the highest and best offer.~~

4. If the board of county commissioners by its resolution further finds that the property to be sold or leased is worth more than \$1,000, the board shall appoint ~~one~~ two or more disinterested, competent real estate appraisers pursuant to section 4 of this act to appraise the property ~~and~~, except for property acquired pursuant to NRS 371.047, shall not sell or ~~exchange~~ lease it for less than the highest appraised value.

~~5.~~ 4. If the property is appraised at \$1,000 or more, the board of county commissioners may ~~sell it~~ :

(a) Lease the property; or

(b) Sell the property either for cash or for not less than 25 percent cash down and upon deferred payments over a period of not more than 10 years, secured by a mortgage or deed of trust, bearing such interest and upon such further terms as the board of county commissioners may specify.

5. A board of county commissioners may sell or lease any real property owned by the county without complying with the provisions of NRS 244.282 or 244.283 to:

(a) A person who owns real property located adjacent to the real property to be sold or leased if the board has determined by resolution that:

(1) The real property is a:

(I) Remnant that was separated from its original parcel due to the construction of a street, alley, avenue or other thoroughfare, or portion thereof, flood control facility or other public facility;

(II) Parcel that, as a result of its size, is too small to establish an economically viable use by anyone other than the person who owns real property adjacent to the real property for sale or lease; or

(III) Parcel which is subject to a deed restriction prohibiting the use of the real property by anyone other than the person who owns real property adjacent to the real property for sale or lease; and

(2) The sale will be in the best interest of the county.

(b) Another governmental entity if:

(1) The sale or lease restricts the use of the real property to a public use; and

(2) The board adopts a resolution finding that the sale or lease will be in the best interest of the county.

6. A board of county commissioners that disposes of real property pursuant to subsection 4 is not required to offer to reconvey the real property to the person from whom the real property was received or acquired by donation or dedication.

7. If real property that is offered for sale or lease pursuant to this section is not sold or leased at the initial offering of the contract for the sale or lease of the real property, the board of county commissioners may offer the real property for sale or lease a second time pursuant to this section. If there is a material change relating to the title, zoning or an ordinance governing the use of the real property, the board of county commissioners must obtain a new appraisal of the real property pursuant to the provisions of section 4 of this act before offering the real property for sale or lease a second time. If real property that is offered for sale or lease pursuant to this section is not sold or leased at the second offering of the contract for the sale or lease of the real property, the board of county commissioners may list the real property for sale or lease at the appraised value with a licensed real estate broker, provided that the broker or a person related to the broker within the first degree of consanguinity or affinity does not have an interest in the real property or an adjoining property.

8. As used in this section, "flood control facility" has the meaning ascribed to it in NRS 244.276.

Sec. 8. NRS 244.290 is hereby amended to read as follows:

244.290 1. Except as otherwise provided in NRS 278.480 for the vacation of streets and easements, the board of county commissioners of any county may reconvey all the right, title and interest of the county in and to any land donated, dedicated, acquired in accordance with chapter 37 of NRS, or purchased under the threat of an eminent domain proceeding for a public park, public square, public landing, *public roadway, public right-of-way*, agricultural fairground, aviation field, automobile parking ground or facility

for the accommodation of the traveling public, or land held in trust for the public for any other public use or uses, or any part thereof, to the person:

(a) By whom the land was donated or dedicated or to his heirs, assigns or successors, upon such terms as may be prescribed by a resolution of the board; or

(b) From whom the land was acquired in accordance with the provisions of chapter 37 of NRS, or purchased under the threat of an eminent domain proceeding, or to his heirs, assigns or successors, for an amount equal to the ~~[appraised value of]~~ *amount paid for the land* ~~[at the time of the reconveyance]~~.

~~➔ The reconveyance may be made whether the land is held by the county solely or as tenant in common with any municipality or other political subdivision of this State under the dedication.~~

~~2. If the county has a planning commission, the board shall refer the proposal for reconveyance to the planning commission which shall consider the proposal and submit its recommendation to the board.~~

~~3. The board shall hold at least one public hearing upon the proposal for reconveyance. Notice of the time and place of the hearing must be:~~

~~(a) Published at least once in a newspaper of general circulation in the county;~~

~~(b) Mailed to all owners of record of real property located within 300 feet of the land proposed for reconveyance; and~~

~~(c) Posted in a conspicuous place on the property and, in this case, must set forth additionally the extent of the proposal for reconveyance.~~

~~➔ The hearing must be held not less than 10 days nor more than 40 days after the notice is so published, mailed and posted.~~

~~4.] by the board.~~

~~2. If the board ~~[, after the hearing,]~~ determines that maintenance of the property ~~[by the county solely or with a co-owner]~~ is unnecessarily burdensome *to the county* or that reconveyance would be ~~[otherwise advantageous to]~~ *in the best interest of* the county and its ~~[citizens,]~~ *residents*, the board ~~[shall]~~ *may* formally adopt a resolution stating that determination. Upon the adoption of the resolution, the chairman *or an authorized representative* of the board shall ~~[execute a deed]~~ *issue a written offer of reconveyance* ~~[on behalf of the county and the county clerk shall attest the deed under the seal of the county]~~.~~

~~5. The board may sell land which has been donated, dedicated, acquired in accordance with chapter 37 of NRS, or purchased under the threat of an eminent domain proceeding, for a public purpose described in subsection 1, or may exchange that land for other land of equal value, if:~~

~~(a) The] to the person from whom the real property was received or acquired, or his successor in interest.~~

~~3. If the person from whom the land was received or acquired, or his successor in interest ~~[refuses]~~ :~~

(a) *Accepts the offer of reconveyance within 45 days after the date of the offer, the board of county commissioners shall execute a deed of reconveyance.*

(b) *Refuses to accept the offer of reconveyance or states in writing that he is unable to accept the offer of reconveyance* ~~[- or~~

~~(b) The land has been combined with other land owned by the county and improved in such manner as would reasonably preclude the division of the land, together with the land with which it has been combined, into separate parcels.] , the board of county commissioners may sell or lease the real property in accordance with the provisions of this chapter.~~

Sec. 9. NRS 266.265 is hereby amended to read as follows:

266.265 1. The city council may:

(a) Control the property of the city.

(b) Erect and maintain all buildings, structures and other improvements for the use of the city.

(c) ~~[Purchase.]~~ *Except as otherwise provided in sections 12, 13 and 14 of this act, purchase, receive, hold, sell, lease, convey and dispose of property, real and personal, for the benefit of the city, both within and without the city boundaries, improve and protect such property, and do all other things in relation thereto which natural persons might do.*

2. Except as otherwise provided by law, the city council may not mortgage, hypothecate or pledge any property of the city for any purpose.

Sec. 10. NRS 266.267 is hereby amended to read as follows:

266.267 1. A city council shall not enter into a lease of real property owned by the city for a term of 3 years or longer or enter into a contract for the sale ~~for exchange~~ of real property until after the property has been appraised ~~[by one disinterested appraiser employed by the city.]~~ *pursuant to section 12 of this act.* Except as otherwise provided in this section and paragraph (a) of subsection 1 of NRS 268.050 ~~[- a lease, sale or exchange] :~~

(a) *The sale or lease of real property must be made in the manner required pursuant to sections 12, 13 and 14 of this act; and*

(b) *A lease or sale must be made at or above the ~~current~~ highest appraised value of the real property as determined ~~[by the appraiser unless the city council, in a public hearing held before the adoption of the resolution to lease, sell or exchange the property, determines by affirmative vote of not fewer than two thirds of the entire city council based upon specified findings of fact that a lesser value would be in the best interest of the public. For the purposes of this subsection, an appraisal is not considered current if it is more than 3 years old.]~~ pursuant to the appraisal conducted pursuant to section 12 of this act.*

2. The city council may sell ~~[- lease or exchange]~~ *or lease* real property for less than its appraised value to any person who maintains or intends to maintain a business within the boundaries of the city which is eligible pursuant to NRS 374.357 for an abatement from the sales and use taxes imposed pursuant to chapter 374 of NRS.

Sec. 11. Chapter 268 of NRS is hereby amended by adding thereto the provisions set forth as sections 12 to 15, inclusive, of this act.

Sec. 12. 1. *Except as otherwise provided in NRS 268.048 to 268.058, inclusive, and 278.479 to 278.4965, inclusive, except as otherwise required by federal law or pursuant to a cooperative agreement entered into pursuant to NRS 277.050 or 277.053 or an interlocal agreement in existence on October 1, 2004, and except if the governing body is entering into a joint development agreement for real property owned by the city to which the governing body is a party or if the sale or lease of real property larger than 1 acre is approved by the voters at a primary or general election, primary or general city election or special election, the governing body shall, when offering any real property for sale or lease:*

(a) *Obtain two independent and confidential appraisals of the real property before selling or leasing it. The appraisals must be based on the zoning of the real property as set forth in the master plan for the city and have been prepared not more than 6 months before the date on which real property is offered for sale or lease.*

(b) *Select the two independent appraisers from the list of appraisers established pursuant to subsection 2.*

(c) *Verify the qualifications of each appraiser selected pursuant to paragraph (b). The determination of the governing body as to the qualifications of the appraiser is conclusive.*

2. *The governing body shall adopt by ordinance the procedures for creating or amending a list of appraisers qualified to conduct appraisals of real property offered for sale or lease by the governing body. The list must:*

(a) *Contain the names of all persons qualified to act as a general appraiser in the same county as the real property that may be appraised; and*

(b) *Be organized at random and rotated from time to time.*

3. *An appraiser chosen pursuant to subsection 1 must provide a disclosure statement which includes, without limitation, all sources of income of the appraiser that may constitute a conflict of interest and any relationship of the appraiser with the property owner or the owner of an adjoining property.*

4. *An appraiser shall not perform an appraisal on any real property offered for sale or lease by the governing body if the appraiser or a person related to the appraiser within the first degree of consanguinity or affinity has an interest in the real property or an adjoining property.*

Sec. 13. *Except as otherwise provided in this section and section 15 of this act, NRS 268.048 to 268.058, inclusive, and 278.479 to 278.4965, inclusive, except as otherwise provided by federal law or pursuant to a cooperative agreement entered into pursuant to NRS 277.050 or 277.053 or an interlocal agreement in existence on October 1, 2004, and except if the governing body is entering into a joint development agreement for real property owned by the city to which the governing body is a party or if the sale or lease of real property larger than 1 acre is approved by the voters at*

a primary or general election, primary or general city election or special election:

1. *If a governing body has determined by resolution that the sale or lease of any real property owned by the city will be in the best interest of the city, it may sell or lease the real property in the manner prescribed for the sale or lease of real property in section 14 of this act.*

2. *Before the governing body may sell or lease any real property as provided in subsection 1, it shall:*

(a) *Post copies of the resolution described in subsection 1 in three public places in the city; and*

(b) *Cause to be published at least once a week for 3 successive weeks, in a newspaper qualified under chapter 238 of NRS that is published in the county in which the real property is located, a notice setting forth:*

(1) *A description of the real property proposed to be sold or leased in such a manner as to identify it;*

(2) *The minimum price, if applicable, of the real property proposed to be sold or leased; and*

(3) *The places at which the resolution described in subsection 1 has been posted pursuant to paragraph (a), and any other places at which copies of that resolution may be obtained.*

➔ *If no qualified newspaper is published within the county in which the real property is located, the required notice must be published in some qualified newspaper printed in the State of Nevada and having a general circulation within that county.*

3. *If the governing body by its resolution finds additionally that the real property to be sold is worth more than \$1,000, the board shall conduct an appraisal pursuant to section 12 of this act to determine the value of the real property and, except for real property acquired pursuant to NRS 371.047, shall not sell or lease it for less than the highest appraised value.*

4. *If the real property is appraised at \$1,000 or more, the governing body may:*

(a) *Lease the real property; or*

(b) *Sell the real property for:*

(1) *Cash; or*

(2) *Not less than 25 percent cash down and upon deferred payments over a period of not more than 10 years, secured by a mortgage or deed of trust bearing such interest and upon such further terms as the governing body may specify.*

5. *A governing body may sell or lease any real property owned by the city without complying with the provisions of sections 12, 13 and 14 of this act to:*

(a) *A person who owns real property located adjacent to the real property to be sold or leased if the governing body has determined by resolution that:*

(1) *The real property is a:*

(I) Remnant that was separated from its original parcel due to the construction of a street, alley, avenue or other thoroughfare, or portion thereof, flood control facility or other public facility;

(II) Parcel that, as a result of its size, is too small to establish an economically viable use by anyone other than the person who owns real property adjacent to the real property offered for sale or lease; or

(III) Parcel which is subject to a deed restriction prohibiting the use of the real property by anyone other than the person who owns real property adjacent to the real property offered for sale or lease; and

(2) The sale or lease will be in the best interest of the city.

(b) Another governmental entity if:

(1) The sale or lease restricts the use of the real property to a public use; and

(2) The governing body adopts a resolution finding that the sale or lease will be in the best interest of the city.

6. A governing body that disposes of real property pursuant to subsection 5 is not required to offer to reconvey the real property to the person from whom the real property was received or acquired by donation or dedication.

7. If real property that is offered for sale or lease pursuant to this section is not sold or leased at the initial offering of the contract for the sale or lease of the real property, the governing body may offer the real property for sale or lease a second time pursuant to this section. If there is a material change relating to the title, zoning or an ordinance governing the use of the real property, the governing body must obtain a new appraisal of the real property pursuant to the provisions of section 12 of this act before offering the real property for sale or lease a second time. If real property that is offered for sale or lease pursuant to this section is not sold or leased at the second offering of the contract for the sale or lease of the real property, the governing body may list the real property for sale or lease at the appraised value with a licensed real estate broker, provided that the broker or a person related to the broker within the first degree of consanguinity or affinity does not have an interest in the real property or an adjoining property.

Sec. 14. 1. Except as otherwise provided in this section and section 15 of this act and NRS 268.048 to 268.058, inclusive, and 278.479 to 278.4965, inclusive, except as otherwise required by federal law or pursuant to a cooperative agreement entered into pursuant to NRS 277.050 or 277.053 or an interlocal agreement in existence on October 1, 2004, and except if the governing body is entering into a joint development agreement for real property owned by the city to which the governing body is a party or if the sale or lease of real property larger than 1 acre is approved by the voters at a primary or general election, the governing body shall, in open meeting by a majority vote of the members and before ordering the sale or lease at auction

of any real property, adopt a resolution declaring its intention to sell or lease the property at auction. The resolution must:

(a) Describe the property proposed to be sold or leased in such a manner as to identify it;

(b) Specify the minimum price and the terms upon which the property will be sold or leased; and

(c) Fix a time, not less than 3 weeks thereafter, for a public meeting of the governing body to be held at its regular place of meeting, at which sealed bids will be received and considered.

2. Notice of the adoption of the resolution and of the time and place of holding the meeting must be given by:

(a) Posting copies of the resolution in three public places in the county not less than 15 days before the date of the meeting; and

(b) Causing to be published at least once a week for 3 successive weeks before the meeting, in a newspaper qualified under chapter 238 of NRS that is published in the county in which the real property is located, a notice setting forth:

(1) A description of the real property proposed to be sold or leased at auction in such a manner as to identify it;

(2) The minimum price of the real property proposed to be sold or leased at auction; and

(3) The places at which the resolution described in subsection 1 has been posted pursuant to paragraph (a), and any other places at which copies of that resolution may be obtained.

➡ If no qualified newspaper is published within the county in which the real property is located, the required notice must be published in some qualified newspaper printed in the State of Nevada and having a general circulation within that county.

3. At the time and place fixed in the resolution for the meeting of the board, all sealed bids which have been received must, in public session, be opened, examined and declared by the governing body. Of the proposals submitted which conform to all terms and conditions specified in the resolution of intention to sell or lease and which are made by responsible bidders, the bid which is the highest must be finally accepted, unless a higher oral bid is accepted or the governing body rejects all bids.

4. Before accepting any written bid, the governing body shall call for oral bids. If, upon the call for oral bidding, any responsible person offers to buy or lease the property upon the terms and conditions specified in the resolution, for a price exceeding by at least 5 percent the highest written bid, then the highest oral bid which is made by a responsible person must be finally accepted.

5. The final acceptance by the governing body may be made either at the same session or at any adjourned session of the same meeting held within the 10 days next following.

6. *The governing body may, either at the same session or at any adjourned session of the same meeting held within the 10 days next following, if it deems the action to be for the best public interest, reject any and all bids, either written or oral, and withdraw the property from sale or lease.*

7. *Any resolution of acceptance of any bid made by the governing body must authorize and direct the chairman to execute a deed or lease and to deliver it upon performance and compliance by the purchaser or lessor with all the terms or conditions of his contract which are to be performed concurrently therewith.*

Sec. 15. 1. *A governing body may sell, lease or otherwise dispose of real property for the purposes of redevelopment or economic development:*

(a) *Without first offering the real property to the public; and*

(b) *For less than fair market value of the real property.*

2. *Before a governing body may sell, lease or otherwise dispose of real property pursuant to this section, the governing body must:*

(a) *Obtain an appraisal of the property pursuant to section 12 of this act; and*

(b) *Adopt a resolution finding that it is in the best interests of the public to sell, lease or otherwise dispose of the property:*

(1) *Without offering the property to the public; and*

(2) *For less than fair market value of the real property.*

3. *As used in this section:*

(a) *"Economic development" means:*

(1) *The establishment of new commercial enterprises or facilities within the city;*

(2) *The support, retention or expansion of existing commercial enterprises or facilities within the city;*

(3) *The establishment, retention or expansion of public, quasi-public or other facilities or operations within the city;*

(4) *The establishment of residential housing needed to support the establishment of new commercial enterprises or facilities or the expansion of existing commercial enterprises or facilities; or*

(5) *Any combination of the activities described in subparagraphs (1) to (4), inclusive,*

➡ *to create and retain opportunities for employment for the residents of the city.*

(b) *"Redevelopment" has the meaning ascribed to it in NRS 279.408.*

Sec. 16. NRS 268.008 is hereby amended to read as follows:

268.008 An incorporated city may:

1. Have and use a common seal, which it may alter at pleasure.

2. Purchase, receive, hold and use personal and real property wherever situated.

3. ~~{Sell,}~~ *Except as otherwise provided in sections 12, 13 and 14 of this act, sell,* convey and dispose of such personal and real property for the common benefit.

4. Determine what are public uses with respect to powers of eminent domain.

5. Acquire, own and operate a public transit system both within and without the city.

6. Receive bequests, devises, gifts and donations of all kinds of property wherever situated in fee simple, in trust or otherwise, for charitable or other purposes and do anything necessary to carry out the purposes of such bequests, devises, gifts and donations with full power to manage, sell, lease or otherwise dispose of such property in accordance with the terms of such bequest, devise, gift or donation.

Sec. 17. NRS 268.050 is hereby amended to read as follows:

268.050 1. The governing body of any incorporated city in this State may reconvey all the right, title and interest of the city in and to any land donated, dedicated, acquired in accordance with chapter 37 of NRS, or purchased under the threat of an eminent domain proceeding, for a public park, public square, public landing, agricultural fairground, aviation field, automobile parking ground or facility for the accommodation of the traveling public, or land held in trust for the public for any other public use or uses, or any part thereof, to the person:

(a) By whom the land was donated or dedicated or to his heirs, assigns or successors, upon such terms as may be prescribed by a resolution of the governing body; or

(b) From whom the land was acquired in accordance with chapter 37 of NRS, or purchased under the threat of an eminent domain proceeding, or to his heirs, assigns or successors, for an amount equal to the ~~{appraised value of}~~ *amount paid* for the land ~~{at the time of the reconveyance.~~

~~➔ The reconveyance may be made whether the land is held by the city solely or as tenant in common with any other municipality or other political subdivision of this State under the dedication.~~

~~2.— If the city has a planning commission, the governing body shall refer the proposal for reconveyance to the planning commission which shall consider the proposal and submit its recommendation to the governing body.~~

~~3.— The governing body shall hold at least one public hearing upon the proposal for reconveyance. Notice of the time and place of the hearing must be:~~

~~(a) Published at least once in a newspaper of general circulation in the city or county;~~

~~(b) Mailed to all owners of record of real property located within 300 feet of the land proposed for reconveyance; and~~

~~(c) Posted in a conspicuous place on the property and, in this case, must set forth additionally the extent of the proposal for reconveyance.~~

~~↔ The hearing must be held not less than 10 days nor more than 40 days after the notice is so published, mailed and posted.~~

~~4.] by the governing body.~~

2. If the governing body ~~[, after the hearing,]~~ determines that maintenance of the property ~~[by the city solely or with a co-owner]~~ is unnecessarily burdensome *to the city* or that reconveyance would be ~~[otherwise advantageous to]~~ *in the best interest of* the city and its ~~[citizens,]~~ *residents*, the governing body ~~[shall]~~ *may* formally adopt a resolution stating that determination. Upon the adoption of the resolution, the presiding officer of the governing body shall ~~[execute a deed]~~ *issue a written offer of* reconveyance ~~[on behalf of the city and the city clerk shall attest the deed under the seal of the city.]~~

~~5. The governing body may sell land which has been donated, dedicated, acquired in accordance with chapter 37 of NRS, or purchased under the threat of an eminent domain proceeding, for a public purpose described in subsection 1, or may exchange that land for other land of equal value, if:~~

~~(a) The]~~ *to the person from whom the land was received or acquired or his successor in interest .* ~~[refuses]~~

3. *If the person from whom the real property was received or acquired, or his successor in interest:*

(a) Accepts the offer of reconveyance within 45 days after the date of the offer, the governing body shall execute a deed or reconveyance.

(b) Refuses to accept the offer of reconveyance or states in writing that he is unable to accept the reconveyance ~~[; or~~

~~(b) The land has been combined with other land owned by the city and improved in such a manner as would reasonably preclude the division of the land, together with the land with which it has been combined, into separate parcels.] , the governing body may sell or lease the real property in accordance with the provisions of the chapter.~~

Sec. 18. NRS 381.006 is hereby amended to read as follows:

381.006 For the property and facilities of the Division, the Administrator:

1. Is responsible to the Director for the general administration of the Division and its institutions and for the submission of its budgets, which must include the combined budgets of its institutions.

2. Shall supervise the museum directors of its institutions in matters pertaining to the general administration of the institutions.

3. Shall coordinate the submission of requests by its institutions for assistance from governmental sources.

4. Shall oversee the public relations of its institutions.

5. Shall superintend the planning and development of any new facilities for the Division or its institutions.

6. Shall assist the efforts of its institutions in improving their services to the rural counties.

7. Shall supervise the facilities for storage which are jointly owned or used by any of its institutions.

8. Shall trade, exchange and transfer exhibits and equipment when he considers it proper and the transactions are not sales.

9. May contract with any person to provide concessions on the grounds of the property and facilities of the Division, provided that any contract permitting control of real property of the Division by a nongovernmental entity must be executed as a lease pursuant to NRS 321.003, 321.335, 322.050, 322.060 and 322.070.

10. Shall oversee the supervision, control, management and operation of any buildings or properties in this State that are under the control of the Division.

11. Shall supervise the furnishing, remodeling, repairing, alteration and erection of premises and buildings of the Division or premises and buildings that may be conveyed or made available to the Division.

Sec. 19. NRS 496.080 is hereby amended to read as follows:

496.080 1. Except as *otherwise provided in subsection 2 or as* may be limited by the terms and conditions of any grant, loan or agreement pursuant to NRS 496.180, every municipality may, by sale, lease or otherwise, dispose of any airport, air navigation facility, or other property, or portion thereof or interest therein, acquired pursuant to this chapter.

2. The disposal by sale, lease or otherwise ~~[shall be in]~~ must be:

(a) *Made by public auction; and*

(b) *In accordance with the laws of this State, or provisions of the charter of the municipality, governing the disposition of other property of the municipality, except that in the case of disposal to another municipality or agency of the State or Federal Government for aeronautical purposes incident thereto, the sale, lease or other disposal may be effected in such manner and upon such terms as the governing body of the municipality may deem in the best interest of the municipality, and except as otherwise provided in subsections 3, 4 and 5 of NRS 496.090.*

Sec. 20. NRS 496.090 is hereby amended to read as follows:

496.090 1. In operating an airport or air navigation facility or any other facilities appertaining to the airport owned, leased or controlled by a municipality, the municipality may, except as limited by the terms and conditions of any grant, loan or agreement pursuant to NRS 496.180, enter into:

(a) Contracts, leases and other arrangements with any persons:

(1) Granting the privilege of using or improving the airport or air navigation facility, or any portion or facility thereof, or space therein, for commercial purposes. The municipality may, if it determines that an improvement benefits the municipality, reimburse the person granted the privilege for all or any portion of the cost of making the improvement.

(2) Conferring the privilege of supplying goods, commodities, things, services or facilities at the airport or air navigation facility or other facilities.

(3) Making available services to be furnished by the municipality or its agents or by other persons at the airport or air navigation facility or other facilities.

(4) Providing for the maintenance of the airport or air navigation facility, or any portion or facility thereof, or space therein.

(5) Allowing residential occupancy of property acquired by the municipality.

(b) Contracts for the sale of revenue bonds or other securities whose issuance is authorized by the Local Government Securities Law or NRS 496.150 or 496.155, for delivery within 10 years after the date of the contract.

2. In each case the municipality may establish the terms and conditions and fix the charges, rentals or fees for the privileges or services, which must be reasonable and uniform for the same class of privilege or service and must be established with due regard to the property and improvements used and the expenses of operation to the municipality.

3. ~~[As]~~ *Except as otherwise provided in this subsection, and as an alternative to the procedure provided in subsection 2 of NRS 496.080, to the extent of its applicability, the governing body of any municipality may authorize it to enter into any such contracts, leases and other arrangements with any persons, as provided in this section, for a period not exceeding 50 years, upon such terms and conditions as the governing body deems proper. The provisions of this subsection must not be used to circumvent the requirement set forth in subsection 2 of NRS 496.080 that the disposal of real property be made by public auction.*

4. Before entering into any such contract, lease or other arrangements, the municipality shall publish notice of its intention in general terms in a newspaper of general circulation within the municipality at least once a week for 21 days or three times during a period of 10 days. If there is not a newspaper of general circulation within the municipality, the municipality shall post a notice of its intention in a public place at least once a week for 30 days. The notice must specify that a regular meeting of the governing body is to be held, at which meeting any interested person may appear. No such contract, lease or other arrangement may be entered into by the municipality until after the notice has been given and a meeting held as provided in this subsection.

5. Any member of a municipality's governing body may vote on any such contract, lease or other arrangement notwithstanding the fact that the term of the contract, lease or other arrangement may extend beyond his term of office.

Sec. 21. Section 10 of the Airport Authority Act for Battle Mountain, being Chapter 458, Statutes of Nevada 1983, as amended by Chapter 230, Statutes of Nevada 1991, at page 508, is hereby amended to read as follows:

Sec. 10. Authority: General powers. The Authority may do all things necessary to accomplish the purposes of this act. The Authority may, by reason of example and not of limitation:

1. Have perpetual succession and sue and be sued.
2. Plan, establish, acquire, construct, improve and operate an airport within Lander County.
3. Acquire real or personal property or any interest therein by gift, lease or purchase for any of the purposes provided in this section, including the elimination, prevention or marking of airport hazards.
4. ~~{Sell,}~~ *Except as otherwise provided in this subsection, sell, lease or otherwise dispose of any real property. If the Authority sells or otherwise disposes of real property, the sale or other disposal must be made by public auction.*
5. Acquire real property or any interest therein in areas most affected by aircraft noise for the purpose of resale or lease thereof, subject to restrictions limiting its use to industrial or other purposes least affected by aircraft noise.
6. Enter into agreements with Lander County and Battle Mountain to acquire, by lease, gift, purchase or otherwise, any airport of the county or municipality and to operate the airport.
7. Exercise the power of eminent domain and dominant eminent domain in the manner provided by law for the condemnation by a town of private property for public use to take any property necessary to the exercise of the powers granted, within the designated district in Lander County.
8. Apply directly to the proper federal, state, county and municipal officials and agencies or to any other source, public or private, for loans, grants, guarantees or other financial assistance in aid of airports operated by it, and accept the same.
9. Prepare and adopt a comprehensive, long-term general plan for the physical development of all property owned and operated by the Authority for submission to the Board of County Commissioners of Lander County. The Authority may prepare and adopt for approval by the Board of County Commissioners of Lander County a comprehensive zoning plan of all property owned or operated by the Authority. The zoning plan must be consistent with the requirements of chapter 497 of NRS and any applicable federal laws and regulations.
10. Have control of its airports with the right and duty to establish and charge fees, rentals, rates and other charges, and collect revenues therefrom, not inconsistent with the rights of the holders of its bonds, and enter into agreements with carriers for the payment of landing fees, rental rates and other charges.
11. Use in the performance of its functions the officers, agents, employees, services, facilities, records and equipment of Lander County or Battle Mountain, with the consent of the county or municipality and subject to such terms and conditions as may be agreed upon.

12. Enter upon such lands, waters or premises as in the judgment of the Authority may be necessary for the purpose of making surveys, soundings, borings and examinations to accomplish any purpose authorized by this act. The Authority is liable for actual damage done.

13. Provide its own fire protection, police and crash and rescue service.

14. Contract with carriers with regard to landings and the accommodations of the employees and passengers of such carriers.

15. Contract with persons or corporations to provide goods and services for the use of the employees and passengers of the carriers and the employees of the Authority, as necessary or incidental to the operation of the airports.

16. Hire and retain officers, agents and employees, including a fiscal adviser, engineers, attorneys or other professional or specialized personnel.

17. Adopt regulations governing vehicular traffic on its airports relating, but not limited to, speed restrictions, stopping, standing and parking, loading zones, turning movements and parking meters. It is unlawful for any person to do any act forbidden or fail to perform any act required in such regulations.

Sec. 22. Section 9 of the Airport Authority Act for Carson City, being Chapter 844, Statutes of Nevada 1989, at page 2026, is hereby amended to read as follows:

Sec. 9. Board: General powers. The Board may:

1. Acquire real and personal property by gift or devise for the purposes provided in this act.

2. With the approval of the Board of Supervisors:

(a) Acquire real and personal property by purchase or lease for the purposes provided in this act.

(b) ~~Lease.~~ *Except as otherwise provided in this paragraph, lease, sell or otherwise dispose of any property. If the Board sells or otherwise disposes of real property, the sale or other disposal must be made by public auction.*

3. Recommend to the Board of Supervisors any changes in the laws governing zoning necessary to comply with the regulations of the Federal Aviation Administration or to limit the uses of the area near the airport to those least affected by noise.

4. Use, in the performance of its functions, the officers, employees, facilities and equipment of Carson City, with the consent of Carson City and subject to such terms and conditions as may be agreed upon by the Board and the Board of Supervisors.

5. Provide emergency services for the Authority.

6. Contract with any person, including any person who transports passengers or cargo by air, to provide goods and services as necessary or desirable to the operation of the airport. Any contract between the Board and a fixed base operator must be submitted for approval by the Board of Supervisors.

7. Employ a manager of the airport, fiscal advisers, engineers, attorneys and other personnel necessary to the discharge of its duties.

8. Apply to any public or private source for loans, grants, guarantees or other financial assistance.

9. Establish fees, rates and other charges for the use of the airport.

10. Regulate vehicular traffic at the airport.

11. Adopt, enforce, amend and repeal any rules and regulations necessary for the administration and use of the airport.

12. Take such other action as is necessary to comply with any statute or regulation of this State or of the Federal Government.

Sec. 23. Section 10 of the Airport Authority Act for Washoe County, being Chapter 474, Statutes of Nevada 1977, as last amended by Chapter 59, Statutes of Nevada 1997, at page 1299, is hereby amended to read as follows:

Sec. 10. Authority: General powers. The Authority may do all things necessary to accomplish the purposes of this act. The Authority has perpetual succession and may, by way of example and not of limitation:

1. Sue and be sued.

2. Plan, establish, acquire, construct, improve and operate one or more airports within Washoe County.

3. Acquire real or personal property or any interest therein by gift, lease or purchase for any of the purposes provided in this section, including the elimination, prevention or marking of airport hazards.

4. ~~{Sell.}~~ *Except as otherwise provided in this subsection, sell, lease or otherwise dispose of any real property in such manner and upon such terms and conditions as the Board deems proper and in the best interests of the Authority. If the Authority sells real property, the Authority must obtain an appraisal of the property and the sale must be made by public auction unless the Authority:*

(a) Sells the property at its fair market value; or

(b) If the Authority will sell the property at less than its fair market value, the Board adopts a written finding by a majority of the entire Board as to the difference between the price at which the property will be sold and the fair market value of the property.

5. Acquire real property or any interest therein in areas most affected by the noise of aircraft for the purpose of resale or lease thereof, subject to restrictions limiting its use to industrial or other purposes least affected by aircraft noise.

6. Enter into agreements with Washoe County and the cities of Reno and Sparks to acquire, by lease, gift, purchase or otherwise, any airport of such county or municipality and to operate that airport.

7. Exercise the power of eminent domain and dominant eminent domain in the manner provided by law for the condemnation by a city of private property for public use to take any property necessary to the exercise of the powers granted, within Washoe County.

8. Apply directly to the proper federal, state, county and municipal officials and agencies or to any other source, public or private, for loans,

grants, guarantees or other financial assistance in aid of airports operated by it, and accept the same.

9. Study and recommend to the Board of County Commissioners of Washoe County and the city councils of the cities of Reno and Sparks zoning changes in the area of any airport operated by the Authority with respect to noise, height and aviation obstructions in order to enable the Authority to meet the requirements of any regulations of the Federal Aviation Administration.

10. Control its airports with the right and duty to establish and charge fees, rentals, rates and other charges, and collect revenues therefrom, not inconsistent with the rights of the holders of its bonds, and enter into agreements with carriers for the payment of landing fees, rental rates and other charges.

11. Use in the performance of its functions the officers, agents, employees, services, facilities, records and equipment of Washoe County or the cities of Reno and Sparks, with the consent of the respective county or municipality, and subject to such terms and conditions as may be agreed upon.

12. Enter upon such lands, waters or premises as in the judgment of the Authority may be necessary for the purpose of making surveys, soundings, borings and examinations to accomplish any purpose authorized by this act. The Authority is liable for actual damage done.

13. Provide its own fire protection, police and crash and rescue service. A person employed by the Authority to provide police service to the Authority has the powers and must have the training required of a law enforcement officer pursuant to Part 107 of Title 14 of the Code of Federal Regulations, as those provisions existed on January 1, 1997. A person employed by the Authority to provide police service shall be deemed to be a peace officer for the purposes of determining retirement benefits under the Public Employees' Retirement System.

14. Contract with carriers with regard to landings and the accommodations of the employees and passengers of those carriers.

15. Contract with persons or corporations to provide goods and services for the use of the employees and passengers of the carriers and the employees of the Authority, as necessary or incidental to the operation of the airports.

16. Hire and retain officers, agents and employees, including a fiscal adviser, engineers, attorneys or other professional or specialized personnel.

17. Adopt regulations governing vehicular traffic on the public areas of its airports relating to , but not limited to , speed restrictions, turning movements and other moving violations. It is unlawful for any person to do any act forbidden or fail to perform any act required in such regulations.

18. Adopt regulations governing parking, loading zones and ground transportation operations on its airports and governing traffic on restricted areas of its airports. The Authority may establish a system of:

(a) Administrative procedures for review of alleged violations of such regulations; and

(b) Remedies for violations of such regulations, including the imposition of administrative fines to be imposed upon and collected from persons violating such regulations.

Sec. 24. On or before February 1, 2007, the State Land Registrar, the board of county commissioners of each county, the governing body of each incorporated city, the Airport Authority of Battle Mountain, the Airport Authority of Carson City and the Airport Authority of Washoe County shall submit to the Director of the Legislative Counsel Bureau for transmittal to the 74th Session of the Nevada Legislature a written report on the sales or leases of property owned by the respective entity during the period beginning October 1, 2005, and ending December 31, 2006."

Amend the title of the bill, third line, by deleting "auction;" and inserting: "auction or upon sealed bids followed by oral offers;"

Amend the summary of the bill to read as follows:

"SUMMARY—Requires certain governmental entities to conduct certain sales and other disposals of certain public lands and real property by public auction or upon sealed bids followed by oral offers. (BDR 26-1089)".

Senator Hardy moved the adoption of the amendment.

Remarks by Senators Hardy and Amodei.

Conflict of interest declared by Senator Raggio.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 348.

Bill read second time.

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

Amendment No. 938.

Amend section 1, page 1, lines 6 and 10, by deleting "*infrared*".

Amend section 1, page 2, by deleting lines 3 through 7 and inserting:

"2. *Except as otherwise provided in this subsection, a person shall not in this State sell or offer for sale any device or mechanism, including, without limitation, a mobile transmitter, that is capable of interfering with or altering the signal of a traffic-control signal. The provisions of this subsection do not prohibit a person from selling or offering for sale:*

(a) *To a provider of mass transit, a signal prioritization device; or*

(b) *To a response agency, a signal preemption device or a signal prioritization device, or both.*

3. *A police officer:".*

Amend section 1, page 2, lines 9 and 15, by deleting "*infrared*".

Amend section 1, page 2, line 23, by deleting "3." and inserting "4."

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

Amend section 1, page 2, by deleting line 28 and inserting:

"5. *Except as otherwise provided in subsection 8, the*".

Amend section 1, page 2, line 30, by deleting "*infrared*".

Amend section 1, pages 2 and 3, by deleting lines 36 through 44 on page 2 and lines 1 through 6 on page 3, and inserting:

"6. *A person who violates the provisions of subsection 1 or 2 is guilty of a misdemeanor.*

7. *A provider of mass transit shall not operate or cause to be operated a signal prioritization device in such a manner as to impede or interfere with the use by response agencies of signal preemption devices.*

8. *The provisions of this section do not:*

(a) *Except as otherwise provided in subsection 7, prohibit a provider of mass transit from acquiring, possessing or operating a signal prioritization device.*

(b) *Prohibit a response agency from acquiring, possessing or operating a signal preemption device or a signal prioritization device, or both.*

9. *As used in this section:*

(a) *"Mobile transmitter" means a device or mechanism that is:*

(1) *Portable, installed within a vehicle or capable of being installed within a vehicle; and*

(2) *Designed to affect or alter, through the emission or transmission of sound, infrared light, strobe light or any other audible, visual or electronic method, the normal operation of a traffic-control signal.*

➡ *The term includes, without limitation, a signal preemption device and a signal prioritization device.*

(b) *"Provider of mass transit" means a governmental entity or a contractor of a governmental entity which operates, in whole or in part:*

(1) *A public transit system, as that term is defined in NRS 377A.016; or*

(2) *A system of public transportation referred to in NRS 373.1165.*

(c) *"Response agency" means an agency of this State or of a political subdivision of this State that provides services related to law enforcement, firefighting, emergency medical care or public safety. The term includes a nonprofit organization or private company that, as authorized pursuant to chapter 450B of NRS:*

(1) *Provides ambulance service; or*

(2) *Provides intermediate or advanced medical care to sick or injured persons at the scene of an emergency or while transporting those persons to a medical facility.*

(d) *"Signal preemption device" means a mobile transmitter that, when activated and when a vehicle equipped with such a device approaches an intersection controlled by a traffic-control signal, causes:*

(1) *The signal, in the direction of travel of the vehicle, to remain green if the signal is already displaying a green light;*

(2) *The signal, in the direction of travel of the vehicle, to change from red to green if the signal is displaying a red light;*

(3) *The signal, in other directions of travel, to remain red or change to red, as applicable, to prevent other vehicles from entering the intersection; and*

(4) *The applicable functions described in subparagraphs (1), (2) and (3) to continue until such time as the vehicle equipped with the device is clear of the intersection.*

(e) *"Signal prioritization device" means a mobile transmitter that, when activated and when a vehicle equipped with such a device approaches an intersection controlled by a traffic-control signal, causes:*

(1) *The signal, in the direction of travel of the vehicle, to display a green light a few seconds sooner than the green light would otherwise be displayed;*

(2) *The signal, in the direction of travel of the vehicle, to display a green light for a few seconds longer than the green light would otherwise be displayed; or*

(3) *The functions described in both subparagraphs (1) and (2).*

(f) *"Traffic-control signal" means a traffic-control signal, as defined in NRS 484.205, which is capable of receiving and responding to an emission or transmission from a mobile transmitter."*

Amend the title of the bill to read as follows:

"AN ACT relating to traffic laws; prohibiting the operation of, and the operation of a vehicle equipped with, any device or mechanism capable of interfering with or altering the signal of a traffic-control signal; prohibiting the sale in this State of such devices and mechanisms; providing certain exceptions for response agencies and providers of mass transit; providing a penalty; providing for an increased penalty under certain circumstances; and providing other matters properly relating thereto."

Amend the summary of the bill to read as follows:

"SUMMARY—Prohibits unauthorized sale or use of device or mechanism capable of interfering with or altering signal of traffic-control signal. (BDR 43-38)".

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. 416.

Bill read second time.

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

Amendment No. 731.

Amend section 1, page 2, line 6, by deleting "~~seven~~ eight" and inserting "seven".

Amend section 1, page 2, line 14, by deleting "Two representatives" and inserting "One representative".

Amend sec. 3, page 4, line 10, by deleting "Four" and inserting "Three".

Senator Nolan moved the adoption of the amendment.

Remarks by Senator Nolan.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Horsford moved that Assembly Bill No. 485 be taken from the Second Reading File and placed on the Second Reading File on the second agenda.

Remarks by Senator Horsford.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 497.

Bill read second time.

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

Amendment No. 989.

Amend section 1, pages 1 and 2, by deleting lines 4 through 9 on page 1 and lines 1 and 2 on page 2, and inserting: "election laws of this State on or after the date he is deemed to be registered to vote pursuant to subsection 5 of NRS 293.517 or subsection ~~{5}~~ 7 of NRS 293.5235."

Amend the bill as a whole by deleting sections 2 through 4, renumbering sections 5 through 19 as sections 4 through 18 and adding new sections designated sections 2 and 3, following section 1, to read as follows:

"Sec. 2. NRS 293.505 is hereby amended to read as follows:

293.505 1. All justices of the peace, except those located in county seats, are ex officio field registrars to carry out the provisions of this chapter.

2. The county clerk shall appoint at least one registered voter to serve as a field registrar of voters who, except as otherwise provided in NRS 293.5055, shall register voters within the county for which he is appointed. Except as otherwise provided in subsection 1, a candidate for any office may not be appointed or serve as a field registrar. A field registrar serves at the pleasure of the county clerk and shall perform his duties as the county clerk may direct.

3. A field registrar shall demand of any person who applies for registration all information required by the application to register to vote and shall administer all oaths required by this chapter.

4. When a field registrar has in his possession five or more completed applications to register to vote, he shall forward them to the county clerk, but in no case may he hold any number of them for more than 10 days.

5. Each field registrar shall forward to the county clerk all completed applications in his possession immediately after the fifth Sunday preceding an election. Within 5 days after the fifth Sunday preceding any general election or general city election, a field registrar shall return all unused

applications in his possession to the county clerk. If all of the unused applications are not returned to the county clerk, the field registrar shall account for the unreturned applications.

6. Each field registrar shall submit to the county clerk a list of the serial numbers of the completed applications to register to vote and the names of the electors on those applications. The serial numbers must be listed in numerical order.

7. Each field registrar shall post notices sent to him by the county clerk for posting in accordance with the election laws of this State.

8. A field registrar, employee of a voter registration agency or person assisting a voter pursuant to subsection ~~{12}~~ 13 of NRS 293.5235 shall not:

- (a) Delegate any of his duties to another person; or
- (b) Refuse to register a person on account of that person's political party affiliation.

9. A person shall not hold himself out to be or attempt to exercise the duties of a field registrar unless he has been so appointed.

10. A county clerk, field registrar, employee of a voter registration agency or person assisting a voter pursuant to subsection ~~{12}~~ 13 of NRS 293.5235 shall not:

- (a) Solicit a vote for or against a particular question or candidate;
- (b) Speak to a voter on the subject of marking his ballot for or against a particular question or candidate; or
- (c) Distribute any petition or other material concerning a candidate or question which will be on the ballot for the ensuing election,
↳ while he is registering an elector.

11. When the county clerk receives applications to register to vote from a field registrar, he shall issue a receipt to the field registrar. The receipt must include:

- (a) The number of persons registered; and
- (b) The political party of the persons registered.

12. A county clerk, field registrar, employee of a voter registration agency or person assisting a voter pursuant to subsection ~~{12}~~ 13 of NRS 293.5235 shall not:

- (a) Knowingly register a person who is not a qualified elector or a person who has filed a false or misleading application to register to vote;
- (b) Alter or deface an application to register to vote that has been signed by an elector except to correct information contained in the application after receiving notice from the elector that a change in or addition to the information is required; or
- (c) Register a person who fails to provide satisfactory proof of identification and the address at which he actually resides.

13. If a field registrar violates any of the provisions of this section, the county clerk shall immediately suspend the field registrar and notify the district attorney of the county in which the violation occurred.

14. A person who violates any of the provisions of subsection 8, 9, 10 or 12 is guilty of a category E felony and shall be punished as provided in NRS 193.130.

Sec. 3. NRS 293.5235 is hereby amended to read as follows:

293.5235 1. Except as otherwise provided in NRS 293.502, a person may register to vote by mailing an application to register to vote to the county clerk of the county in which he resides. The county clerk shall, upon request, mail an application to register to vote to an applicant. The county clerk shall make the applications available at various public places in the county. An application to register to vote may be used to correct information in the registrar of voters' register.

2. An application to register to vote which is mailed to an applicant by the county clerk or made available to the public at various locations or voter registration agencies in the county may be returned to the county clerk by mail or in person. For the purposes of this section, an application which is personally delivered to the county clerk shall be deemed to have been returned by mail.

3. The applicant must complete the application, including, without limitation, checking the boxes described in paragraphs (b) and (c) of subsection ~~9~~ 10 and signing the application.

4. The county clerk shall, upon receipt of an application, determine whether the application is complete.

5. If he determines that the application is complete, he shall, within 10 days after he receives the application, mail to the applicant:

(a) A notice informing him that he is registered to vote and a voter registration card as required by subsection 6 of NRS 293.517; or

(b) A notice informing him that the registrar of voters' register has been corrected to reflect any changes indicated on the application.

~~[→ The applicant shall be deemed to be registered or to have corrected the information in the register as of the date the application is postmarked or personally delivered.]~~

6. Except as otherwise provided in subsection 5 of NRS 293.518, if the county clerk determines that the application is not complete, he shall, as soon as possible, mail a notice to the applicant informing him that additional information is required to complete the application. If the applicant provides the information requested by the county clerk within 15 days after the county clerk mails the notice, the county clerk shall, within 10 days after he receives the information, mail to the applicant:

(a) A notice informing him that he is registered to vote and a voter registration card as required by subsection 6 of NRS 293.517; or

(b) A notice informing him that the registrar of voters' register has been corrected to reflect any changes indicated on the application.

~~→ [The applicant shall be deemed to be registered or to have corrected the information in the register as of the date the application is postmarked or~~

~~personally delivered.~~ If the applicant does not provide the additional information within the prescribed period, the application is void.

7. *The applicant shall be deemed to be registered or to have corrected the information in the register:*

(a) *If the application is received by the county clerk not more than 3 working days after the applicant completed the application, on the date the application is postmarked or personally delivered; or*

(b) *If the application is received by the county clerk more than 3 working days after the applicant completed the application, on the date the application is received by the county clerk.*

8. If the applicant fails to check the box described in paragraph (b) of subsection ~~{9,}~~ 10, the application shall not be considered invalid and the county clerk shall provide a means for the applicant to correct the omission at the time the applicant appears to vote in person at his assigned polling place.

~~{8,}~~ 9. The Secretary of State shall prescribe the form for an application to register to vote by mail which must be used to register to vote by mail in this State.

~~{9,}~~ 10. The application to register to vote by mail must include:

(a) A notice in at least 10-point type which states:

NOTICE: You are urged to return your application to register to vote to the County Clerk in person or by mail. If you choose to give your completed application to another person to return to the County Clerk on your behalf, and the person fails to deliver the application to the County Clerk, you will not be registered to vote. Please retain the duplicate copy or receipt from your application to register to vote.

(b) The question, "Are you a citizen of the United States?" and boxes for the applicant to check to indicate whether or not the applicant is a citizen of the United States.

(c) The question, "Will you be at least 18 years of age on or before election day?" and boxes for the applicant to check to indicate whether or not the applicant will be at least 18 years of age or older on election day.

(d) A statement instructing the applicant not to complete the application if the applicant checked "no" in response to the question set forth in paragraph (b) or (c).

(e) A statement informing the applicant that if the application is submitted by mail and the applicant is registering to vote for the first time, the applicant must submit the information set forth in paragraph (a) of subsection 2 of NRS 293.2725 to avoid the requirements of subsection 1 of NRS 293.2725 upon voting for the first time.

~~{10,}~~ 11. Except as otherwise provided in subsection 5 of NRS 293.518, the county clerk shall not register a person to vote pursuant to this section unless that person has provided all of the information required by the application.

~~{11,}~~ 12. The county clerk shall mail, by postcard, the notices required pursuant to subsections 5 and 6. If the postcard is returned to the county clerk

by the United States Postal Service because the address is fictitious or the person does not live at that address, the county clerk shall attempt to determine whether the person's current residence is other than that indicated on his application to register to vote in the manner set forth in NRS 293.530.

~~{12.}~~ 13. A person who, by mail, registers to vote pursuant to this section may be assisted in completing the application to register to vote by any other person. The application must include the mailing address and signature of the person who assisted the applicant. The failure to provide the information required by this subsection will not result in the application being deemed incomplete.

~~{13.}~~ 14. An application to register to vote must be made available to all persons, regardless of political party affiliation.

~~{14.}~~ 15. An application must not be altered or otherwise defaced after the applicant has completed and signed it. An application must be mailed or delivered in person to the office of the county clerk within 10 days after it is completed.

~~{15.}~~ 16. A person who willfully violates any of the provisions of subsection ~~{12, 13 or}~~ 13, 14 or 15 is guilty of a category E felony and shall be punished as provided in NRS 193.130.

~~{16.}~~ 17. The Secretary of State shall adopt regulations to carry out the provisions of this section."

Amend sec. 5, page 2, line 16, after "*petition*;" by inserting "*and*".

Amend sec. 5, page 2, by deleting lines 19 through 34 and inserting "*petition*".

Amend sec. 7, page 3, line 14, by deleting: "filed pursuant to" and inserting: "~~{filed pursuant to}~~".

Amend sec. 7, page 3, line 15, by deleting: "NRS 295.015 to 295.061, inclusive," and inserting: "~~NRS 295.015 to 295.061, inclusive,~~ for an initiative or referendum".

Amend sec. 7, page 3, line 16, by deleting "5" and inserting "~~{5}~~ 7".

Amend sec. 7, page 3, line 17, by deleting "filed with" and inserting: "~~{filed with}~~ certified as sufficient by".

Amend sec. 7, page 3, line 18, by deleting "State." and inserting: "State ~~{}~~ pursuant to NRS 293.1278 and 293.1279."

Amend sec. 7, page 3, line 20, by deleting "~~{30}~~ 3" and inserting "30".

Amend sec. 9, page 3, by deleting line 33 and inserting:

"295.095 1. Any ~~{five registered voters}~~ registered voter of the county may".

Amend sec. 9, page 4, line 6, by deleting "~~{eighty}~~ fifty" and inserting "eighty".

Amend sec. 9, page 4, line 8, by deleting "~~{thirty}~~ forty-five" and inserting "thirty".

Amend sec. 16, page 10, by deleting line 34 and inserting:

"295.095 1. Any ~~{five registered voters}~~ registered voter of the city may".

Amend sec. 16, page 11, line 10, by deleting "~~eighty~~ fifty" and inserting "eighty".

Amend sec. 16, page 11, line 12, by deleting "~~thirty~~ forty-five" and inserting "thirty".

Amend sec. 19, page 14, lines 12 and 13, by deleting "county" and inserting "city".

Amend the title of the bill by deleting the second through seventh lines and inserting: "when a person who registers to vote by mail shall be deemed to be registered; revising the provisions relating to a petition for".

Amend the summary of the bill to read as follows:

"SUMMARY—Revises provisions relating to registering to vote and provisions relating to initiatives and referenda. (BDR 24-442)".

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. 504.

Bill read second time.

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

Amendment No. 954.

Amend section 1, page 2, line 1, after "*customers*," by inserting: "*guests, casino hosts, key employees*,".

Amend section 1, page 2, line 6, after "*business*" by inserting: "*of the resort hotel*".

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

"Sec. 3. 1. Each owner or operator of a resort hotel shall:

(a) To the greatest extent practicable, meet and confer with all other owners and operators of resort hotels in this State; and

(b) Prepare a report concerning limousines and other motor vehicles to which the provisions of section 1 of this act apply.

2. The report must include, without limitation, a discussion of the following subjects:

(a) The employment practices used for employees who drive limousines and other motor vehicles, including, without limitation, conducting background investigations, policies concerning testing for the presence of drugs and reviewing of driving records;

(b) The training provided for drivers to ensure proficiency in the operation of limousines and other motor vehicles; and

(c) The procedures used for the maintenance of limousines and other motor vehicles.

3. The report must be submitted on or before February 1, 2007, to the Director of the Legislative Counsel Bureau for transmittal to the 74th Session of the Nevada Legislature.

4. As used in this section, "resort hotel" means any building or group of buildings that is maintained as and held out to the public to be a hotel where sleeping accommodations are furnished to the transient public and that has:

- (a) More than 200 rooms available for sleeping accommodations;
- (b) At least one bar with permanent seating capacity for more than 30 patrons that serves alcoholic beverages sold by the drink for consumption on the premises;
- (c) At least one restaurant with permanent seating capacity for more than 60 patrons that is open to the public 24 hours each day and 7 days each week; and

- (d) A gaming area within the building or group of buildings.

Sec. 4. This act becomes effective upon passage and approval."

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. 550.

Bill read second time.

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

Amendment No. 953.

Amend sec. 2, page 4, line 44, by deleting: "*licensed, registered or certified as*".

Amend sec. 2, page 5, line 3, by deleting "*or*" and inserting "*and*".

Amend sec. 4, page 7, line 41, by deleting: "*licensed, registered or certified as*".

Amend sec. 4, page 8, line 1, by deleting "*or*" and inserting "*and*".

Amend the title of the bill, seventh line, by deleting "*or*" and inserting "*and*".

Senator Nolan moved the adoption of the amendment.

Remarks by Senator Nolan.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Joint Resolution No. 5.

Resolution read second time.

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

Amendment No. 981.

Amend the resolution, pages 3 and 4, by deleting lines 24 through 44 on page 3 and lines 1 through 3 on page 4, and inserting:

"2. An initiative petition shall be in the form required by Section 3 of this Article and shall be proposed by a number of registered voters *from each congressional district in this State* equal to 10 percent or more of the number of voters who voted at the last preceding general election in ~~[not less than 75 percent of the counties in the State, but the total number of registered voters signing the initiative petition shall be equal to 10 percent or more of the voters who voted in the entire State at the last preceding general election.]~~ *the congressional district. The number of registered voters required to file the initiative petition must be determined at the time the copy of the initiative petition is filed with the Secretary of State pursuant to this Section.*

3. If the initiative petition proposes a statute or an amendment to a statute, the person who intends to circulate it shall file a copy with the Secretary of State before".

Amend the resolution, page 4, by deleting lines 37 through 43 and inserting: "be taken on such petition. If the Legislature rejects such proposed statute".

Amend the resolution, page 5, by deleting lines 18 through 34 and inserting:

"4. If the initiative petition proposes an amendment to the Constitution, the person who intends to circulate it shall file a copy with the Secretary of State before beginning".

Amend the resolution, page 6, line 15, by deleting: "4 or 5 , ~~for 6,~~" and inserting: "5 or 6,".

Amend the resolution, page 6, line 18, by deleting "~~5.~~ 4." and inserting "5.".

Amend the resolution, page 6, line 33, by deleting "~~6.~~ 5." and inserting "6.".

Amend the resolution, page 7, by deleting lines 1 through 22.

Senator Cegavske moved the adoption of the amendment.

Remarks by Senators Cegavske, Tiffany, Raggio and Beers.

Amendment adopted.

Resolution ordered reprinted, reengrossed and to the General File.

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

Motion carried.

Senate in recess at 12:17 p.m.

SENATE IN SESSION

At 12:23 p.m.

President Hunt presiding.

Quorum present.

GENERAL FILE AND THIRD READING

Senate Bill No. 105.

Bill read third time.

Remarks by Senators Raggio and Schneider.

Roll call on Senate Bill No. 105:

YEAS—21.

NAYS—None.

Senate Bill No. 105 having received a constitutional majority,
Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 357.

Bill read third time.

Remarks by Senator Raggio.

Roll call on Senate Bill No. 357:

YEAS—20.

NAYS—Carlton.

Senate Bill No. 357 having received a constitutional majority,
Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 392.

Bill read third time.

Roll call on Senate Bill No. 392:

YEAS—21.

NAYS—None.

Senate Bill No. 392 having received a two-thirds majority,
Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 515.

Bill read third time.

Roll call on Senate Bill No. 515:

YEAS—21.

NAYS—None.

Senate Bill No. 515 having received a constitutional majority,
Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 19.

Bill read third time.

Roll call on Assembly Bill No. 19:

YEAS—21.

NAYS—None.

Assembly Bill No. 19 having received a constitutional majority,
Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 42.

Bill read third time.

The following amendment was proposed by Senator Washington:

Amendment No. 1040.

Amend section 1, page 2, by deleting lines 2 and 3 and inserting: "thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. *If a governmental entity has a legally enforceable obligation to".*

Amend the bill as a whole by renumbering sections 2 through 5 as sections 7 through 10 and adding new sections designated sections 3 through 6, following section 1, to read as follows:

"Sec. 3. *An agency which provides child welfare services shall provide training to each person who is employed by the agency and who provides child welfare services. Such training must include, without limitation, instruction concerning the state and federal constitutional and statutory rights of a person who is responsible for a child's welfare and who is:*

1. *The subject of an investigation of alleged abuse or neglect of a child;*
or

2. *A party to a proceeding concerning the alleged abuse or neglect of a child pursuant to NRS 432B.410 to 432B.590, inclusive.*

Sec. 4. NRS 432B.190 is hereby amended to read as follows:

432B.190 The Division of Child and Family Services shall, in consultation with each agency which provides child welfare services, adopt:

1. Regulations establishing reasonable and uniform standards for:
 - (a) Child welfare services provided in this State;
 - (b) Programs for the prevention of abuse or neglect of a child and the achievement of the permanent placement of a child;
 - (c) The development of local councils involving public and private organizations;
 - (d) Reports of abuse or neglect, records of these reports and the response to these reports;
 - (e) Carrying out the provisions of NRS 432B.260, including, without limitation, the qualifications of persons with whom agencies which provide child welfare services enter into agreements to provide services to children and families;
 - (f) The management and assessment of reported cases of abuse or neglect;
 - (g) The protection of the legal rights of parents and children;
 - (h) Emergency shelter for a child;
 - (i) The prevention, identification and correction of abuse or neglect of a child in residential institutions;
 - (j) Evaluating the development and contents of a plan submitted for approval pursuant to NRS 432B.395;
 - (k) Developing and distributing to persons who are responsible for a child's welfare a pamphlet that *is written in language which is easy to understand, is available in English and in any other language the Division*

determines is appropriate based on the demographic characteristics of this State and sets forth ~~[the]~~ :

(1) Contact information regarding persons and governmental entities which provide assistance to persons who are responsible for the welfare of children, including, without limitation, persons and entities which provide assistance to persons who are being investigated for allegedly abusing or neglecting a child;

(2) The procedures for taking a child for placement in protective custody ~~[and the]~~ ; and

(3) The state and federal legal rights of ~~[persons]~~ :

(I) A person who is responsible for a child's welfare and who is the subject of an investigation of alleged abuse or neglect of a child, including, without limitation, the legal rights of such a person at the time an agency which provides child welfare services makes initial contact with the person in the course of the investigation and at the time the agency takes the child for placement in protective custody, and the legal right of such a person to be informed of any allegation of abuse or neglect of a child which is made against the person at the initial time of contact with the person by the agency; and

(II) Persons who are parties to a proceeding held pursuant to NRS 432B.410 to 432B.590, inclusive, during all stages of the proceeding; and

(1) Making the necessary inquiries required pursuant to NRS 432B.397 to determine whether a child is an Indian child; and

2. Such other regulations as are necessary for the administration of NRS 432B.010 to 432B.606, inclusive ~~[]~~, and section 3 of this act.

Sec. 5. NRS 432B.260 is hereby amended to read as follows:

432B.260 1. Upon the receipt of a report concerning the possible abuse or neglect of a child, an agency which provides child welfare services or a law enforcement agency shall promptly notify the appropriate licensing authority, if any. A law enforcement agency shall promptly notify an agency which provides child welfare services of any report it receives.

2. Upon receipt of a report concerning the possible abuse or neglect of a child, an agency which provides child welfare services or a law enforcement agency shall immediately initiate an investigation if the report indicates that:

- (a) The child is 5 years of age or younger;
- (b) There is a high risk of serious harm to the child; or
- (c) The child is living in a household in which another child has died, or the child is seriously injured or has visible signs of physical abuse.

3. Except as otherwise provided in subsection 2, upon receipt of a report concerning the possible abuse or neglect of a child or notification from a law enforcement agency that the law enforcement agency has received such a report, an agency which provides child welfare services shall conduct an evaluation not later than 3 days after the report or notification was received

to determine whether an investigation is warranted. For the purposes of this subsection, an investigation is not warranted if:

- (a) The child is not in imminent danger of harm;
- (b) The child is not vulnerable as the result of any untreated injury, illness or other physical, mental or emotional condition that threatens his immediate health or safety;
- (c) The alleged abuse or neglect could be eliminated if the child and his family receive or participate in social or health services offered in the community, or both; or
- (d) The agency determines that the:
 - (1) Alleged abuse or neglect was the result of the reasonable exercise of discipline by a parent or guardian of the child involving the use of corporal punishment, including, without limitation, spanking or paddling; and
 - (2) Corporal punishment so administered was not so excessive as to constitute abuse or neglect as described in NRS 432B.150.

4. If the agency determines that an investigation is warranted, the agency shall initiate the investigation not later than 3 days after the evaluation is completed.

5. *If an agency which provides child welfare services investigates a report of alleged abuse or neglect of a child pursuant to NRS 432B.010 to 432B.400, inclusive, the agency shall inform the person responsible for the child's welfare who is named in the report as allegedly causing the abuse or neglect of the child of any allegation which is made against the person at the initial time of contact with the person by the agency. The agency shall not identify the person responsible for reporting the alleged abuse or neglect.*

6. Except as otherwise provided in this subsection, if the agency determines that an investigation is not warranted, the agency may, as appropriate:

- (a) Provide counseling, training or other services relating to child abuse and neglect to the family of the child, or refer the family to a person who has entered into an agreement with the agency to provide those services; or
- (b) Conduct an assessment of the family of the child to determine what services, if any, are needed by the family and, if appropriate, provide any such services or refer the family to a person who has entered into a written agreement with the agency to make such an assessment.

➡ If an agency determines that an investigation is not warranted for the reason set forth in paragraph (d) of subsection 3, the agency shall take no further action in regard to the matter and shall expunge all references to the matter from its records.

~~{6.}~~ 7. If an agency which provides child welfare services enters into an agreement with a person to provide services to a child or his family pursuant to subsection ~~{5.}~~ 6, the agency shall require the person to notify the agency if the child or his family refuse or fail to participate in the services, or if the person determines that there is a serious risk to the health or safety of the child.

~~{7.}~~ 8. An agency which provides child welfare services that determines that an investigation is not warranted may, at any time, reverse that determination and initiate an investigation.

~~{8.}~~ 9. An agency which provides child welfare services and a law enforcement agency shall cooperate in the investigation, if any, of a report of abuse or neglect of a child.

Sec. 6. NRS 432B.310 is hereby amended to read as follows:

432B.310 Except as otherwise provided in subsection ~~{5}~~ 6 of NRS 432B.260, the agency investigating a report of abuse or neglect of a child shall, upon completing the investigation, report to the Central Registry:

1. Identifying and demographic information on the child alleged to be abused or neglected, his parents, any other person responsible for his welfare and the person allegedly responsible for the abuse or neglect;

2. The facts of the alleged abuse or neglect, including the date and type of alleged abuse or neglect, the manner in which the abuse was inflicted and the severity of the injuries; and

3. The disposition of the case."

Amend sec. 2, page 2, line 18, by deleting "/" and inserting "2".

Amend the bill as a whole by adding a new section designated sec. 11, following sec. 5, to read as follows:

"Sec. 11. 1. This section becomes effective upon passage and approval.

2. Sections 3 to 6, inclusive, of this act become effective upon passage and approval for the purpose of adopting regulations and on July 1, 2005, for all other purposes.

3. Sections 1, 2 and 7 to 10, inclusive, of this act become effective on October 1, 2005."

Amend the title of the bill, first line, after "children;" by inserting: "requiring an agency which provides child welfare services to train certain employees concerning the legal rights of persons who are responsible for a child's welfare; revising the provisions concerning the pamphlet developed and distributed to persons responsible for a child's welfare; requiring an agency which provides child welfare services to inform persons who are responsible for a child's welfare and who are the subject of an investigation of alleged abuse or neglect of a child of the allegations against them and their legal rights at the time of initial contact by the agency;"

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 third time.

Roll call on Assembly Bill No. 43:

YEAS—21.

NAYS—None.

Assembly Bill No. 43 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 64.

Bill read third time.

Roll call on Assembly Bill No. 64:

YEAS—21.

NAYS—None.

Assembly Bill No. 64 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 87.

Bill read third time.

Remarks by Senator Carlton.

Senator Carlton moved that Assembly Bill No. 87 be taken from the General File and placed on the bottom of the General File on the third agenda.

Motion carried.

Assembly Bill No. 93.

Bill read third time.

Roll call on Assembly Bill No. 93:

YEAS—21.

NAYS—None.

Assembly Bill No. 93 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 101.

Bill read third time.

Roll call on Assembly Bill No. 101:

YEAS—21.

NAYS—None.

Assembly Bill No. 101 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 142.

Bill read third time.

Remarks by Senators Care, Hardy, Beers, Carlton and Heck.

Roll call on Assembly Bill No. 142:

YEAS—18.

NAYS—Beers, Care, Schneider—3.

Assembly Bill No. 142 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 169.

Bill read third time.

The following amendment was proposed by Senator Nolan:

Amendment No. 1064.

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

"Sec. 5. NRS 487.475 is hereby amended to read as follows:

487.475 1. A card authorizing a dealer of new or used motor vehicles or a rebuilder to bid to purchase a vehicle from an operator of a salvage pool must contain:

- (a) The dealer's or rebuilder's name and signature;
- (b) His business name;
- (c) His business address;
- (d) His business license number issued by the Department; and
- (e) A picture of the dealer or rebuilder.

2. A dealer or rebuilder may obtain one or two cards for his business. *If a dealer obtains two cards for his business, one of the cards may be issued to a salesman who is an employee of the dealer and who is:*

- (a) Licensed pursuant to NRS 482.362; and*
- (b) Acting as an agent for the dealer in the purchase of a vehicle from an operator of a salvage pool.*

3. The Department shall charge a fee of \$50 for each card issued.

4. A card issued pursuant to this section expires on December 31 of the year in which it was issued. The dealer or rebuilder must submit to the Department an application for renewal accompanied by a renewal fee of \$25 for each card. The application must be made on a form provided by the Department and contain such information as the Department requires.

5. Fees collected by the Department pursuant to this section must be deposited with the State Treasurer to the credit of the Account for Regulation of Salvage Pools, Automobile Wreckers, Body Shops and Garages."

Amend the title of the bill, fifth line, after "vehicle;" by inserting: "allowing a card authorizing a dealer of motor vehicles to bid to purchase a vehicle from an operator of a salvage pool to be issued to a salesman who is employed by the dealer;"

Amend the summary of the bill to read as follows:

"SUMMARY—Makes various changes relating to removal and disposal of motor vehicles. (BDR 43-967)".

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 third time.

Roll call on Assembly Bill No. 183:

YEAS—20.

NAYS—None.

NOT VOTING—Raggio.

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

Bill ordered transmitted to the Assembly.

Assembly Bill No. 188.

Bill read third time.

Roll call on Assembly Bill No. 188:

YEAS—21.

NAYS—None.

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

Bill ordered transmitted to the Assembly.

Assembly Bill No. 193.

Bill read third time.

Roll call on Assembly Bill No. 193:

YEAS—21.

NAYS—None.

Assembly Bill No. 193 having received a constitutional majority,
Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 201.

Bill read third time.

Roll call on Assembly Bill No. 201:

YEAS—21.

NAYS—None.

Assembly Bill No. 201 having received a constitutional majority,
Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 219.

Bill read third time.

Roll call on Assembly Bill No. 219:

YEAS—21.

NAYS—None.

Assembly Bill No. 219 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 254.

Bill read third time.

Roll call on Assembly Bill No. 254:

YEAS—21.

NAYS—None.

Assembly Bill No. 254 having received a two-thirds majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 255.

Bill read third time.

Remarks by Senators Mathews, Nolan and Titus.

Roll call on Assembly Bill No. 255:

YEAS—21.

NAYS—None.

Assembly Bill No. 255 having received a two-thirds majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 290.

Bill read third time.

Remarks by Senators Care, Schneider and Townsend.

Senator Schneider moved that Assembly Bill No. 290 be taken from the General File and placed on the top of the General File on the third agenda.

Motion carried.

Assembly Bill No. 296.

Bill read third time.

The following amendment was proposed by Senator Heck:

Amendment No. 1047.

Amend section 1, page 2, line 27, before "services" by inserting "emergency".

Amend section 1, page 2, by deleting lines 30 through 37 and inserting: "another hospital without an additional risk to the patient the product of:

(1) One hundred and twenty-five percent of the overall payment rate for billed charges provided for in the most recent contract between the entity that issued the policy of health insurance of the patient and the major hospital or provided for in the most recent contract between the third party that provides coverage for the patient and the major hospital; and

(2) The amount of billed charges of the hospital for such emergency services and care on the date on which the most recent contract between the entity that issued the policy of health insurance of the patient and the major

hospital or the contract between the third party that provides coverage for the patient and the major hospital expired or was terminated; and".

Senator Heck moved the adoption of the amendment.

Remarks by Senators Heck, Carlton and Washington.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 314.

Bill read third time.

Roll call on Assembly Bill No. 314:

YEAS—21.

NAYS—None.

Assembly Bill No. 314 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 315.

Bill read third time.

Roll call on Assembly Bill No. 315:

YEAS—21.

NAYS—None.

Assembly Bill No. 315 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 327.

Bill read third time.

The following amendment was proposed by Senator Nolan:

Amendment No. 1072.

Amend sec. 2, page 2, line 38, after "(c)" by inserting:

"Information concerning the provisions of law pertaining to immunity from liability with respect to physicians pursuant to chapter 41 of NRS and limitations on damages in actions involving medical malpractice pursuant to chapter 41A of NRS;

(d)".

Amend sec. 2, page 2, line 39, by deleting "(d)" and inserting "~~(d)~~ (e)".

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

"Sec. 3. NRS 41.500 is hereby amended to read as follows:

41.500 1. Except as otherwise provided in NRS 41.505, any person in this State who renders emergency care or assistance in an emergency, gratuitously and in good faith, is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, by him in rendering the emergency care or assistance or as a result of any act or failure to act, not amounting to gross negligence, to provide or arrange for further medical treatment for the injured person.

2. Any person in this State who acts as a driver of an ambulance or attendant on an ambulance operated by a volunteer service or as a volunteer driver or attendant on an ambulance operated by a political subdivision of this State, or owned by the Federal Government and operated by a contractor of the Federal Government, and who in good faith renders emergency care or assistance to any injured or ill person, whether at the scene of an emergency or while transporting an injured or ill person to or from any clinic, doctor's office or other medical facility, is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, by him in rendering the emergency care or assistance, or as a result of any act or failure to act, not amounting to gross negligence, to provide or arrange for further medical treatment for the injured or ill person.

3. Any appointed member of a volunteer service operating an ambulance or an appointed volunteer serving on an ambulance operated by a political subdivision of this State, other than a driver or attendant, of an ambulance, is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, by him whenever he is performing his duties in good faith.

4. Any person who is a member of a search and rescue organization in this State under the direct supervision of any county sheriff who in good faith renders care or assistance in an emergency to any injured or ill person, whether at the scene of an emergency or while transporting an injured or ill person to or from any clinic, doctor's office or other medical facility, is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, by him in rendering the emergency care or assistance, or as a result of any act or failure to act, not amounting to gross negligence, to provide or arrange for further medical treatment for the injured or ill person.

5. Any person who is employed by or serves as a volunteer for a public fire-fighting agency and who is authorized pursuant to chapter 450B of NRS to render emergency medical care at the scene of an emergency is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, by that person in rendering that care or as a result of any act or failure to act, not amounting to gross negligence, to provide or arrange for further medical treatment for the injured or ill person.

6. Any person who:

(a) Has successfully completed a course in cardiopulmonary resuscitation according to the guidelines of the American National Red Cross or American Heart Association;

(b) Has successfully completed the training requirements of a course in basic emergency care of a person in cardiac arrest conducted in accordance with the standards of the American Heart Association; or

(c) Is directed by the instructions of a dispatcher for an ambulance, air ambulance or other agency that provides emergency medical services before its arrival at the scene of the emergency,

↪ and who in good faith renders cardiopulmonary resuscitation in accordance with his training or the direction, other than in the course of his regular employment or profession, is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, by that person in rendering that care.

7. For the purposes of subsection 6, a person who:

(a) Is required to be certified in the administration of cardiopulmonary resuscitation pursuant to NRS 391.092; and

(b) In good faith renders cardiopulmonary resuscitation on the property of a public school or in connection with a transportation of pupils to or from a public school or while on activities that are part of the program of a public school,

↪ shall be presumed to have acted other than in the course of his regular employment or profession.

8. Any person who ~~is~~

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

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

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

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

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

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

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

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

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

(c) *Establishes* requirements for *the* notification of emergency medical assistance and guidelines for the maintenance of the equipment.

10. As used in this section, "gratuitously" means that the person receiving care or assistance is not required or expected to pay any compensation or other remuneration for receiving the care or assistance.

Sec. 4. NRS 41.505 is hereby amended to read as follows:

41.505 1. Any physician or registered nurse who in good faith gives instruction or provides supervision to an emergency medical attendant or registered nurse, at the scene of an emergency or while transporting an ill or injured person from the scene of an emergency, is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, in giving that instruction or providing that supervision. An emergency medical attendant, registered nurse or licensed practical nurse who obeys an instruction given by a physician, registered nurse or licensed practical nurse and thereby renders emergency care, at the scene of an emergency or while transporting an ill or injured person from the scene of an emergency, is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, in rendering that emergency care.

2. Except as otherwise provided in subsection 3, any person licensed under the provisions of chapter 630, 632 or 633 of NRS and any person who holds an equivalent license issued by another state, who renders emergency care or assistance in an emergency, gratuitously and in good faith, is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, by him in rendering the emergency care or assistance or as a result of any failure to act, not amounting to gross negligence, to provide or arrange for further medical treatment for the injured or ill person. This section does not excuse a physician or nurse from liability for damages resulting from his acts or omissions which occur in a licensed medical facility relative to any person with whom there is a preexisting relationship as a patient.

3. Any person licensed under the provisions of chapter 630, 632 or 633 of NRS and any person who holds an equivalent license issued by another state who renders emergency obstetrical care or assistance to a pregnant woman during labor or the delivery of the child is not liable for any civil damages as a result of any act or omission by him in rendering that care or assistance if:

(a) The care or assistance is rendered in good faith and in a manner not amounting to gross negligence or reckless, willful or wanton conduct;

(b) The person has not previously provided prenatal or obstetrical care to the woman; and

(c) The damages are reasonably related to or primarily caused by a lack of prenatal care received by the woman.

→ A licensed medical facility in which such care or assistance is rendered is not liable for any civil damages as a result of any act or omission by the

person in rendering that care or assistance if that person is not liable for any civil damages pursuant to this subsection and the actions of the medical facility relating to the rendering of that care or assistance do not amount to gross negligence or reckless, willful or wanton conduct.

4. Any person licensed under the provisions of chapter 630, 632 or 633 of NRS and any person who holds an equivalent license issued by another state who:

- (a) Is retired or otherwise does not practice on a full-time basis; and
 - (b) Gratuitously and in good faith, renders medical care within the scope of his license to an indigent person,
- ➔ is not liable for any civil damages as a result of any act or omission by him, not amounting to gross negligence or reckless, willful or wanton conduct, in rendering that care.

5. Any person licensed to practice medicine under the provisions of chapter 630 or 633 of NRS or licensed to practice dentistry under the provisions of chapter 631 of NRS who renders care or assistance to a patient ~~[at a health care facility of]~~ for a governmental entity or a nonprofit organization is not liable for any civil damages as a result of any act or omission by him in rendering that care or assistance if the care or assistance is rendered gratuitously, in good faith and in a manner not amounting to gross negligence or reckless, willful or wanton conduct.

6. As used in this section:

(a) "Emergency medical attendant" means a person licensed as an attendant or certified as an emergency medical technician, intermediate emergency medical technician or advanced emergency medical technician pursuant to chapter 450B of NRS.

(b) "Gratuitously" has the meaning ascribed to it in NRS 41.500.

~~[(c) "Health care facility" has the meaning ascribed to it in NRS 449.800.]~~

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

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

2. The amendatory provisions of sections 3 and 4 of this act apply only to a cause of action that accrues on or after July 1, 2005."

Amend the title of the bill to read as follows:

"AN ACT relating to medical services; authorizing the board of hospital trustees of a county hospital to compensate physicians for providing certain services to indigent persons; revising the provisions relating to limiting the liability of a person who renders gratuitous medical care involving the use of an automated external defibrillator; revising the provisions limiting the liability of certain medical providers who render gratuitous care or assistance for certain entities; and providing other matters properly relating thereto."

Amend the summary of the bill to read as follows:

"SUMMARY—Makes various changes concerning provision of medical services. (BDR 40-928)".

Senator Nolan moved the adoption of the amendment.

Remarks by Senators Nolan, Carlton and Heck.

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

Thank you, Madam President. I want to make certain that I understand this correctly. We will not be treating these patients any differently than we would any other patient. We are not going to relieve the doctor of that responsibility. I would like that on the record.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 342.

Bill read third time.

Roll call on Assembly Bill No. 342:

YEAS—20.

NAYS—None.

NOT VOTING—Raggio.

Assembly Bill No. 342 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 355.

Bill read third time.

Roll call on Assembly Bill No. 355:

YEAS—21.

NAYS—None.

Assembly Bill No. 355 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 364.

Bill read third time.

Roll call on Assembly Bill No. 364:

YEAS—21.

NAYS—None.

Assembly Bill No. 364 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 365.

Bill read third time.

Roll call on Assembly Bill No. 365:

YEAS—21.

NAYS—None.

Assembly Bill No. 365 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 369.

Bill read third time.

Roll call on Assembly Bill No. 369:

YEAS—21.

NAYS—None.

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

Bill ordered transmitted to the Assembly.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Townsend moved that Assembly Bill No. 371 be taken from the General File and placed on the General File on the third agenda.

Remarks by Senator Townsend.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 380.

Bill read third time.

Roll call on Assembly Bill No. 380:

YEAS—21.

NAYS—None.

Assembly Bill No. 380 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 384.

Bill read third time.

Roll call on Assembly Bill No. 384:

YEAS—21.

NAYS—None.

Assembly Bill No. 384 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Townsend moved that Assembly Bill No. 418 be taken from the General File and placed on the bottom of the General File on the third agenda.

Remarks by Senator Townsend.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 425.

Bill read third time.

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

Amendment No. 1069.

Amend the bill as a whole by deleting sec. 6.5 and adding:

"Sec. 6.5. (Deleted by amendment.)".

Amend the bill as a whole by adding a new section, designated sec. 18.5, following sec. 18, to read as follows:

"Sec. 18.5. NRS 278.210 is hereby amended to read as follows:

278.210 1. Before adopting the master plan or any part of it in accordance with NRS 278.170, or any substantial amendment thereof, the commission shall hold at least one public hearing thereon, notice of the time and place of which must be given at least by one publication in a newspaper of general circulation in the city or county, or in the case of a regional planning commission, by one publication in a newspaper in each county within the regional district, at least 10 days before the day of the hearing.

2. *Before a public hearing may be held pursuant to subsection 1 in a county whose population is 100,000 or more on an amendment to a master plan, including, without limitation, a gaming enterprise district, if applicable, the person who requested the proposed amendment must hold a neighborhood meeting to provide an explanation of the proposed amendment. Notice of such a meeting 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 a mobile home park if that park is located within a radius of 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 date, time, place and purpose of the neighborhood meeting.

3. The adoption of the master plan, or of any amendment, extension or addition thereof, must be by resolution of the commission carried by the affirmative votes of not less than two-thirds of the total membership of the commission. The resolution must refer expressly to the maps, descriptive matter and other matter intended by the commission to constitute the plan or any amendment, addition or extension thereof, and the action taken must be recorded on the map and plan and descriptive matter by the identifying signatures of the secretary and chairman of the commission.

~~{3-}~~ 4. No plan or map, hereafter, may have indicated thereon that it is a part of the master plan until it has been adopted as part of the master plan by the commission as herein provided for the adoption thereof, whenever changed conditions or further studies by the commission require such amendments, extension or addition.

~~{4-}~~ 5. Except as otherwise provided in this subsection, the commission shall not amend the land use plan of the master plan set forth in paragraph (f) of subsection 1 of NRS 278.160, or any portion of such a land use plan, more than four times in a calendar year. The provisions of this subsection do not apply to a change in the land use designated for a particular area if the change does not affect more than 25 percent of the area.

~~{5-}~~ 6. An attested copy of any part, amendment, extension of or addition to the master plan adopted by the planning commission of any city, county or region in accordance with NRS 278.170 must be certified to the governing body of the city, county or region. The governing body of the city, county or region may authorize such certification by electronic means.

~~{6-}~~ 7. An attested copy of any part, amendment, extension of or addition to the master plan adopted by any regional planning commission must be certified to the county planning commission and to the board of county commissioners of each county within the regional district. The county planning commission and board of county commissioners may authorize such certification by electronic means."

Amend the summary of the bill to read as follows:

"SUMMARY—Revises provisions concerning land use planning. (BDR 22-1084)".

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. 440.

Bill read third time.

The following amendment was proposed by Senator Titus:

Amendment No. 1025.

Amend section 1, pages 3 and 4, by deleting lines 39 through 45 on page 3 and lines 1 through 3 on page 4, and inserting: "~~sections 20, 21, 28, 29, 32 and 33~~ to the section corner common to sections 1, 2, 11 and 12, T. 20 N., R. 24 E., M.D.B. & M.; thence northerly along the section line common to sections 1 and 2 to the section corner common to sections 1 and 2, T. 20 N., R. 24 E. and sections 35 and 36, T. 21 N., R. 24 E.; thence easterly along the section line common to sections 1, T. 20 N., R. 24 E., sections 5 and 6, T. 20 N., R. 25 E., section 36, T. 21 N., R. 24 E. and sections 31 and 32, T. 21 N., R. 25 E. to the section corner common to the north half sections of sections 4 and 5, T. 20 N., R. 25 E., M.D.B. & M.; thence easterly along the section line common to section 4, T. 20 N., R. 25 E., and sections 32 and 33, T. 21 N., R. 25 E., to the section corner common to the south half sections of sections 32 and 33, T. 21 N., R. 25 E., M.D.B. & M.; thence northerly along the section line common to sections 20, 21, 28, 29, 32 and 33, T. 21 N., R. 25 E., to the section corner common to sections 16, 17, 20 and 21,".

Senator Titus moved the adoption of the amendment.

Remarks by Senators Titus, Nolan, Washington and Hardy.

Conflict of interest declared by Senator Nolan.

Motion failed.

Roll call on Assembly Bill No. 440:

YEAS—16.

NAYS—Carlton, Coffin, Mathews, Titus—4.

NOT VOTING—Nolan.

Assembly Bill No. 440 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 443.

Bill read third time.

Remarks by Senators Care, Cegavske and Coffin.

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

Motion carried.

Senate in recess at 1:30 p.m.

SENATE IN SESSION

At 1:39 p.m.

President Hunt presiding.

Quorum present.

Senator Beers moved that Assembly Bill No. 443 be taken from the General File and placed on the bottom of the General File on the third agenda.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Amodei moved that Assembly Bill No. 553 be taken from the General File and placed on the Secretary's desk.

Remarks by Senator Amodei.

Motion carried.

Senator Townsend moved that Assembly Bill No. 120 be taken from the Secretary's desk and placed on the bottom of the General File on the third agenda.

Remarks by Senator Townsend.

Motion carried.

Senator Townsend moved that Assembly Bill No. 137 be taken from the Secretary's desk and placed on the bottom of the General File on the third agenda.

Remarks by Senator Townsend.

Motion carried.

Senator Hardy moved that Assembly Bill No. 385 be rereferred to the Committee on Commerce and Labor.

Remarks by Senator Hardy.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 456.

Bill read third time.

Roll call on Assembly Bill No. 456:

YEAS—20.

NAYS—None.

NOT VOTING—Horsford.

Assembly Bill No. 456 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 493.

Remarks by Senator Beers.

Bill read third time.

Roll call on Assembly Bill No. 493:

YEAS—17.

NAYS—Beers, Cegavske, Hardy, Tiffany—4.

Assembly Bill No. 493 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 495.

Bill read third time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 1057.

Amend section 1, page 2, line 2, by deleting "12," and inserting "11,".

Amend the bill as a whole by deleting sec. 12 and renumbering sections 13 through 15 as sections 12 through 14.

Amend sec. 13, page 6, line 22, by deleting "and" and inserting "[and]".

Amend sec. 13, page 6, line 23, by deleting "5" and inserting "2.025".

Amend sec. 13, page 6, by deleting lines 27 and 28, and inserting: "in NRS 439.625 ~~to 439.690, inclusive,~~ and 439.630;

(c) Not more than 1.5 percent of the money in the Fund, as calculated pursuant to this subsection, each year to pay the costs incurred by the Department to administer the provisions of NRS 439.635 to 439.690, inclusive; and

(d) Not more than 0.125 percent of the money in the Fund, as calculated pursuant to this subsection, each year to pay the costs incurred by the Department to administer the provisions of sections 2 to 11, inclusive, of this act."

Amend sec. 15, page 10, line 25, by deleting: "section 12 of this act,".

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

"Sec. 15. 1. The Department of Human Resources shall:

(a) Coordinate each state program that provides pharmaceutical or medical assistance to persons in this State with the Medicare Part D benefit so that each Medicare beneficiary who is eligible for or enrolled in such a state program maintains his present coverage for prescription drugs and pharmaceutical services to the extent allowed by federal law; and

(b) Coordinate each state program that provides pharmaceutical or medical assistance to persons in this State with the Medicare Part D benefit in a manner that:

(1) Maximizes coverage for prescription drugs and pharmaceutical services for persons in this State;

(2) Minimizes disruptions in the enrollment of persons in this State in state and federal programs that provide coverage for prescription drugs and pharmaceutical services;

(3) Minimizes disruptions in the eligibility of persons in this State for state and federal programs that provide coverage for prescription drugs and pharmaceutical services;

(4) Minimizes out-of-pocket expenses for prescription drugs and pharmaceutical services for Medicare beneficiaries in this State; and

(5) Maximizes federal funding for coverage of prescription drugs and pharmaceutical services for persons in this State.

2. The Department of Human Resources shall submit a plan for coordinating the state programs with the Medicare Part D benefit as required by subsection 1 to the Interim Finance Committee for approval before the Department coordinates those programs and benefits.

3. The Department of Human Resources may adopt such regulations as may be required to carry out the provisions of this section."

Amend sec. 17, page 10, line 41, before "This" by inserting "1."

Amend sec. 17, page 10, after line 41, by inserting:

"2. Section 15 of this act expires by limitation on July 1, 2007."

Amend the title of the bill to read as follows:

"AN ACT relating to public health; establishing a program for the provision of prescription drugs and pharmaceutical services for certain persons with disabilities; changing the portion of the money in the Fund for a Healthy Nevada that may be used to pay certain administrative costs incurred by the Department of Human Resources; making various changes concerning the allocation of the money in the Fund for a Healthy Nevada; requiring the Department to coordinate the provision of prescription drugs and pharmaceutical services by state programs that provide pharmaceutical or medical assistance to certain Medicare pharmaceutical benefits; repealing the requirement that the Department apply to the Federal Government to establish programs to extend coverage for prescription drugs and other

related services for certain persons; and providing other matters properly relating thereto."

Senator Raggio moved the adoption of the amendment.

Remarks by Senator Raggio.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 496.

Bill read third time.

Roll call on Assembly Bill No. 496:

YEAS—21.

NAYS—None.

Assembly Bill No. 496 having received a two-thirds majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 546.

Bill read third time.

Roll call on Assembly Bill No. 546:

YEAS—21.

NAYS—None.

Assembly Bill No. 546 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

UNFINISHED BUSINESS

CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 175.

The following Assembly amendment was read:

Amendment No. 856.

Amend sec. 2, page 2, line 37, by deleting "*General*" and inserting "*Highway*".

Amend the bill as a whole by deleting sections 3 and 4, renumbering sections 5 through 10 as sections 3 through 8 and adding a new section designated sec. 9, following sec. 10, to read as follows:

"Sec. 9. NRS 706.4479 is hereby amended to read as follows:

706.4479 1. If a motor vehicle is towed at the request of someone other than the owner, or authorized agent of the owner, of the motor vehicle, the operator shall, in addition to the requirements set forth in the provisions of chapter 108 of NRS:

~~{1.}~~ (a) Notify the registered and legal owner of the motor vehicle by certified mail not later than *21 days after placing the motor vehicle in storage if the motor vehicle was towed at the request of a law enforcement officer following an accident involving the motor vehicle or not later than 15 days after placing ~~{a}~~ any other vehicle in storage:*

~~{(a)}~~ (1) Of the location where the motor vehicle is being stored;

~~[(b)]~~ (2) Whether the storage is inside a locked building, in a secured, fenced area or in an unsecured, open area;

~~[(c)]~~ (3) Of the charge for storage; and

~~[(d)]~~ (4) Of the date and time the vehicle was placed in storage.

~~[2.]~~ (b) If the identity of the registered and legal owners is not readily available, request the necessary information from the Department. The operator shall attempt to notify the owner of the vehicle as soon as possible, but in no case later than ~~[15 days]~~ :

(1) *Twenty-one days* after identification of the owner is obtained ~~[-~~

~~3.]~~ *if the motor vehicle that is placed in storage was towed at the request of a law enforcement officer following an accident involving the motor vehicle; or*

(2) *Fifteen days* after identification of the owner is obtained for any other motor vehicle.

(c) Use all resources reasonably necessary to ascertain the name of the owner of a vehicle and is responsible for making an independent inquiry and correct notification of the owner.

2. *If a motor vehicle that is placed in storage was towed at the request of a law enforcement officer following an accident involving the motor vehicle, the operator shall not impose any administrative or processing fee or charge with respect to the vehicle for the period ending 14 days after the date on which the motor vehicle was placed in storage."*

Amend the title of the bill by deleting the fourth and fifth lines and inserting: "the terms of a contract or security agreement; revising provisions concerning the notification provided to the owner of a motor vehicle that is towed at the request of a person other than the owner; and providing".

Senator Nolan moved that the Senate concur in the Assembly amendment to Senate Bill No. 175.

Remarks by Senator Nolan.

Motion carried by a two-thirds majority.

Bill ordered enrolled.

Senate Bill No. 218.

The following Assembly amendment was read:

Amendment No. 822.

Amend section 1, page 2, line 29, after "Rules;" by inserting "and".

Amend section 1, page 2, by deleting lines 30 through 32.

Amend section 1, page 2, line 33, by deleting "(c)" and inserting "(b)".

Amend sec. 2, page 4, line 19, after "Rules;" by inserting "and".

Amend sec. 2, page 4, by deleting lines 20 through 22.

Amend sec. 2, page 4, line 23, by deleting "(c)" and inserting "(b)".

Amend sec. 4, page 6, line 27, after "Rules;" by inserting "and".

Amend sec. 4, page 6, by deleting lines 28 through 30.

Amend sec. 4, page 6, line 31, by deleting "(c)" and inserting "(b)".

Amend sec. 5, page 9, line 18, after "Rules;" by inserting "and".

Amend sec. 5, page 9, by deleting lines 19 through 21.

Amend sec. 5, page 9, line 22, by deleting "(c)" and inserting "(b)".

Senator McGinness moved that the Senate concur in the Assembly amendment to Senate Bill No. 218.

Remarks by Senator McGinness.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 219.

The following Assembly amendment was read:

Amendment No. 875.

Amend section 1, page 2, by deleting lines 6 through 11 and inserting: "~~[or]~~ in the county with respect to ~~[highways under its jurisdiction shall, upon application in writing,]~~ roadways under the jurisdiction of the county or city may, upon request, issue a permit to operate a vehicle, or a vehicle with a load ~~[, having a width exceeding]~~ that exceeds the legal maximum width ~~[but not exceeding 120 inches in width on a highway,]~~ , length or height for the vehicle, unless the Department or governing body determines".

Amend section 1, page 2, line 18, by deleting: "shall, upon application in writing," and inserting: "may, upon request,".

Amend section 1, page 2, lines 19 and 21, by deleting "highway" and inserting "roadway".

Amend section 1, page 2, lines 28 and 29, by deleting: "application in writing," and inserting "request,".

Amend section 1, page 3, line 7, after "3." by inserting: "Before issuing a permit pursuant to subsection 2, the Department of Transportation or the governing body shall coordinate the issuance of the permit with each entity that will be affected by the issuance of the permit.

4. A governing body shall issue single-trip permits and annual permits pursuant to subsection 2 that are consistent, to the greatest extent practicable, with the regulations adopted by the Department of Transportation pursuant to subsection 5.

5."

Amend section 1, page 3, line 10, by deleting "highways" and inserting "~~[highways]~~ roadways".

Amend section 1, page 3, by deleting line 12 and inserting: "vehicle with a load exceeding ~~[120]~~ 102 inches in width , 14 feet in height or 70 feet in length,".

Amend section 1, page 3, line 17, after "consistent" by inserting: ", to the greatest extent practicable,".

Amend section 1, page 3, line 19, by deleting "4." and inserting "6."

Amend section 1, page 3, line 31, by deleting "5." and inserting "7."

Amend section 1, page 3, line 32, after "shall" by inserting: ", to the greatest extent practicable,".

Amend section 1, page 3, line 33, by deleting "*the permit*:" and inserting: "*a permit for a vehicle or a vehicle with a load that does not exceed 15 feet in height or 110 feet in length*:".

Amend section 1, page 3, line 35, by deleting "*an application*" and inserting "*a request*".

Amend section 1, page 3, line 37, by deleting "168" and inserting "144".

Amend section 1, page 3, line 39, by deleting "*an application*" and inserting "*a request*".

Amend section 1, page 3, line 41, after "*than*" by inserting: "*144 inches but not more than*".

Amend the title of the bill to read as follows:

"AN ACT relating to traffic; authorizing the Department of Transportation and the governing body of a city or county to issue a permit to operate an oversized vehicle under certain circumstances; requiring certain regulations adopted by the governing body of a city or county relating to the issuance of permits for oversized vehicles to be consistent with regulations adopted by the Department; requiring the Department and certain governing bodies to establish an expedited procedure for issuing permits for oversized vehicles under certain circumstances; and providing other matters properly relating thereto.".

Senator Nolan moved that the Senate concur in the Assembly amendment to Senate Bill No. 219.

Remarks by Senator Nolan.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 353.

The following Assembly amendment was read:

Amendment No. 852.

Amend sec. 3, page 2, lines 22 and 25, after "*Foundation*" by inserting: "*or any successor organization*".

Senator Amodei moved that the Senate concur in the Assembly amendment to Senate Bill No. 353.

Remarks by Senator Amodei.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 173.

The following Assembly amendment was read:

Amendment No. 797.

Amend section 1, page 2, line 4, by deleting "115.090." and inserting: "115.090 ~~{-}~~ and except as otherwise required by federal law.".

Amend section 1, page 2, line 7, by deleting "\$300,000" and inserting "\$400,000".

Amend sec. 2, page 3, lines 39 and 43, by deleting "\$300,000," and inserting "\$400,000,".

Amend sec. 2, page 4, lines 9, 11 and 14, by deleting "\$300,000" and inserting "\$400,000".

Amend sec. 3, page 5, line 24, by deleting: "~~period~~ that week or 30" and inserting: "~~period 30~~ that week or 50".

Amend sec. 4, page 6, line 32, by deleting "\$300,000," and inserting "\$400,000,".

Amend sec. 4, page 7, line 1, by deleting "30" and inserting "[30] 50".

Amend sec. 4, page 7, by deleting lines 39 through 41 and inserting:

"17. Payments, in an amount not to exceed [~~\$16,150,~~] 50 percent of any proceeds from a settlement, received as compensation for personal injury, not including [~~compensation for pain and suffering or actual pecuniary loss,~~] punitive damages,".

Amend sec. 5, page 9, line 3, by deleting "section:" and inserting: "section [~~]~~ or federal law:".

Amend sec. 5, page 9, line 31, by deleting: "~~period~~ week, or 30" and inserting: "~~period 30~~ week, or 50".

Amend sec. 5, page 10, line 38, by deleting "\$500,000" and inserting "\$400,000".

Amend sec. 5, page 11, by deleting lines 35 through 37 and inserting:

"(t) Payments, in an amount not to exceed [~~\$16,150,~~] 50 percent of any proceeds from a settlement, received as compensation for personal injury, not including [~~compensation for pain and suffering or actual pecuniary loss,~~] punitive damages, by the judgment debtor".

Amend sec. 6, page 13, line 14, by deleting "\$300,000," and inserting "\$400,000,".

Amend sec. 6, page 13, line 28, by deleting "30" and inserting "[30] 50".

Amend sec. 6, page 14, by deleting lines 22 through 24 and inserting:

"17. Payments, in an amount not to exceed [~~\$16,150,~~] 50 percent of any proceeds from a settlement, received as compensation for personal injury, not including [~~compensation for pain and suffering or actual pecuniary loss,~~] punitive damages,".

Amend sec. 7, page 16, line 15, by deleting: "~~period~~ that week exceed 30" and inserting: "~~period exceed 30~~ that week exceed 50".

Senator Amodei moved that the Senate do not concur in the Assembly amendment to Senate Bill No. 173.

Remarks by Senator Amodei.

Motion carried.

Bill ordered transmitted to the Assembly.

RECEDE FROM SENATE AMENDMENTS

Senator Amodei moved that the Senate do not recede from its action on Assembly Bill No. 465 that a conference be requested, and that Madam President appoint a first Conference Committee consisting of three members to meet with a like committee of the Assembly.

Remarks by Senator Amodei.

Motion carried.

Bill ordered transmitted to the Assembly.

APPOINTMENT OF CONFERENCE COMMITTEES

Madam President appointed Senators Heck, Nolan and Lee as a first Conference Committee to meet with a like committee of the Assembly for the further consideration of Assembly Bill No. 465.

REPORTS OF COMMITTEES

Madam President:

Your Committee on Commerce and Labor, to which were referred Assembly Bills Nos. 195, 208, 250, 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. 299, 533, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

WILLIAM J. RAGGIO, *Chair*

Madam President:

Your Committee on Taxation, to which was referred Assembly Bill No. 128, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MIKE MCGINNESS, *Chair*

Madam President:

Your Committee on Transportation and Homeland Security, to which was referred Senate Bill No. 518, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Transportation and Homeland Security, to which were referred Assembly Bills Nos. 52, 239, 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

Senate Bill No. 391.

Bill read second time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 1074.

Amend section 1, page 1, by deleting lines 8 through 10 and inserting: "similar institution chartered or licensed pursuant to federal law ~~and doing business in this State;~~

~~(b) Any person primarily engaged in:~~

Amend section 1, page 3, by deleting line 11 and inserting: "entity, ~~doing business in this State;~~

~~(b) A person licensed or registered".~~

Amend section 1, page 3, by deleting lines 20 through 43 and inserting: "1940 or the Investment Advisers Act of 1940, as amended;

~~(e) A person licensed pursuant to 7 U.S.C. § 2009cc-3 to operate as a rural business investment company;~~

(f) *A person registered or required to be registered as a savings and loan holding company pursuant to 12 U.S.C. § 1467a;*

(g) *A person registered or required to be registered as a bank holding company pursuant to 12 U.S.C. § 1844;*

(h) *An investment bank holding company supervised pursuant to 15 U.S.C. § 78q;*

(i) *A person electing to be treated as a business development company pursuant to 15 U.S.C. § 80a-53;*

(j) *A person licensed pursuant to 15 U.S.C. § 681 to operate as a small business investment company;*

(k) *A person granted final approval pursuant to 15 U.S.C. § 689c to operate as a new markets venture capital company;*

(l) *A person qualifying as and electing to be considered a real estate investment trust pursuant to 26 U.S.C. § 856;*

(m) *A bank, as defined in 12 U.S.C. § 1813(a);*

(n) *A savings association, as defined in 12 U.S.C. § 1813(b);*

(o) *A savings bank, as defined in 12 U.S.C. § 1813(g);*

(p) *A thrift institution, as defined in 12 U.S.C. § 1841(i);*

(q) *A national banking association organized under the National Bank Act;*

(r) *An entity that is related to any of the entities described in paragraphs (a), (b), (d) to (k), inclusive, and (m) to (q), inclusive, regardless of whether the entity described in any of those paragraphs is doing business in this State; and*

(s) *An issuer or a service provider,*

➡ *who is doing".*

Amend section 1, page 4, between lines 8 and 9, by inserting:

"3. *For the purposes of this section:*

(a) *"Credit card" has the meaning ascribed to it in NRS 97A.050.*

(b) *"Entity" includes, without limitation, any corporation, limited-liability company, association, organization, company, firm, partnership, joint venture, trust, business trust, receiver, trustee, syndicate, cooperative or assignee, or any other group or combination acting as a unit.*

(c) *"Issuer" has the meaning ascribed to it in NRS 97A.100, except that the term does not include a seller of goods or provider of services who issues a credit card for the purpose of providing or extending credit only in connection with the goods he sells or the services he provides.*

(d) *Entities are "related" if at least 50 percent of the interest, either by vote or value, in each entity is owned, either directly or indirectly, by the same entity, including either of those entities.*

(e) *"Service provider" has the meaning ascribed to it in NRS 97A.130, except that the term does not include a service provider who acts in that capacity solely on behalf of a seller of goods or provider of services who issues a credit card for the purpose of providing or extending credit only in connection with the goods he sells or the services he provides."*

Senator McGinness moved the adoption of the amendment.

Remarks by Senator McGinness.

Amendment adopted.

The following amendment was proposed by Senator Care:

Amendment No. 800.

Amend section 1, page 3, line 41, by deleting "and".

Amend section 1, page 3, line 44, by deleting "State." and inserting: "State;
and

(m) A pawnbroker, as that term is defined in NRS 646.010, and any other person engaged or who advertises that he is engaged, in whole or in part, in the business of loaning money in this State, except that this paragraph does not apply to a seller of goods or a provider of services who provides or extends credit, or retains a security interest in the goods he sells, only in connection with the financing of the goods he sells or the services he provides. As used in this paragraph, "security interest" has the meaning ascribed to it in NRS 104.1201."

Senator Care moved the adoption of the amendment.

Remarks by Senators Care and McGinness.

Motion failed by a division of the house.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 31.

Bill read second time.

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

Amendment No. 842.

Amend section 1, pages 2 and 3, by deleting lines 28 through 31 on page 2 and lines 1 through 13 on page 3, and inserting: "*disclosure of such records, if the reporter or editorial employee is employed by or affiliated with a newspaper, press association or commercially operated, federally licensed radio or television station.*".

Amend the bill as a whole by deleting sec. 2.

Senator Hardy moved the adoption of the amendment.

Remarks by Senator Hardy.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

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

Motion carried.

Senate in recess at 2:06 p.m.

SENATE IN SESSION

At 2:14 p.m.

President Hunt presiding.

Quorum present.

Assembly Bill No. 44.

Bill read second time.

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

Amendment No. 859.

Amend section 1, page 2, by deleting lines 4 through 17 and inserting:
"regular wage rate whenever an employee works ~~[-~~

(a) ~~More]~~ more than 40 hours in any scheduled week of work . ~~[- or~~

(b) ~~More than 8 hours in any workday unless by mutual agreement the~~
~~employee works a scheduled 10 hours per day for 4 calendar days within any~~
~~scheduled week of work.]~~

2. The provisions of subsection 1 do not".

Amend the title of the bill, fourth line, after "overtime;" by inserting:
"eliminating the requirement for payment of overtime whenever an employee
works more than 8 hours in a workday;".

Senator Townsend moved the adoption of the amendment.

Remarks by Senators Townsend and Carlton.

Motion carried on a division of the house.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 240.

Bill read second time.

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

Amendment No. 1013.

Amend section 1, page 2, line 14, by deleting: "*Within 30 days after*" and
inserting: "*Not later than 5 days before*".

Amend section 1, page 2, line 17, by deleting "*makes*" and inserting:
"*intends to make*".

Amend section 1, page 2, by deleting line 19 and inserting:
"*the Authority not later than 5 days before the date on which those changes
are to become effective. Notwithstanding any provision of this chapter to the
contrary, schedules and tariffs submitted by the owner or operator to the
Authority pursuant to this section, and the rates set forth in those schedules
and tariffs, are not subject to hearing or approval by the Authority.*".

Amend sec. 4, page 4, line 15, before "Notwithstanding" by inserting "1."

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

Amend sec. 4, page 4, line 18, by deleting "November 1," and inserting
"October 10,".

Amend sec. 4, page 4, line 20, by deleting "1." and inserting "(a)".

Amend sec. 4, page 4, line 25, by deleting "2." and inserting "(b)".

Amend sec. 4, page 4, line 26, by deleting "operator." and inserting: "operator and which will be effective on October 10, 2005. If the owner or operator intends to make a change to its schedule or tariff which is scheduled to become effective on or after October 11, 2005, and before October 16, 2005, the owner and operator shall also include a copy of the updated schedule and tariff.

2. Notwithstanding any provision of this act to the contrary, each owner or operator of a charter bus which is not a fully regulated carrier and which begins operations in this State on or after October 1, 2005, and before October 6, 2005, shall, on or before October 10, 2005, submit to the Transportation Services Authority:

(a) Evidence satisfactory to the Transportation Services Authority that the owner or operator has obtained a liability insurance policy, certificate of insurance, bond of a surety company or other surety as required by subsection 2 of section 1 of this act; and

(b) A copy of its schedule or tariff setting forth the rates established by the owner or operator."

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. 280.

Bill read second time.

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

Amendment No. 879.

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

Amend sec. 2, page 2, line 10, after "*institution.*" by inserting: "*The System is encouraged to review the core curriculum at each institution to determine whether there is parity among the institutions of the System.*".

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. *The Board of Regents may appoint a student advisor who has been elected by the Nevada Student Alliance. If the Board appoints such an advisor to the Board, the Board shall determine the duties of the advisor, who is not a member of the Board and may not vote on matters before the Board.*".

Amend the bill as a whole by deleting sec. 4, renumbering sections 5 and 6 as sections 6 and 7 and adding a new section designated sec. 5, following sec. 3, to read as follows:

"Sec. 5. *The State Board of Education and the Board of Regents shall develop a mechanism to improve access to dual-credit courses for high school students. Subject to the approval of the Board of Regents, dual-credit*

classes may be taught by high school teachers at high school campuses in this State."

Amend sec. 5, page 3, line 17, by deleting: "*and research services*" and inserting "*facilities*".

Amend sec. 5, page 3, line 19, after "*the*" by inserting "*library*".

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

"Sec. 8. NRS 396.560 is hereby amended to read as follows:

396.560 1. Upon the recommendation of a president of a branch within the System, the Board of Regents shall issue to those who worthily complete the full course of study in the school of mines or in the school of agriculture, or in the school of liberal arts, or in any equivalent course that may hereafter be prescribed, a diploma of graduation, conferring the proper academic degree, from the System.

2. The Board of Regents shall not issue such a diploma to a ~~person~~ student who has not completed the full course of study as set forth in ~~[subsection 1.]~~ this section.

3. *For the purposes of this section, a student at a university or state college within the System completes the full course of study for a diploma of graduation if, in accordance with the policy of the Board of Regents, he satisfies the requirements for graduation and a degree as set forth in the catalog of the university or state college that is in effect at the time the student:*

(a) First enrolls in the university or state college or is admitted to the academic program or department of the student's major if the program or department has a formal process for admitting students to the program or department; or

(b) Graduates,
➤ *whichever the student elects. A student who changes his major must elect the catalog of the year of the latest change of the major or the year of graduation. A student may not elect a catalog that is more than 10 years old at the time of his graduation."*

Amend sec. 7, page 4, line 13, by deleting "*A*" and inserting: "*Pursuant to the policy of the Board of Regents, a*".

Amend sec. 7, page 4, by deleting lines 18 through 22 and inserting:

"3. *All credits earned toward the completion of a degree of associate of arts, associate of science or associate of business must automatically transfer toward the course work required for the award of a baccalaureate degree upon the graduation of the student from any university or college within the System.*

➤ *If the transfer of credit pursuant to this section is denied and the student believes that the credit should be applied to his degree, he may appeal the decision. The appeal process must be made available to all students and may be posted on the website of the System."*

Amend the bill as a whole by deleting sec. 8 and renumbering sections 9 through 11 as sections 10 through 12.

Amend sec. 9, page 8, line 3, by deleting "6" and inserting "7".

Amend sec. 11, page 8, by deleting lines 12 and 13 and inserting:

"Sec. 12. 1. This section and sections 1 to 4, inclusive, 6, 9, 10 and 11 of this act become effective upon passage and approval.

2. Section 8 of this act becomes effective on July 1, 2005.

3. Section 5 of this act becomes effective on July 1, 2006."

Amend sec. 11, page 8, line 14, by deleting:

"2. Section 6" and inserting:

"4. Section 7".

Amend the title of the bill to read as follows:

"AN ACT relating to higher education; requiring the Board of Regents of the University of Nevada to ensure that students enrolled in a program for the education of teachers are instructed in the academic standards required for high school pupils; authorizing the Board of Regents to appoint a student advisor who has been elected by the Nevada Student Alliance; requiring the State Board of Education and the Board of Regents to develop a mechanism for providing easier access to dual-credit courses; authorizing the Board of Regents to approve certain dual-credit courses; requiring access to library facilities for students enrolled at an institution within the University and Community College System of Nevada; specifying that a student at a university or state college within the System completes a full course of study for the issuance of a diploma of graduation from the System if he satisfies the requirements for graduation and a degree as set forth in the catalog of the university or state college that is in effect at the time of enrollment or at the time of graduation, whichever the student elects; revising the terms of office of members of the Board of Regents; revising provisions regarding the degrees and transferability of credits earned within the System; and providing other matters properly relating thereto."

Senator Washington moved the adoption of the amendment.

Remarks by Senators Washington and Titus.

Senator Washington moved that Assembly Bill No. 280 be taken from the Second Reading File and placed on the Second Reading File on the third agenda.

Remarks by Senator Washington.

Motion carried.

Assembly Bill No. 540.

Bill read second time.

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

Amendment No. 1091.

Amend section 1, page 1, line 10, after "crane;" by inserting "and".

Amend section 1, pages 1 and 2, by deleting lines 13 through 17 on page 1 and lines 1 through 16 on page 2, and inserting: "they continue to be in use .
~~[- and~~

~~5. Establishment]~~

2. *Except as otherwise provided in subsection 3:*

(a) *The Division shall adopt regulations requiring the establishment and implementation of programs for the ~~[training and]~~ certification of ~~[crane operators.]~~ all persons who operate:*

(1) *Tower cranes; or*

(2) *Mobile cranes having a usable boom length of 25 feet or greater or a maximum machine rated capacity of 15,000 pounds or greater.*

(b) *A person shall not operate a tower crane or a mobile crane described in subparagraph (2) of paragraph (a) unless the person holds certification as a crane operator issued pursuant to this subsection for the type of crane being operated.*

(c) *An applicant for certification as a crane operator must hold a certificate which:*

(1) *Is issued by an organization whose program of certification for crane operators:*

(I) *Is accredited by the National Commission for Certifying Agencies or an equivalent accrediting body approved by the Division; or*

(II) *Meets other criteria established by the Division; and*

(2) *Certifies that the person has met the standards to be a crane operator established by the American Society of Mechanical Engineers in its standards B30.3, B30.4 or B30.5 as adopted by regulation of the Division.*

3. *The provisions of subsection 2 do not apply to a person who:*

(a) *Is an employee of a utility while the person is engaged in work for or at the direction of the utility;*

(b) *Operates an electric or utility line truck that is regulated pursuant to 29 C.F.R. § 1910.269 or 29 C.F.R. Part 1926, Subpart V; or*

(c) *Operates an aerial or lifting device, whether or not self-propelled, that is designed and manufactured with the specific purpose of lifting one or more persons in a bucket or basket or on a ladder or platform and holding those persons in the lifted position while they perform tasks. Such devices include, without limitation:*

(1) *A bucket truck or lift;*

(2) *An aerial platform;*

(3) *A platform lift; or*

(4) *A scissors lift.*

4. *As used in this section, "utility" means any public or private utility, whether or not the utility is subject to regulation by the Public Utilities Commission of Nevada, that provides, at wholesale or retail:*

(a) *Electric service;*

(b) *Gas service;*

(c) *Water or sewer service;*

(d) Telecommunication service, including, without limitation, local exchange service, long distance service and personal wireless service; or

(e) Television service, including, without limitation, community antenna television service."

Amend sec. 2, page 2, line 19, by deleting "date." and inserting: "date and are superseded by the regulations adopted by the Division of Industrial Relations of the Department of Business and Industry pursuant to subsection 2 of NRS 618.880, as amended by this act."

Senator Townsend moved the adoption of the amendment.

Remarks by Senator Townsend.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Joint Resolution No. 11.

Resolution read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 808.

Amend the resolution, page 3, by deleting line 9 and inserting:

"11. Except as otherwise provided in this section, the amount of the property tax which may be collected annually for a residence owned".

Amend the resolution, page 3, after line 21, by inserting:

" ➔ The amount of the property tax which, but for the provisions of this subsection, would otherwise be collected for a residence owned and occupied by a senior citizen becomes due and payable when the senior citizen ceases to occupy the residence, upon the sale of the senior citizen's interest in the residence or upon the death of the senior citizen, whichever occurs first."

Amend the title of the resolution, third line, by deleting "for" and inserting: "collected annually from".

Amend the summary of the resolution to read as follows:

"SUMMARY—Proposes to amend Nevada Constitution to effect limitation on property taxes collected annually from senior citizens. (BDR C-1184)".

Senator McGinness moved the adoption of the amendment.

Remarks by Senator McGinness.

Amendment adopted.

Resolution ordered reprinted, reengrossed and to the General File.

Assembly Bill No. 485.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1058.

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

"Section 1. NRS 463.021 is hereby amended to read as follows:

463.021 1. The Gaming Policy Committee, consisting of the Governor as Chairman and 10 members, is hereby created.

2. The Committee must be composed of:

(a) One member of the Commission, designated by the Chairman of the Commission;

(b) One member of the Board, designated by the Chairman of the Board;

(c) One member of the Senate appointed by the Legislative Commission;

(d) One member of the Assembly appointed by the Legislative Commission;

(e) One enrolled member of a Nevada Indian tribe appointed by the Inter-Tribal Council of Nevada, Inc.; and

(f) Five members appointed by the Governor for terms of 2 years as follows:

(1) Two representatives of the general public;

(2) Two representatives of nonrestricted gaming licensees; and

(3) One representative of restricted gaming licensees.

3. Members who are appointed by the Governor serve at the pleasure of the Governor.

4. Members who are Legislators serve terms beginning when the Legislature convenes and continuing until the next regular session of the Legislature is convened.

5. ~~{Except as otherwise provided in subsection 6, the}~~ The Governor may call meetings of the Gaming Policy Committee for the exclusive purpose of discussing matters of gaming policy. The recommendations concerning gaming policy made by the Committee pursuant to this subsection are advisory and not binding on the Board or the Commission in the performance of their duties and functions.

~~{6. An appeal filed pursuant to NRS 463.3088 may be considered only by a Review Panel of the Committee. The Review Panel must consist of the members of the Committee who are identified in paragraphs (a), (b) and (c) of subsection 2 and subparagraph (1) of paragraph (f) of subsection 2.}~~".

Amend the bill as a whole by renumbering sec. 3 as sec. 8 and adding new sections designated sections 4 through 7, following sec. 2, to read as follows:

"Sec. 4. NRS 463.3086 is hereby amended to read as follows:

463.3086 1. If the location of a proposed establishment:

(a) Is not within the Las Vegas Boulevard gaming corridor or the rural Clark County gaming zone; and

(b) Is not within a gaming enterprise district,

↪ the Commission shall not approve a nonrestricted license for the establishment unless the location of the establishment is designated a gaming enterprise district pursuant to this section.

2. If a person is proposing to operate an establishment with a nonrestricted license and the location of the proposed establishment:

(a) Is not within the Las Vegas Boulevard gaming corridor or the rural Clark County gaming zone; and

(b) Is not within a gaming enterprise district,
→ the person may petition the county, city or town having jurisdiction over the location of the proposed establishment to designate the location of the proposed establishment a gaming enterprise district pursuant to this section.

3. If a person files a petition pursuant to subsection 2, the county, city or town shall, at least 10 days before the date of the hearing on the petition, mail a notice of the hearing to:

(a) Each owner of real property whose property line is less than 2,500 feet from the property line of the proposed establishment;

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

(c) Each tenant of a mobile home park whose property line is less than 2,500 feet from the property line of the proposed establishment; and

(d) Any advisory board that represents one or more owners of real property or tenants of a mobile home park whose property line is less than 2,500 feet from the property line of the proposed establishment.

→ The notice must be written in language that is easy to understand and must set forth the date, time, place and purpose of the hearing and contain a physical description or map of the location of the proposed establishment. The petitioner shall pay the costs of providing the notice that is required by this subsection.

4. Any interested person is entitled to be heard at the hearing on the petition.

5. The county, city or town shall cause the hearing on the petition to be reported by a court reporter who is certified pursuant to chapter 656 of NRS. The petitioner shall pay the costs of having the hearing reported.

6. At the hearing, the petitioner must prove by clear and convincing evidence that:

(a) The roads, water, sanitation, utilities and related services to the location are adequate;

(b) The proposed establishment will not unduly impact public services, consumption of natural resources and the quality of life enjoyed by residents of the surrounding neighborhoods;

(c) The proposed establishment will enhance, expand and stabilize employment and the local economy;

(d) The proposed establishment will be located in an area planned or zoned for that purpose pursuant to NRS 278.010 to 278.630, inclusive;

(e) The proposed establishment will not be detrimental to the health, safety or general welfare of the community or be incompatible with the surrounding area;

(f) On the date that the petition was filed, the property line of the proposed establishment was not less than:

(1) Five hundred feet from the property line of a developed residential district; and

(2) Fifteen hundred feet from the property line of a public school, private school or structure used primarily for religious services or worship; ~~and~~

(g) The proposed establishment will not adversely affect:

(1) A developed residential district; or

(2) A public school, private school or structure used primarily for religious services,

↳ whose property line is within 2,500 feet from the property line of the proposed establishment ~~[-]~~; and

(h) *The proposed establishment will be located within a gaming enterprise district that will be located entirely within the boundaries of a master planned community.*

7. A three-fourths vote of the governing body of the county, city or town is required to grant the petition to designate the location of the proposed establishment a gaming enterprise district pursuant to this section.

8. *If the governing body of the county, city or town grants the petition to designate the location of the proposed establishment a gaming enterprise district, the governing body shall, at the hearing held pursuant to this section, establish limitations on the height and size of the proposed establishment.*

9. A county, city or town that denies a petition submitted pursuant to this section shall not consider another petition concerning the same location or any portion thereof for 1 year after the date of the denial.

~~9-]~~ 10. As used in this section:

(a) "Developed residential district" means a parcel of land zoned primarily for residential use in which at least one completed residential unit has been constructed on the date that the petitioner files a petition pursuant to this section.

(b) *"Master planned community" means a contiguous area of land that:*

(1) Contains at least 750 acres owned or controlled by a single entity;

(2) Contains a mix of land uses that include residential, commercial, employment and public uses;

(3) Contains not more than one gaming enterprise district and not more than one establishment that holds a nonrestricted license; and

(4) Has not more than 75 acres designated as a gaming enterprise district.

(c) "Private school" has the meaning ascribed to it in NRS 394.103.

~~(c)~~ (d) "Public school" has the meaning ascribed to it in NRS 385.007.

Sec. 5. NRS 463.3088 is hereby repealed.

Sec. 6. 1. Notwithstanding the provisions of paragraph (b) of subsection 4 of NRS 463.302, as amended by section 3 of this act, the Nevada Gaming Control Board may, in its sole and absolute discretion, allow a licensee to move the location of its establishment and transfer its restricted or nonrestricted license pursuant to the provisions of NRS 463.302, as amended by section 3 of this act, if:

(a) The establishment holds a nonrestricted license on the effective date of this act but is not a resort hotel;

(b) The establishment is located in a county whose population is 400,000 or more and is located within a redevelopment area of the county on the effective date of this act;

(c) The establishment is acquired, displaced or relocated pursuant to a redevelopment project undertaken by an agency created pursuant to NRS 279.382 to 279.685, inclusive;

(d) The establishment is to be relocated within the redevelopment area of the county to a proposed location that is within 200 feet of the existing location of the establishment;

(e) The establishment will have a casino area that is less than or equal to the size of the casino area of the existing establishment; and

(f) The redevelopment agency and the board of county commissioners approve the move of the location of the establishment at a public hearing that is conducted in compliance with the provisions of subsection 2.

2. A public hearing to consider the move of the location of an establishment must comply with the following requirements:

(a) At least 10 days before the date of the public hearing, a notice of the hearing must be mailed to:

(1) Each owner of real property whose property line is less than 2,500 feet from the property line of the proposed location of the establishment;

(2) The owner, as listed on the county assessor's records, of each of the 30 separately owned parcels nearest the proposed location of the establishment, to the extent this notice does not duplicate the notice given pursuant to any other provision of this paragraph;

(3) Each tenant of a mobile home park whose property line is less than 2,500 feet from the property line of the proposed location of the establishment; and

(4) Any advisory board that represents one or more owners of real property or tenants of a mobile home park whose property line is less than 2,500 feet from the property line of the proposed location of the establishment.

(b) The notice mailed pursuant to paragraph (a) must be written in language that is easy to understand and must set forth the date, time, place and purpose of the public hearing and contain a physical description or map of the proposed location of the establishment.

(c) The licensee shall pay the costs of providing the notice that is required pursuant to paragraph (a).

(d) Any interested person is entitled to be heard at the public hearing.

Sec. 7. 1. The amendatory provisions of section 4 of this act do not apply to an establishment that holds a nonrestricted license for a resort hotel on the effective date of this act and all parcels of land that are adjacent to the property line of the establishment or adjacent to a street or highway that is

adjacent to the property line of such an establishment, if such parcels are owned or leased by the same person or entity, or any affiliate of the person or entity, which owns or leases the property on which the establishment is located.

2. After a county, city or town makes a decision on a petition filed pursuant to NRS 463.3086, as amended by section 4 of this act, by an establishment described in subsection 1:

- (a) The petitioner may appeal to the Committee if the petition is denied; or
- (b) An aggrieved party may appeal to the Committee if the petition is granted.

3. A notice of appeal must be filed with the Committee not later than 10 days after the date of the decision on the petition.

4. The Committee may hear only one appeal from the decision on the petition.

5. The Committee shall determine whether a person who files a notice of appeal is an aggrieved party. If more than one person files a notice of appeal, the Committee shall consolidate the appeals of all persons who the Committee determines are aggrieved parties.

6. If the petitioner files a notice of appeal, the county, city or town that denied the petition shall be deemed to be the opposing party, and the county, city or town may elect to defend its decision before the Committee.

7. If a notice of appeal is filed by the petitioner or an aggrieved party, the petitioner shall request the court reporter to prepare a transcript of the report of the hearing on the petition, and the petitioner shall pay the costs of preparing the transcript.

8. The Committee shall consider the appeal not later than 30 days after the date the notice of appeal is filed. The Committee may accept written briefs or hear oral arguments, or both. The Committee shall not receive additional evidence and shall confine its review to the record. In reviewing the record, the Committee may substitute its judgment for that of the county, city or town and may make its own determinations as to the sufficiency and weight of the evidence on all questions of fact or law.

9. The Committee shall issue its decision and written findings not later than 30 days after the appeal is heard or is submitted for consideration without oral argument. The Committee shall affirm or reverse the decision of the county, city or town and shall grant or deny the petition in accordance with its affirmance or reversal.

10. Any party to the appeal before the Committee may appeal the decision of the Committee to grant or deny the petition to the district court. A party must file such an appeal not later than 20 days after the date of the decision of the Committee.

11. The Committee may take any action that is necessary to carry out the provisions of this section. Any action that is taken by the Committee pursuant to this section must be approved by a majority vote of the membership of the Committee.

12. As used in this section, "Committee" means the Review Panel of the Gaming Policy Committee which consists of the members of the Gaming Policy Committee who are identified in paragraphs (a), (b) and (c) of subsection 2 of NRS 463.021 and subparagraph (1) of paragraph (f) of subsection 2 of NRS 463.021."

Amend the bill as a whole by adding the text of the repealed section, following sec. 3, to read as follows:

"

TEXT OF REPEALED SECTION

463.3088 Gaming enterprise district: Procedure for appealing denial or grant of petition to designate location outside of Las Vegas Boulevard gaming corridor and rural Clark County gaming zone.

1. After a county, city or town makes a decision on a petition filed pursuant to NRS 463.3086:

(a) The petitioner may appeal to the Committee if the petition is denied; or
(b) An aggrieved party may appeal to the Committee if the petition is granted.

2. A notice of appeal must be filed with the Committee not later than 10 days after the date of the decision on the petition.

3. The Committee may hear only one appeal from the decision on the petition.

4. The Committee shall determine whether a person who files a notice of appeal is an aggrieved party. If more than one person files a notice of appeal, the Committee shall consolidate the appeals of all persons who the Committee determines are aggrieved parties.

5. If the petitioner files a notice of appeal, the county, city or town that denied the petition shall be deemed to be the opposing party, and the county, city or town may elect to defend its decision before the Committee.

6. If a notice of appeal is filed by the petitioner or an aggrieved party, the petitioner shall request the court reporter to prepare a transcript of the report of the hearing on the petition, and the petitioner shall pay the costs of preparing the transcript.

7. The Committee shall consider the appeal not later than 30 days after the date the notice of appeal is filed. The Committee may accept written briefs or hear oral arguments, or both. The Committee shall not receive additional evidence and shall confine its review to the record. In reviewing the record, the Committee may substitute its judgment for that of the county, city or town and may make its own determinations as to the sufficiency and weight of the evidence on all questions of fact or law.

8. The Committee shall issue its decision and written findings not later than 30 days after the appeal is heard or is submitted for consideration without oral argument. The Committee shall affirm or reverse the decision of the county, city or town and shall grant or deny the petition in accordance with its affirmance or reversal.

9. Any party to the appeal before the Committee may appeal the decision of the Committee to grant or deny the petition to the district court. A party must file such an appeal not later than 20 days after the date of the decision of the Committee.

10. The Committee may take any action that is necessary to carry out the provisions of this section. Any action that is taken by the Committee pursuant to this section must be approved by a majority vote of the membership of the Committee.

11. As used in this section, "Committee" means the Review Panel of the Gaming Policy Committee as provided in subsection 6 of NRS 463.021."

Amend the title of the bill, sixth line, after "location;" by inserting: "revising provisions governing the designation of gaming enterprise districts;"

Senator Care moved the adoption of the amendment.

Remarks by Senator Care.

Conflict of interest declared by Senator Raggio.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

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

Motion carried.

Senate in recess at 2:29 p.m.

SENATE IN SESSION

At 2:38 p.m.

President Hunt presiding.

Quorum present.

GENERAL FILE AND THIRD READING

Senate Bill No. 34.

Bill read third time.

Roll call on Senate Bill No. 34:

YEAS—21.

NAYS—None.

Senate Bill No. 34 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 463.

Bill read third time.

Roll call on Senate Bill No. 463:

YEAS—21.

NAYS—None.

Senate Bill No. 463 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 260.

Bill read third time.

The following amendment was proposed by Senator Mathews:

Amendment No. 1048.

Amend sec. 6, page 2, by deleting line 37.

Amend sec. 6, page 2, line 38, by deleting "(d)" and inserting "(c)".

Amend sec. 6, page 3, line 3, by deleting "(e)" and inserting "(d)".

Amend sec. 6, page 3, line 5, by deleting "(f)" and inserting "(e)".

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

Amend sec. 6, page 3, line 10, by deleting "(h)" and inserting "(g)".

Senator Mathews moved the adoption of the amendment.

Remarks by Senator Mathews.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 267.

Bill read third time.

Roll call on Assembly Bill No. 267:

YEAS—21.

NAYS—None.

Assembly Bill No. 267 having received a constitutional majority,
Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

UNFINISHED BUSINESS
CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 152.

The following Assembly amendment was read:

Amendment No. 720.

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 640.275 is hereby amended to read as follows:

640.275 1. The Board may issue, without examination, a temporary
license to practice as a physical therapist's assistant to a person who:

(a) Meets all of the other qualifications of NRS 640.230; and

(b) Certifies that he has been assigned to the State of Nevada on a
temporary basis to assist in a medical emergency.

2. The Board may charge a fee, not to exceed \$100, for the issuance of a
temporary license.

3. A student who is enrolled in a program to become a physical
therapist's assistant is not required to be licensed during his clinical training
if his work is performed under the direct supervision of a physical therapist.

4. *A person who has applied for licensure as a physical therapist's
assistant and who meets the qualifications set forth in NRS 640.230, except
subsection 5 thereof, is temporarily exempt from licensure and may practice*

as a physical therapist's assistant during the period of the temporary exemption if:

(a) The person has submitted a completed application for licensure for the first time and the application has been approved by the Board;

(b) The Board has approved the person to sit for the examination required pursuant to NRS 640.230;

(c) The person has not previously failed an examination for licensure as a physical therapist's assistant;

(d) The person practices as a physical therapist's assistant under the direct supervision of a supervising physical therapist and in accordance with the provisions of this chapter and the regulations of the Board; and

(e) The person complies with any other requirements of the Board to practice as a physical therapist's assistant during the period of the temporary exemption.

5. The temporary exemption authorized by subsection 4 begins on the date on which the Board notifies the person that he may practice as a physical therapist's assistant under the temporary exemption and continues until the date of the examination if the person does not take the examination or until the date on which the Board notifies the person of the results of the examination. During the period of the temporary exemption, the person:

(a) Shall not use as his title or professional credentials the words, letters or insignia "P.T.A." or "Physical Therapist's Assistant," or any other letters, words or insignia indicating or implying that he is a licensed physical therapist's assistant.

(b) Is subject to the regulatory and disciplinary authority of the Board to the same extent as a licensed physical therapist's assistant."

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

Amend the title of the bill by deleting the fifth line and inserting: "physical therapy or to practice as a physical therapist's assistant under a temporary exemption from".

Senator Townsend moved that the Senate concur in the Assembly amendment to Senate Bill No. 152.

Remarks by Senator Townsend.

Motion carried by a two-thirds majority.

Bill ordered enrolled.

Senate Bill No. 276.

The following Assembly amendment was read:

Amendment No. 721.

Amend sec. 11, page 3, line 1, after "(g)" by inserting: "Chiropractic Physicians' Board of Nevada.

(h)".

Amend sec. 11, page 3, line 2, by deleting "(h)" and inserting "(i)".

Amend sec. 11, page 3, line 3, by deleting "(i)" and inserting "(j)".

Amend sec. 11, page 3, line 4, by deleting "(j)" and inserting "(k)".

Amend sec. 11, page 3, line 6, by deleting "(k)" and inserting "(l)".

Amend sec. 11, page 3, line 7, by deleting "(l)" and inserting "(m)".

Amend sec. 11, page 3, line 9, by deleting "(m)" and inserting "(n)".

Amend sec. 11, page 3, line 12, by deleting "(n)" and inserting "(o)".

Amend the bill as a whole by deleting sections 112 through 119 and adding:

"Secs. 112-119. (Deleted by amendment.)".

Amend sec. 240, page 88, line 17, by deleting "634.193, 634.214,".

Amend the leadlines of repealed sections by deleting the leadlines of NRS 634.193 and 634.214.

Senator Townsend moved that the Senate concur in the Assembly amendment to Senate Bill No. 276.

Remarks by Senator Townsend.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 381.

The following Assembly amendment was read:

Amendment No. 761.

Amend section 1, page 1, by deleting line 5 and inserting: "*design, approval or modification of manufactured homes, mobile homes or commercial coaches.*".

Amend section 1, page 1, line 12, after "*permit*;" by inserting "*and*".

Amend section 1, page 1, line 14, by deleting "*permits; and*" and inserting "*permits.*".

Amend section 1, page 2, by deleting lines 1 and 2.

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

"Sec. 2. NRS 489.287 is hereby amended to read as follows:

489.287 1. Except as otherwise provided in subsection 2, a city or county building department ~~[shall]~~ *may, with the written approval of the Division, enforce all regulations adopted pursuant to this chapter and make all inspections within its jurisdiction required by those regulations regarding the installation and tie down of manufactured homes, mobile homes or commercial coaches. Those inspections must be conducted in compliance with the provisions of this chapter and the regulations adopted pursuant to this chapter.*

2. If a city or county building department fails to enforce the regulations adopted pursuant to this chapter or make the inspections required by subsection 1, the Division shall enforce those regulations and make the inspections in that jurisdiction, and may, at no cost to the local governing body, engage an independent contractor to perform any inspection.

Sec. 3. NRS 489.311 is hereby amended to read as follows:

489.311 1. Except as *otherwise* provided by NRS 489.331, no person may engage in the business of a dealer, manufacturer, rebuilder, serviceman or installer in this State, or be entitled to any other license or permit required by this chapter, until he has applied for and has been issued a license by the Division.

2. *For the purposes of this section, a person engages in the business of a dealer, manufacturer, rebuilder, serviceman or installer in this State if he, without limitation, submits a bid to perform any activity requiring a license pursuant to this section.*

Sec. 4. This act becomes effective upon passage and approval for the purpose of adopting regulations and on July 1, 2005, for all other purposes."

Amend the title of the bill by deleting the fifth and sixth lines and inserting: "relating to manufactured homes, mobile homes or commercial coaches; requiring that a city or county building department have the written approval of the Division before enforcing regulations and making inspections regarding the installation and tie down of certain structures; and".

Amend the summary of the bill to read as follows:

"SUMMARY—Revises provisions relating to manufactured homes, mobile homes and commercial coaches. (BDR 43-1325)".

Senator Townsend moved that the Senate concur in the Assembly amendment to Senate Bill No. 381.

Remarks by Senator Townsend.

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

I want to specifically clarify the amendment relating to the authority of the Manufactured Housing Division to charge fees for the permitting system allowed by this legislation. So that there is no question, a determination was made that the language removed from the original bill that had provided explicit authority for the Division to impose fees relating to a permit system was not necessary as the Division already has statutory authority to impose fees relating to the services it provides. Thus, this is to clarify we did not want our action in amending and passing this legislation to be construed as legislative intent to prohibit the Division from imposing such fees.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 226.

The following Assembly amendment was read:

Amendment No. 705.

Amend sec. 2, page 3, by deleting lines 31 and 32 and inserting:

"2. *The provisions of subsection 1 apply only to treatment or other services provided by the*".

Amend sec. 2, page 3, by deleting lines 38 through 41.

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

"Sec. 6. Sections 1, 2, 3 and 4 of Senate Bill No. 121 of this session are hereby repealed."

Amend the bill as a whole by adding the text of the repealed sections, following sec. 6, to read as follows:

"

TEXT OF REPEALED SECTIONS

Section 1. NRS 616C.135 is hereby amended to read as follows:

616C.135 1. A provider of health care who accepts a patient as a referral for the treatment of an industrial injury or an occupational disease may not charge the patient for any treatment related to the industrial injury or occupational disease, but must charge the insurer. The provider of health care may charge the patient for any services that are not related to the employee's industrial injury or occupational disease.

2. The insurer is liable for the charges for approved services related to the industrial injury or occupational disease if the charges do not exceed:

(a) The fees established in accordance with NRS 616C.260 or the usual fee charged by that person or institution, whichever is less; and

(b) The charges provided for by the contract between the provider of health care and the insurer or the contract between the provider of health care and the organization for managed care.

3. A provider of health care may accept payment from an injured employee who is paying in protest *or from a health or casualty insurer paying on behalf of the injured employee* pursuant to NRS 616C.138 for treatment or other services that the injured employee alleges are related to the industrial injury or occupational disease.

4. If a provider of health care, an organization for managed care, an insurer or an employer violates the provisions of this section, the Administrator shall impose an administrative fine of not more than \$250 for each violation.

Sec. 2. NRS 616C.138 is hereby amended to read as follows:

616C.138 1. If:

~~{1-}~~ (a) An insurer, an organization for managed care, a third-party administrator or an employer who provides accident benefits for injured employees pursuant to NRS 616C.265 denies authorization or responsibility for payment for treatment or other services provided by a provider of health care that the injured employee alleges are related to an industrial injury or occupational disease;

~~{2-}~~ (b) The injured employee pays in protest for the treatment or other services ~~}; and~~

~~3-}~~ *or a health or casualty insurer pays for the treatment or other services on behalf of the injured employee; and*

(c) A hearing officer or appeals officer ultimately determines that the treatment or other services should have been covered, or the insurer, organization for managed care, third-party administrator or employer who provides accident benefits subsequently accepts responsibility for payment,
 ➡ the hearing officer or appeals officer shall order the insurer, organization for managed care, third-party administrator or employer who provides

accident benefits to pay to the ~~[provider of health care]~~ injured employee or the health or casualty insurer the amount which the injured employee or the health or casualty insurer paid that is allowed for the treatment or other services set forth in the schedule of fees and charges established pursuant to NRS 616C.260 or, if the insurer has contracted with an organization for managed care or with providers of health care pursuant to NRS 616B.527, the amount that is allowed for the treatment or other services under that contract.

2. *If the injured employee or the health or casualty insurer paid the provider of health care any amount in excess of the amount that the provider would have been entitled to be paid pursuant to subsection 1, the injured employee or the health or casualty insurer is entitled to recover the excess amount from the provider.* Within 30 days after receiving ~~[the payment,]~~ notice of such an excess amount, the provider of health care shall reimburse the injured employee or the health or casualty insurer for the excess amount . ~~[paid in protest by him.]~~

3. *As used in this section:*

(a) "Casualty insurer" means an insurer or other organization providing coverage or benefits under a policy or contract of casualty insurance in the manner described in subsection 2 of NRS 681A.020.

(b) "Health insurer" means an insurer or other organization providing health coverage or benefits in accordance with state or federal law.

Sec. 3. NRS 616C.330 is hereby amended to read as follows:

616C.330 1. The hearing officer shall:

(a) Except as otherwise provided in subsection 2 of NRS 616C.315, within 5 days after receiving a request for a hearing, set the hearing for a date and time within 30 days after his receipt of the request at a place in Carson City, Nevada, or Las Vegas, Nevada, or upon agreement of one or more of the parties to pay all additional costs directly related to an alternative location, at any other place of convenience to the parties, at the discretion of the hearing officer;

(b) Give notice by mail or by personal service to all interested parties to the hearing at least 15 days before the date and time scheduled; and

(c) Conduct hearings expeditiously and informally.

2. The notice must include a statement that the injured employee may be represented by a private attorney or seek assistance and advice from the Nevada Attorney for Injured Workers.

3. If necessary to resolve a medical question concerning an injured employee's condition or to determine the necessity of treatment for which authorization for payment has been denied, the hearing officer may refer the employee to a physician or chiropractor of his choice who has demonstrated special competence to treat the particular medical condition of the employee. If the medical question concerns the rating of a permanent disability, the hearing officer may refer the employee to a rating physician or chiropractor. The rating physician or chiropractor must be selected in rotation from the list

of qualified physicians and chiropractors maintained by the Administrator pursuant to subsection 2 of NRS 616C.490, unless the insurer and injured employee otherwise agree to a rating physician or chiropractor. The insurer shall pay the costs of any medical examination requested by the hearing officer.

4. If an injured employee has requested payment for the cost of obtaining a second determination of his percentage of disability pursuant to NRS 616C.100, the hearing officer shall decide whether the determination of the higher percentage of disability made pursuant to NRS 616C.100 is appropriate and, if so, may order the insurer to pay to the employee an amount equal to the maximum allowable fee established by the Administrator pursuant to NRS 616C.260 for the type of service performed, or the usual fee of that physician or chiropractor for such service, whichever is less.

5. The hearing officer shall order an insurer, organization for managed care or employer who provides accident benefits for injured employees pursuant to NRS 616C.265 to pay *to the appropriate person* the charges of a provider of health care if the conditions of NRS 616C.138 are satisfied.

6. The hearing officer may allow or forbid the presence of a court reporter and the use of a tape recorder in a hearing.

7. The hearing officer shall render his decision within 15 days after:

(a) The hearing; or

(b) He receives a copy of the report from the medical examination he requested.

8. The hearing officer shall render his decision in the most efficient format developed by the Chief of the Hearings Division of the Department of Administration.

9. The hearing officer shall give notice of his decision to each party by mail. He shall include with the notice of his decision the necessary forms for appealing from the decision.

10. Except as otherwise provided in NRS 616C.380, the decision of the hearing officer is not stayed if an appeal from that decision is taken unless an application for a stay is submitted by a party. If such an application is submitted, the decision is automatically stayed until a determination is made on the application. A determination on the application must be made within 30 days after the filing of the application. If, after reviewing the application, a stay is not granted by the hearing officer or an appeals officer, the decision must be complied with within 10 days after the refusal to grant a stay.

Sec. 4. NRS 616C.360 is hereby amended to read as follows:

616C.360 1. A stenographic or electronic record must be kept of the hearing before the appeals officer and the rules of evidence applicable to contested cases under chapter 233B of NRS apply to the hearing.

2. The appeals officer must hear any matter raised before him on its merits, including new evidence bearing on the matter.

3. If there is a medical question or dispute concerning an injured employee's condition or concerning the necessity of treatment for which authorization for payment has been denied, the appeals officer may:

(a) Refer the employee to a physician or chiropractor of his choice who has demonstrated special competence to treat the particular medical condition of the employee. If the medical question concerns the rating of a permanent disability, the appeals officer may refer the employee to a rating physician or chiropractor. The rating physician or chiropractor must be selected in rotation from the list of qualified physicians or chiropractors maintained by the Administrator pursuant to subsection 2 of NRS 616C.490, unless the insurer and the injured employee otherwise agree to a rating physician or chiropractor. The insurer shall pay the costs of any examination requested by the appeals officer.

(b) If the medical question or dispute is relevant to an issue involved in the matter before the appeals officer and all parties agree to the submission of the matter to an external review organization, submit the matter to an external review organization in accordance with NRS 616C.363 and any regulations adopted by the Commissioner.

4. If an injured employee has requested payment for the cost of obtaining a second determination of his percentage of disability pursuant to NRS 616C.100, the appeals officer shall decide whether the determination of the higher percentage of disability made pursuant to NRS 616C.100 is appropriate and, if so, may order the insurer to pay to the employee an amount equal to the maximum allowable fee established by the Administrator pursuant to NRS 616C.260 for the type of service performed, or the usual fee of that physician or chiropractor for such service, whichever is less.

5. The appeals officer shall order an insurer, organization for managed care or employer who provides accident benefits for injured employees pursuant to NRS 616C.265 to pay *to the appropriate person* the charges of a provider of health care if the conditions of NRS 616C.138 are satisfied.

6. Any party to the appeal or the appeals officer may order a transcript of the record of the hearing at any time before the seventh day after the hearing. The transcript must be filed within 30 days after the date of the order unless the appeals officer otherwise orders.

7. The appeals officer shall render his decision:

(a) If a transcript is ordered within 7 days after the hearing, within 30 days after the transcript is filed; or

(b) If a transcript has not been ordered, within 30 days after the date of the hearing.

8. The appeals officer may affirm, modify or reverse any decision made by the hearing officer and issue any necessary and proper order to give effect to his decision."

Senator Townsend moved that the Senate do not concur in the Assembly amendment to Senate Bill No. 226.

Remarks by Senator Townsend.

Motion carried.

Bill ordered transmitted to the Assembly.

REPORTS OF COMMITTEES

Madam President:

Your Committee on Finance, to which was referred Senate Bill No. 517, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

WILLIAM J. RAGGIO, *Chair*

Madam President:

Your Committee on Legislative Operations and Elections, to which were referred Assembly Bills Nos. 345, 415, 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*

MOTIONS, RESOLUTIONS AND NOTICES

Senator Washington moved that Assembly Bills Nos. 162, 168, 180 be taken from the Secretary's desk and placed on the bottom of the General File on the third agenda.

Remarks by Senator Washington.

Motion carried.

Senator Raggio moved that the Senate recess until 5 p.m.

Motion carried.

Senate in recess at 2:50 p.m.

SENATE IN SESSION

At 6:24 p.m.

President pro Tempore Amodei presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. President pro Tempore:

Your Committee on Legislative Operations and Elections, to which were referred Assembly Bills Nos. 455, 538, 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*

SECOND READING AND AMENDMENT

Assembly Bill No. 52.

Bill read second time.

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

Amendment No. 1037.

Amend sec. 2, page 2, by deleting lines 21 and 22 and inserting:

"(c) *He submits to the Department, on a form provided by the Department, a log which contains the dates and times of the 50 hours of supervised experience required pursuant to paragraph (b) and which is signed.*".

Amend sec. 2, page 3, line 12, by deleting "*paragraph, complete*" and inserting: "*paragraph*:"

(a) *Complete*".

Amend sec. 2, page 3, line 14, by deleting "I." and inserting: "I; and

(b) *Submit to the Department, on a form provided by the Department, a log which contains the dates and times of the additional 50 hours of supervised experience required pursuant to this subsection and which is signed:*

(1) *By his parent or legal guardian; or*

(2) *If the person applying for the driver's license is an emancipated minor, by a licensed driver who is at least 21 years of age or by a licensed driving instructor,*

➡ *who attests that the person applying for the driver's license has completed the additional 50 hours of supervised experience required pursuant to this subsection."*

Amend sec. 3, page 3, line 17, by deleting: "more than one" and inserting "a".

Amend sec. 3, page 3, line 20, by deleting "two or".

Amend sec. 3, page 3, by deleting lines 21 through 28 and inserting: "a person who is under 18 years of age is a passenger if:

(a) *The passenger is a member of the immediate family of the person; or*

(b) *The person operating the motor vehicle has held the driver's license for not less than 3 months."*

Amend sec. 4, page 3, by deleting lines 38 through 42 and inserting:

"person provides satisfactory evidence to the peace officer that the person has held the driver's license for not less than 3 months."

Senator Heck moved the adoption of the amendment.

Remarks by Senators Heck, Nolan and Beers.

Amendment adopted.

The following amendment was proposed by Senator Cegavske:

Amendment No. 1082.

Amend the bill as a whole by deleting sections 2 through 4 and adding new sections designated sections 2 through 4, following section 1, to read as follows:

"Sec. 2. 1. *The Department may issue a driver's license to a person who is 16 or 17 years of age if:*

(a) *Except as otherwise provided in subsection 2, he has completed:*

(1) *A course in automobile driver education pursuant to NRS 389.090;*

or

(2) *A course provided by a school for training drivers which is licensed pursuant to NRS 483.700 to 483.780, inclusive, and which complies with the applicable regulations governing the establishment, conduct and scope of automobile driver education adopted by the State Board of Education pursuant to NRS 389.090;*

(b) *He has at least 50 hours of supervised experience in driving a motor vehicle with a restricted license, instruction permit or restricted instruction permit issued pursuant to NRS 483.267, 483.270 or 483.280, including,*

without limitation, at least 10 hours of experience in driving a motor vehicle during darkness;

(c) He submits to the Department, on a form provided by the Department, a log which contains the dates and times of the 50 hours of supervised experience required pursuant to paragraph (b) and which is signed:

(1) By his parent or legal guardian; or

(2) If the person applying for the driver's license is an emancipated minor, by a licensed driver who is at least 21 years of age or by a licensed driving instructor,

➤ who attests that the person applying for the driver's license has completed the training and experience required pursuant to paragraphs (a) and (b);

(d) He has not been found to be responsible for a motor vehicle accident during the 6 months before he applies for the driver's license;

(e) He has not been convicted of a moving traffic violation or a crime involving alcohol or a controlled substance during the 6 months before he applies for the driver's license; and

(f) He has held an instruction permit for not less than 6 months before he applies for the driver's license.

2. A person who is 16 or 17 years of age and who:

(a) Resides in a county whose population is less than 50,000 or in a city or town whose population is less than 25,000; and

(b) Is not enrolled in a school or is enrolled in a school that does not offer automobile driver education,

➤ is not required to complete a course as required pursuant to paragraph (a) of subsection 1.

Sec. 3. 1. Except as otherwise provided in subsection 2, a person to whom a driver's license is issued pursuant to section 2 of this act shall not, during the first 6 months after the date on which the driver's license is issued, transport as a passenger a person who is under 18 years of age.

2. A person to whom a driver's license is issued pursuant to section 2 of this act may transport as a passenger a member of his immediate family, regardless of the age of the family member.

Sec. 4. 1. A peace officer shall not stop a motor vehicle for the sole purpose of determining whether the driver is violating a provision of section 3 of this act. Except as otherwise provided in subsection 2, a citation may be issued for a violation of section 3 of this act only if the violation is discovered when the vehicle is halted or its driver is arrested for another alleged violation or offense.

2. A peace officer shall not issue a citation to a person for operating a motor vehicle in violation of section 3 of this act if the person provides satisfactory evidence to the peace officer that the person has held the driver's license for not less than 6 months.

3. A violation of section 3 of this act:

(a) Is not a moving traffic violation for the purposes of NRS 483.473; and

(b) Is not grounds for suspension or revocation of the driver's license for the purposes of NRS 483.360."

Amend the bill as a whole by deleting sec. 10 and renumbering sections 11 through 13 as sections 10 through 12.

Senator Cegavske moved the adoption of the amendment.

Remarks by Senators Cegavske, Nolan and Carlton.

Amendment adopted

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 128.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 806.

Amend sec. 3, page 5, line 7, by deleting "An" and inserting: "*A telephone number and Internet website at which a person may obtain an*".

Senator McGinness moved the adoption of the amendment.

Remarks by Senator McGinness.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

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

Remarks by Senator Tiffany.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 195.

Bill read second time.

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

Amendment No. 926.

Amend sec. 3, page 4, by deleting lines 36 through 38 and inserting: "*Federal Food and Drug Administration*;"

Senator Heck moved the adoption of the amendment.

Remarks by Senator Heck.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 208.

Bill read second time.

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

Amendment No. 925.

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

"Section 1. Chapter 630 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. *In addition to any other requirements set forth in this chapter, each applicant for a license to practice medicine shall submit to the Board a complete set of his fingerprints and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.*

Sec. 3. 1. *Any physician against whom the Board initiates disciplinary action pursuant to this chapter shall, within 30 days after the physician's receipt of notification of the initiation of the disciplinary action, submit to the Board a complete set of his fingerprints and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.*

2. *The willful failure of a physician to comply with the requirements of subsection 1 constitutes additional grounds for disciplinary action and the revocation of the license of the physician.*

3. *The Board has additional grounds for initiating disciplinary action against a physician if the report from the Federal Bureau of Investigation indicates that the physician has been convicted of:*

(a) *An act that is a ground for disciplinary action pursuant to NRS 630.301 to 630.3066, inclusive; or*

(b) *A violation of NRS 630.400."*

Amend sec. 2, page 3, line 24, by deleting "national" and inserting "[national]".

Amend sec. 2, page 3, line 25, by deleting "regulation." and inserting: "regulation [–] based on a national code of ethics."

Amend the bill as a whole by renumbering sections 3 and 4 as sections 14 and 15 and adding new sections designated sections 5 through 13, following sec. 2, to read as follows:

"Sec. 5. Chapter 630A of NRS is hereby amended by adding thereto the provisions set forth as sections 6 to 10, inclusive, of this act.

Sec. 6. 1. *The Nevada Institutional Review Board is hereby created.*

2. *The Nevada Institutional Review Board shall be under the supervision of the Board of Homeopathic Medical Examiners.*

3. *The Nevada Institutional Review Board consists of seven members as follows:*

(a) *One person, who may be a member of the Board of Homeopathic Medical Examiners, appointed by the Board of Homeopathic Medical Examiners;*

(b) One person, who may be a member of the Board of Medical Examiners, appointed by the Board of Medical Examiners;

(c) One person, who may be a member of the Board of Osteopathic Medical Examiners, appointed by the Board of Osteopathic Medical Examiners;

(d) One person, who may be a member of the State Board of Pharmacy, appointed by the State Board of Pharmacy; and

(e) Three residents of Nevada appointed by the Board of Homeopathic Medical Examiners.

4. The Board of Homeopathic Medical Examiners shall appoint three residents of Nevada to serve as alternates to the Nevada Institutional Review Board. If there is a vacancy, either permanent or temporary, on the Nevada Institutional Review Board, the Board of Homeopathic Medical Examiners shall appoint one of the alternates to fill the vacancy.

5. The members of the Nevada Institutional Review Board are entitled to receive, out of the money coming into the possession of the Nevada Institutional Review Board, a salary and per diem allowance and travel expenses, as fixed by the Nevada Institutional Review Board.

6. Four members of the Nevada Institutional Review Board constitute a quorum. A quorum may exercise all the power and authority conferred on the Nevada Institutional Review Board.

Sec. 7. Before entering upon the duties of his office, each member of the Nevada Institutional Review Board shall take:

1. The constitutional oath or affirmation of office; and

2. An oath or affirmation that he is legally qualified to serve on the Nevada Institutional Review Board.

Sec. 8. 1. The Nevada Institutional Review Board shall:

(a) Assist the Board of Homeopathic Medical Examiners in:

(1) Protecting the public by exercising control of research studies using devices, therapies and substances regulated by the Board;

(2) Evaluating, determining and acting upon the safety, efficacy, reimbursement and availability of diagnostic devices, substances, other modalities, therapies and methods of treatment used in such research studies; and

(3) Analyzing, coordinating and integrating the diagnostic techniques and treatments related to complementary integrative medicine with the diagnostic techniques and treatments of other healthcare practices;

(b) Oversee, review and control any research studies submitted to the Nevada Institutional Review Board which involve complementary integrative medicine and the use of human research subjects and any related issues, including, without limitation:

(1) The qualifications required for conducting such research studies;

(2) The proper clinical outcome to be attributed to such research studies; and

(3) *The safety, efficacy, reimbursement and availability of diagnostic devices, substances, other modalities, therapies and methods of treatment used in such research studies;*

(c) *Evaluate:*

(1) *The social and economic impact of submitted research studies; and*

(2) *The relationship between complementary integrative medicine and other healthcare practices;*

(d) *Keep a record of all transactions and provide the Board of Homeopathic Medical Examiners with periodic reports of all transactions; and*

(e) *Be accountable to the Board of Homeopathic Medical Examiners for all the activities of the Nevada Institutional Review Board and make any reports or recommendations to the Board of Homeopathic Medical Examiners as the Board of Homeopathic Medical Examiners requires.*

2. *The Nevada Institutional Review Board may adopt such regulations as are necessary to carry out the provisions of sections 6 to 10, inclusive, of this act. All regulations adopted by the Nevada Institutional Review Board must be approved by the Board of Homeopathic Medical Examiners.*

Sec. 9. 1. *All money received by the Nevada Institutional Review Board must be deposited in financial institutions in this State that are federally insured or insured by a private insurer approved pursuant to NRS 678.755. The money must be kept separate from any money to be used by or for the Board of Homeopathic Medical Examiners.*

2. *The deposited money must only be used to carry out the activities of the Nevada Institutional Review Board and to pay the expenses incurred by the Nevada Institutional Review Board in the discharge of its duties.*

Sec. 10. 1. *The Nevada Institutional Review Board may be funded by:*

(a) *A nonprofit organization, created by the Board of Homeopathic Medical Examiners, which is exempt from taxation pursuant to 26 U.S.C. § 501(c)(3); and*

(b) *Grants, gifts, appropriations or donations to assist the Nevada Institutional Review Board in carrying out its duties pursuant to the provisions of sections 6 to 10, inclusive, of this act.*

2. *Any money received by the Nevada Institutional Review Board must be placed with the financial institutions described in section 9 of this act.*

Sec. 11. NRS 630A.090 is hereby amended to read as follows:

630A.090 1. *This Except as otherwise provided in section 8 of this act and NRS 630A.155, this chapter does not apply to:*

(a) *The practice of dentistry, chiropractic, Oriental medicine, podiatry, optometry, respiratory care, faith or Christian Science healing, nursing, veterinary medicine or fitting hearing aids.*

(b) *A medical officer of the Armed Services or a medical officer of any division or department of the United States in the discharge of his official duties.*

(c) *Licensed or certified nurses in the discharge of their duties as nurses.*

(d) Homeopathic physicians who are called into this State, other than on a regular basis, for consultation or assistance to any physician licensed in this State, and who are legally qualified to practice in the state or country where they reside.

2. This chapter does not repeal or affect any statute of Nevada regulating or affecting any other healing art.

3. This chapter does not prohibit:

(a) Gratuitous services of a person in case of emergency.

(b) The domestic administration of family remedies.

4. This chapter does not authorize a homeopathic physician to practice medicine, including allopathic medicine, except as otherwise provided in NRS 630A.040.

Sec. 12. NRS 630A.155 is hereby amended to read as follows:

630A.155 The Board shall:

1. Regulate the practice of homeopathic medicine in this State and any activities that are within the scope of such practice, to protect the public health and safety and the general welfare of the people of this State.

2. Determine the qualifications of, and examine, applicants for licensure or certification pursuant to this chapter, and specify by regulation the methods to be used to check the background of such applicants.

3. License or certify those applicants it finds to be qualified.

4. Investigate, hear and decide all complaints made against any homeopathic physician, advanced practitioner of homeopathy, homeopathic assistant or any agent or employee of any of them, or any facility where the primary practice is homeopathic medicine. ~~[If a complaint concerns a practice which is within the jurisdiction of another licensing board, including, without limitation, spinal manipulation, surgery, nursing or allopathic medicine, the Board shall refer the complaint to the other licensing board.]~~

5. *Supervise the Nevada Institutional Review Board created pursuant to section 6 of this act, including, without limitation, approving or denying the regulations adopted by the Nevada Institutional Review Board.*

6. *Make recommendations to the Legislature concerning the enactment of legislation relating to complementary integrative medicine, including, without limitation, homeopathic medicine.*

Sec. 13. Chapter 633 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *Any osteopathic physician against whom the Board initiates disciplinary action pursuant to this chapter shall, within 30 days after the osteopathic physician's receipt of notification of the initiation of the disciplinary action, submit to the Board a complete set of his fingerprints and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.*

2. *The willful failure of an osteopathic physician to comply with the requirements of subsection 1 constitutes additional grounds for disciplinary action and the revocation of the license of the osteopathic physician.*

3. *The Board has additional grounds for initiating disciplinary action against an osteopathic physician if the report from the Federal Bureau of Investigation indicates that the osteopathic physician has been convicted of:*

(a) An act that is a ground for disciplinary action pursuant to NRS 633.511; or

(b) A felony set forth in NRS 633.741."

Amend the bill as a whole by deleting sections 5 and 6 and adding new sections designated sections 16 through 18, following sec. 4, to read as follows:

"Sec. 16. NRS 179A.100 is hereby amended to read as follows:

179A.100 1. The following records of criminal history may be disseminated by an agency of criminal justice without any restriction pursuant to this chapter:

(a) Any which reflect records of conviction only; and

(b) Any which pertain to an incident for which a person is currently within the system of criminal justice, including parole or probation.

2. Without any restriction pursuant to this chapter, a record of criminal history or the absence of such a record may be:

(a) Disclosed among agencies which maintain a system for the mutual exchange of criminal records.

(b) Furnished by one agency to another to administer the system of criminal justice, including the furnishing of information by a police department to a district attorney.

(c) Reported to the Central Repository.

3. An agency of criminal justice shall disseminate to a prospective employer, upon request, records of criminal history concerning a prospective employee or volunteer which:

(a) Reflect convictions only; or

(b) Pertain to an incident for which the prospective employee or volunteer is currently within the system of criminal justice, including parole or probation.

4. In addition to any other information to which an employer is entitled or authorized to receive, the Central Repository shall disseminate to a prospective or current employer the information described in subsection 4 of NRS 179A.190 concerning an employee, prospective employee, volunteer or prospective volunteer who gives his written consent to the release of that information if the employer submits a request in the manner set forth in NRS 179A.200 for obtaining a notice of information. The Central Repository shall search for and disseminate such information in the manner set forth in NRS 179A.210 for the dissemination of a notice of information. Except as otherwise provided in this subsection, the provisions of NRS 179A.180 to

179A.240, inclusive, do not apply to an employer who requests information and to whom information is disseminated pursuant to this subsection.

5. Records of criminal history must be disseminated by an agency of criminal justice , upon request, to the following persons or governmental entities:

(a) The person who is the subject of the record of criminal history for the purposes of NRS 179A.150.

(b) The person who is the subject of the record of criminal history or his attorney of record when the subject is a party in a judicial, administrative, licensing, disciplinary or other proceeding to which the information is relevant.

(c) The State Gaming Control Board.

(d) The State Board of Nursing.

(e) The Private Investigator's Licensing Board to investigate an applicant for a license.

(f) A public administrator to carry out his duties as prescribed in chapter 253 of NRS.

(g) A public guardian to investigate a ward or proposed ward or persons who may have knowledge of assets belonging to a ward or proposed ward.

(h) Any agency of criminal justice of the United States or of another state or the District of Columbia.

(i) Any public utility subject to the jurisdiction of the Public Utilities Commission of Nevada when the information is necessary to conduct a security investigation of an employee or prospective employee, or to protect the public health, safety or welfare.

(j) Persons and agencies authorized by statute, ordinance, executive order, court rule, court decision or court order as construed by appropriate state or local officers or agencies.

(k) Any person or governmental entity which has entered into a contract to provide services to an agency of criminal justice relating to the administration of criminal justice, if authorized by the contract, and if the contract also specifies that the information will be used only for stated purposes and that it will be otherwise confidential in accordance with state and federal law and regulation.

(l) Any reporter for the electronic or printed media in his professional capacity for communication to the public.

(m) Prospective employers if the person who is the subject of the information has given written consent to the release of that information by the agency which maintains it.

(n) For the express purpose of research, evaluative or statistical programs pursuant to an agreement with an agency of criminal justice.

(o) An agency which provides child welfare services, as defined in NRS 432B.030.

(p) The Welfare Division of the Department of Human Resources or its designated representative.

(q) An agency of this or any other state or the Federal Government that is conducting activities pursuant to Part D of Subchapter IV of Chapter 7 of Title 42 of the Social Security Act, 42 U.S.C. §§ 651 et seq.

(r) The State Disaster Identification Team of the Division of Emergency Management of the Department.

(s) The Commissioner of Insurance.

(t) *The Board of Medical Examiners.*

(u) *The State Board of Osteopathic Medicine.*

6. Agencies of criminal justice in this State which receive information from sources outside this State concerning transactions involving criminal justice which occur outside Nevada shall treat the information as confidentially as is required by the provisions of this chapter.

Sec. 17. 1. As soon as practicable after the effective date of this act, the Boards responsible for the appointment of members to the Nevada Institutional Review Board shall make their initial appointments to the Nevada Institutional Review Board.

2. The Nevada Institutional Review Board shall adopt regulations pursuant to section 8 of this act on or before October 1, 2005.

Sec. 18. 1. This section and section 17 of this act become effective upon passage and approval.

2. Sections 1 to 16, inclusive, of this act become effective on July 1, 2005."

Amend the title of the bill to read as follows:

"AN ACT relating to medical professions; requiring an applicant for a license to practice medicine to submit to a criminal background check; requiring physicians and osteopathic physicians against whom disciplinary action is initiated to submit to criminal background checks; expanding the grounds for initiating disciplinary action against physicians and osteopathic physicians; requiring, upon request, an agency of criminal justice to disseminate records of criminal history to the Board of Medical Examiners and the State Board of Osteopathic Medicine; creating the Nevada Institutional Review Board and defining its powers and duties; removing the requirement that the Board of Homeopathic Medical Examiners refer complaints within the jurisdiction of other boards to those boards; requiring the Board of Homeopathic Medical Examiners to make recommendations to the Legislature regarding complementary integrative medicine; and providing other matters properly relating thereto."

Amend the summary of the bill to read as follows:

"SUMMARY—Makes various changes relating to physicians and medical research. (BDR 54-1108)".

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. 239.

Bill read second time.

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

Amendment No. 951.

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

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

"Sec. 4. 1. *The Department may adopt regulations establishing a program for the imprinting of a symbol or other indicator of a medical condition on a driver's license or identification card issued by the Department.*

2. *Regulations adopted pursuant to subsection 1 must require the symbol or other indicator of a medical condition which is imprinted on a driver's license or identification card to conform with the International Classification of Diseases, Ninth Revision, Clinical Modification, or the most current revision, adopted by the National Center for Health Statistics and the Centers for Medicare and Medicaid Services.*

3. *The Department and its employees or representatives are not liable in a civil action or subject to prosecution in a criminal proceeding as a result of a symbol or other indicator of a medical condition being imprinted on or for the failure to imprint a driver's license or identification card pursuant to regulations adopted pursuant to this section.*

4. *A hospital, physician, local health officer, technician or other person is not liable in a civil action or subject to prosecution in a criminal proceeding for any act taken in good faith with regard to a symbol or other indicator of a medical condition imprinted on a driver's license or identification card pursuant to regulations adopted pursuant to this section.*

5. *The Department may apply for and accept any gift, grant, appropriation or other donation to assist in carrying out a program established pursuant to the provisions of this section."*

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

Amend the bill as a whole by renumbering sections 5 and 6 as sections 10 and 11 and adding new sections designated sections 6 through 9, following sec. 4, to read as follows:

"Sec. 6. NRS 483.340 is hereby amended to read as follows:

483.340 1. The Department shall, upon payment of the required fee, issue to every qualified applicant a driver's license indicating the type or class of vehicles the licensee may drive. The license must bear a unique number assigned to the licensee pursuant to NRS 483.345, the licensee's social security number, if he has one, unless he requests that it not appear on the license, the name, date of birth, mailing address and a brief description of the licensee, and a space upon which the licensee shall write his usual

signature in ink immediately upon receipt of the license. A license is not valid until it has been so signed by the licensee.

2. The Department may issue a driver's license for purposes of identification only for use by officers of local police and sheriffs' departments, agents of the Investigation Division of the Department of Public Safety while engaged in special undercover investigations relating to narcotics or prostitution or for other undercover investigations requiring the establishment of a fictitious identity, federal agents while engaged in undercover investigations, investigators employed by the Attorney General while engaged in undercover investigations and agents of the State Gaming Control Board while engaged in investigations pursuant to NRS 463.140. An application for such a license must be made through the head of the police or sheriff's department, the Chief of the Investigation Division of the Department of Public Safety, the director of the appropriate federal agency, the Attorney General or the Chairman of the State Gaming Control Board. Such a license is exempt from the fees required by NRS 483.410. The Department, by regulation, shall provide for the cancellation of any such driver's license upon the completion of the special investigation for which it was issued.

3. Information pertaining to the issuance of a driver's license pursuant to subsection 2 is confidential.

4. It is unlawful for any person to use a driver's license issued pursuant to subsection 2 for any purpose other than the special investigation for which it was issued.

5. At the time of the issuance or renewal of the driver's license, the Department shall:

(a) Give the holder the opportunity to have indicated on his driver's license that he wishes to be a donor of all or part of his body pursuant to NRS 451.500 to 451.590, inclusive, or to refuse to make an anatomical gift of his body or part of his body;

(b) Give the holder the opportunity to have indicated whether he wishes to donate \$1 or more to the Anatomical Gift Account created by NRS 460.150; ~~and~~

(c) Provide to each holder who is interested in becoming a donor information relating to anatomical gifts, including the procedure for registration as a donor with The Living Bank International or its successor organization ~~[-]~~; and

(d) *If the Department has established a program for imprinting a symbol or other indicator of a medical condition on a driver's license pursuant section 4 of this act, give the holder the opportunity to have a symbol or other indicator of a medical condition imprinted on his driver's license.*

6. If the holder wishes to make a donation to the Anatomical Gift Account, the Department shall collect the donation and deposit the money collected in the State Treasury for credit to the Anatomical Gift Account.

7. The Department shall submit to The Living Bank International, or its successor organization, information from the records of the Department relating to persons who have drivers' licenses that indicate the intention of those persons to make an anatomical gift. The Department shall adopt regulations to carry out the provisions of this subsection.

Sec. 7. NRS 483.410 is hereby amended to read as follows:

483.410 1. Except as otherwise provided in subsection 6, for every driver's license, including a motorcycle driver's license, issued and service performed, the following fees must be charged:

A license issued to a person 65 years of age or older	\$14
An original license issued to any other person.....	19
A renewal license issued to any other person	19
Reinstatement of a license after suspension, revocation or cancellation, except a revocation for a violation of NRS 484.379 or 484.3795 or pursuant to NRS 484.384 and 484.385	40
Reinstatement of a license after revocation for a violation of NRS 484.379 or 484.3795 or pursuant to NRS 484.384 and 484.385	65
A new photograph, change of name, change of other information, except address, or any combination	5
A duplicate license	14

2. For every motorcycle endorsement to a driver's license, a fee of \$5 must be charged.

3. If no other change is requested or required, the Department shall not charge a fee to convert the number of a license from the licensee's social security number, or a number that was formulated by using the licensee's social security number as a basis for the number, to a unique number that is not based on the licensee's social security number.

4. The increase in fees authorized by NRS 483.347 and the fees charged pursuant to NRS 483.383 and 483.415 must be paid in addition to the fees charged pursuant to subsections 1 and 2.

5. A penalty of \$10 must be paid by each person renewing his license after it has expired for a period of 30 days or more as provided in NRS 483.386 unless he is exempt pursuant to that section.

6. The Department may not charge a fee for the reinstatement of a driver's license that has been:

- (a) Voluntarily surrendered for medical reasons; or
- (b) Cancelled pursuant to NRS 483.310.

7. All fees and penalties are payable to the Administrator at the time a license or a renewal license is issued.

8. Except as otherwise provided in NRS 483.340, 483.415 and 483.840, *or subsection 5 of section 4 of this act*, all money collected by the Department pursuant to this chapter must be deposited in the State Treasury for credit to the Motor Vehicle Fund.

Sec. 8. NRS 483.840 is hereby amended to read as follows:

483.840 1. The form of the identification cards must be similar to that of drivers' licenses but distinguishable in color or otherwise.

2. Identification cards do not authorize the operation of any motor vehicles.

3. Identification cards must include the following information concerning the holder:

- (a) The name and sample signature of the holder.
- (b) A unique identification number assigned to the holder that is not based on the holder's social security number.
- (c) A personal description of the holder.
- (d) The date of birth of the holder.
- (e) The current address of the holder in this State.
- (f) A colored photograph of the holder.

4. The information required to be included on the identification card pursuant to subsection 3 must be placed on the card in the manner specified in subsection 1 of NRS 483.347.

5. At the time of the issuance or renewal of the identification card, the Department shall:

(a) Give the holder the opportunity to have indicated on his identification card that he wishes to be a donor of all or part of his body pursuant to NRS 451.500 to 451.590, inclusive, or to refuse to make an anatomical gift of his body or part of his body;

(b) Give the holder the opportunity to indicate whether he wishes to donate \$1 or more to the Anatomical Gift Account created by NRS 460.150; ~~and~~

(c) Provide to each holder who is interested in becoming a donor information relating to anatomical gifts, including the procedure for registration as a donor with The Living Bank International or its successor organization ~~[-]~~; and

(d) *If the Department has established a program for imprinting a symbol or other indicator of a medical condition on an identification card pursuant section 4 of this act, give the holder the opportunity to have a symbol or other indicator of a medical condition imprinted on his identification card.*

6. If the holder wishes to make a donation to the Anatomical Gift Account, the Department shall collect the donation and deposit the money collected in the State Treasury for credit to the Anatomical Gift Account.

7. The Department shall submit to The Living Bank International, or its successor organization, information from the records of the Department relating to persons who have identification cards issued by the Department that indicate the intention of those persons to make an anatomical gift. The Department shall adopt regulations to carry out the provisions of this subsection.

8. As used in this section, "photograph" has the meaning ascribed to it in NRS 483.125.

Sec. 9. NRS 485.317 is hereby amended to read as follows:

485.317 1. Subject to the limitations set forth in this subsection and subsection 2, the Department shall, at least monthly, compare the current registrations of motor vehicles to the information in the database created pursuant to NRS 485.313 to verify that each motor vehicle:

- (a) Which is newly registered in this State; or
- (b) For which a policy of liability insurance has been issued, amended or terminated,

➔ is covered by a policy of liability insurance as required by NRS 485.185. In identifying a motor vehicle for verification pursuant to this subsection, the Department may, if the motor vehicle was manufactured during or after 1981, use only the last eight digits of the vehicle identification number. In comparing the vehicle identification number of a motor vehicle to the vehicle identification number in a policy of liability insurance, to determine if the two vehicle identification numbers match, the Department may find that the two vehicle identification numbers match if no fewer than seven of the last eight digits of the two vehicle identification numbers match.

2. Except as otherwise provided in this subsection, the Department may use any information to verify, pursuant to subsection 1, whether the motor vehicle is covered by a policy of liability insurance as required by NRS 485.185. The Department may not use the name of the owner of a motor vehicle as the primary means of verifying that a motor vehicle is covered by a policy of liability insurance.

3. If, pursuant to subsection 1, the Department determines that a motor vehicle is not covered by a policy of liability insurance as required by NRS 485.185, the Department shall send a form for verification by first-class mail to each registered owner that it determines has not maintained the insurance required by NRS 485.185. The owner shall complete the form with all the information which is requested by the Department, including whether he carries an owner's or operator's policy of liability insurance or a certificate of self-insurance, and return the completed form within 20 days after the date on which the form was mailed by the Department. If the Department does not receive the completed form within 20 days after it mailed the form to the owner, the Department shall send to the owner a ~~{second form for verification}~~ *notice of suspension of registration* by certified mail. The ~~{owner shall complete the form and return it}~~ *notice must inform the owner that unless he submits a completed form to the Department within 15 days after the date on which {it} the notice was sent by the Department {-} his registration will be suspended pursuant to subsection 5.* This subsection does not prohibit an authorized agent of the owner from providing to the Department:

(a) The information requested by the Department pursuant to this subsection.

(b) Additional information to amend or correct information already submitted to the Department pursuant to this subsection.

4. When the Department receives a completed form for verification, it shall verify the information on the form.

5. The Department shall suspend the registration and require the return to the Department of the license plates of any vehicle for which ~~[-~~

~~(a) Neither of the forms]~~ *the form* for verification set forth in subsection 3 is :

(a) *Not* returned to the Department by the registered owner or his authorized agent within the period specified in that subsection;

(b) ~~[Either of the forms for verification set forth in subsection 3 is returned]~~ *Returned* to the Department by the registered owner or his authorized agent and the Department is not able to verify the information on the form; or

(c) ~~[Either of the forms for verification set forth in subsection 3 is returned]~~ *Returned* by the registered owner or his authorized agent with an admission of having no insurance or without indicating an insurer or the number of a motor vehicle liability policy or a certificate of self-insurance.

6. If the Department suspends a registration pursuant to subsection 5 because:

(a) Neither the owner nor his authorized agent returned a form for verification within the specified period or the owner or his authorized agent returned a form for verification that was not completed sufficiently, and the owner or his authorized agent, thereafter:

(1) Proves to the satisfaction of the Department that there was a justifiable cause for his failure to do so;

(2) Submits a completed form regarding his insurance on the date stated in the form mailed by the Department pursuant to subsection 3; and

(3) Presents evidence of current insurance; or

(b) The owner or his authorized agent submitted to the Department a form for verification containing information that the Department was unable to verify and, thereafter, the owner or his authorized agent presents to the Department:

(1) A corrected form or otherwise verifiable evidence setting forth that the owner possessed insurance on the date stated in the form; and

(2) Evidence of current insurance,

↪ the Department shall rescind its suspension of the registration if it is able to verify the information on the form or the other evidence presented. The Department shall not charge a fee to reinstate a registration, the suspension of which was rescinded pursuant to this subsection. For the purposes of this subsection, "justifiable cause" may include, but is not limited to, the fact that the owner did not receive the form mailed by the Department pursuant to subsection 3.

7. Except as otherwise provided in subsections 8 and 9, if a registered owner whose registration is suspended pursuant to subsection 5, failed to have insurance on the date specified in the form for verification, the Department shall reinstate the registration of the vehicle and reissue the

license plates only upon filing by the registered owner of evidence of current insurance and payment of the fee for reinstatement of registration prescribed in paragraph (a) of subsection 6 of NRS 482.480.

8. If a registered owner proves to the satisfaction of the Department that his vehicle was a dormant vehicle during the period in which the information provided pursuant to NRS 485.314 indicated that there was no insurance for the vehicle, the Department shall reinstate his registration and, if applicable, reissue his license plates. If such an owner of a dormant vehicle failed to cancel the registration for the vehicle in accordance with subsection 3 of NRS 485.320, the Department shall not reinstate his registration or reissue his license plates unless the owner pays the fee set forth in paragraph (b) of subsection 6 of NRS 482.480.

9. If the Department suspends the registration of a motor vehicle pursuant to subsection 5 because the registered owner of the motor vehicle failed to have insurance on the date specified in the form for verification, and if the registered owner, in accordance with regulations adopted by the Department, proves to the satisfaction of the Department that he was unable to comply with the provisions of NRS 485.185 on that date because of extenuating circumstances, the Department may:

(a) Reinstate the registration of the motor vehicle and reissue the license plates upon payment by the registered owner of a fee of \$50, which must be deposited in the Account for Verification of Insurance created by subsection 6 of NRS 482.480; or

(b) Rescind the suspension of the registration without the payment of a fee.

↪ The Department shall adopt regulations to carry out the provisions of this subsection.

10. For the purposes of verification of insurance by the Department pursuant to this section, a motor vehicle shall be deemed to be covered by liability insurance unless the motor vehicle is without coverage for a period of more than 7 days."

Amend sec. 5, page 4, line 1, by deleting "system." and inserting: "system using methods approved by the Division of Environmental Protection of the State Department of Conservation and Natural Resources."

Amend sec. 6, page 4, line 25, by deleting "system." and inserting: "system using methods approved by the Division of Environmental Protection of the State Department of Conservation and Natural Resources."

Amend the bill as a whole by adding a new section, designated sec. 12, following sec. 6, to read as follows:

"Sec. 12. 1. This section and sections 1, 2, 3, 5, 9, 10 and 11 of this act become effective on October 1, 2005.

2. Sections 4, 6, 7 and 8 of this act become effective on July 1, 2006."

Amend the title of the bill, third line, after "license;" by inserting: "authorizing the Department of Motor Vehicles to establish a program to imprint certain indicators of a medical condition on a driver's license or

identification card; requiring the Department to send a notice of suspension of registration to certain owners of motor vehicles;"

Amend the summary of the bill to read as follows:

"SUMMARY—Revises certain provisions relating to motor vehicles. (BDR 43-566)".

Senator Nolan moved the adoption of the amendment.

Remarks by Senators Nolan and Care.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 250.

Bill read second time.

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

Amendment No. 960.

Amend sec. 7, page 2, by deleting lines 26 and 27 and inserting:

"2. *The term does not include:*

(a) Diagnosis, adjustment, mobilization or manipulation of any articulations of the body or spine; or

(b) Reflexology."

Amend sec. 8, page 2, by deleting lines 29 through 32 and inserting:

"*(a) A person licensed pursuant to chapter 630, 630A, 631, 632, 633, 634, 634A, 635, 640, 640A or 640B of NRS if the massage therapy is performed in the course of the practice for which the person is licensed.*

(b) A person licensed as a barber or apprentice pursuant to chapter 643 of NRS if the person is massaging, cleansing or stimulating the scalp, face, neck or skin within the permissible scope of practice for a barber or apprentice pursuant to that chapter.

(c) A person licensed or registered as an aesthetician, cosmetologist or cosmetologist's apprentice pursuant to chapter 644 of NRS if the person is massaging, cleansing or stimulating the scalp, face, neck or skin within the permissible scope of practice for an aesthetician, cosmetologist or cosmetologist's apprentice pursuant to that chapter.

(d) A person who is an employee of an athletic department of".

Amend sec. 8, page 2, line 36, by deleting "(c)" and inserting "(e)".

Amend sec. 8, page 2, line 38, by deleting "(d)" and inserting "(f)".

Amend sec. 8, page 2, line 40, by deleting "(e)" and inserting "(g)".

Amend the bill as a whole by deleting sections 9 through 13 and adding new sections designated sections 9 through 13, following sec. 8, to read as follows:

"Sec. 9. 1. *The Board of Massage Therapists is hereby created. The Board consists of seven members appointed pursuant to this section and one nonvoting advisory member appointed pursuant to section 10 of this act.*

2. *The Governor shall appoint to the Board seven members as follows:*

(a) Six members who:

(1) *Are licensed to practice massage therapy in this State; and*

(2) *Have engaged in the practice of massage therapy for the 2 years immediately preceding their appointment.*

↪ *Of the six members appointed pursuant to this paragraph, three members must be residents of Clark County, two members must be residents of Washoe County and one member must be a resident of a county other than Clark County or Washoe County.*

(b) *One member who is a member of the general public. This member must not be:*

(1) *A massage therapist; or*

(2) *The spouse or the parent or child, by blood, marriage or adoption, of a massage therapist.*

3. *The Governor may, in making his appointments to the Board pursuant to paragraph (a) of subsection 2, consider for appointment to the Board a person recommended to him by any person or group.*

4. *The members who are appointed to the Board pursuant to paragraph (a) of subsection 2 must continue to practice massage therapy in this State while they are members of the Board.*

5. *After the initial terms, the term of each member of the Board is 4 years. A member may continue in office until the appointment of a successor.*

6. *A member of the Board may not serve more than two consecutive terms. A former member of the Board is eligible for reappointment to the Board if that person has not served on the Board during the 4 years immediately preceding the reappointment.*

7. *A vacancy must be filled by appointment for the unexpired term in the same manner as the original appointment.*

8. *The Governor may remove any member of the Board for incompetence, neglect of duty, moral turpitude or misfeasance, malfeasance or nonfeasance in office.*

Sec. 10. 1. *The Governor shall appoint to the Board one nonvoting advisory member.*

2. *The advisory member must be a person who:*

(a) *Is a resident of Clark County;*

(b) *Has been certified by the Peace Officers' Standards and Training Commission created pursuant to NRS 289.500; and*

(c) *Is actively serving or has retired from service as a police officer with the Las Vegas Metropolitan Police Department.*

3. *The advisory member is subject to the provisions of section 9 of this act with regard to his terms, reappointment, vacancy and removal.*

4. *The advisory member:*

(a) *Serves solely as an advisor to the Board.*

(b) *May be designated by the Board to assist in any investigation conducted pursuant to this chapter.*

(c) *May not be counted in determining a quorum of the Board.*

(d) May not vote on any matter before the Board.

5. *The advisory member:*

(a) Serves without salary or compensation.

(b) Is entitled to receive the per diem allowance and travel expenses provided for in section 15.6 of this act.

6. *If the advisory member is actively serving as a police officer, the advisory member must be relieved from his duties without loss of his regular compensation so that he may prepare for and attend meetings of the Board and perform any work that is necessary to carry out his duties with the Board in the most timely manner practicable. The advisory member's employer shall not require the advisory member to:*

(a) Make up the time he is absent from work to carry out his duties with the Board; or

(b) Take annual leave or compensatory time for the absence.

7. *Notwithstanding any other provision of law, the advisory member:*

(a) Is not disqualified from public employment or holding a public office because of his membership on the Board; and

(b) Does not forfeit his public office or public employment because of his membership on the Board.

Sec. 11. 1. *At the first meeting of each fiscal year, the members of the Board shall elect a Chairman, Vice Chairman and Secretary-Treasurer from among the members.*

2. *The Board shall meet at least quarterly and may meet at other times at the call of the Chairman or upon the written request of a majority of the members of the Board.*

3. *The Board shall alternate the location of its meetings between the southern district of Nevada and the northern district of Nevada. For the purposes of this subsection:*

(a) The southern district of Nevada consists of all that portion of the State lying within the boundaries of the counties of Clark, Esmeralda, Lincoln and Nye.

(b) The northern district of Nevada consists of all that portion of the State lying within the boundaries of Carson City and the counties of Churchill, Douglas, Elko, Eureka, Humboldt, Lander, Lyon, Mineral, Pershing, Storey, Washoe and White Pine.

4. *A meeting of the Board may be conducted telephonically or by videoconferencing. A meeting conducted telephonically or by videoconferencing must meet the requirements of chapter 241 of NRS and any other applicable provisions of law.*

5. *Four members of the Board constitute a quorum for the purposes of transacting the business of the Board, including, without limitation, issuing, renewing, suspending, revoking or reinstating a license issued pursuant to this chapter.*

Sec. 12. *The Board shall:*

1. *Adopt a seal of which each court in this State shall take judicial notice;*
2. *Prepare and maintain a record of its proceedings and transactions;*
3. *Review and evaluate applications for the licensing of massage therapists;*
4. *Determine the qualifications and fitness of applicants;*
5. *Issue, renew, reinstate, revoke, suspend and deny licenses, as appropriate;*
6. *Enforce the provisions of this chapter and any regulations adopted pursuant thereto;*
7. *Investigate any complaints filed with the Board;*
8. *Impose any penalties it determines are required to administer the provisions of this chapter; and*
9. *Transact any other business required to carry out its duties.*

Sec. 13. 1. *The Board shall prepare and maintain a separate list of:*

- (a) *Persons issued a license;*
- (b) *Applicants for a license; and*
- (c) *Persons whose licenses have been revoked or suspended by the Board.*

2. *The Board shall, upon request, disclose the information included in each list and may charge a fee for a copy of the list. The fee may not exceed the actual cost incurred by the Board to make a copy of the list."*

Amend sec. 14, page 5, by deleting lines 23 through 26 and inserting:

"6. *Establish the period within which the Board or its designee must report the results of the investigation of an applicant."*

Amend the bill as a whole by deleting sec. 15 and adding new sections designated sections 15 through 15.8, following sec. 14, to read as follows:

"Sec. 15. 1. *The Attorney General and his deputies are hereby designated as the attorneys for the Board.*

2. *The provisions of this section do not prevent the Board from employing or retaining other attorneys as it may deem necessary to carry out the provisions of this chapter.*

Sec. 15.2. 1. *The Board shall employ a person as the Executive Director of the Board.*

2. *The Executive Director serves as the chief administrative officer of the Board at a level of compensation set by the Board.*

3. *The Executive Director is an at-will employee who serves at the pleasure of the Board.*

Sec. 15.4. 1. *The Board may employ or contract with inspectors, investigators, advisers, examiners and clerks and any other persons required to carry out its duties and secure the services of attorneys and other professional consultants as it may deem necessary to carry out the provisions of this chapter.*

2. *Each employee of the Board is an at-will employee who serves at the pleasure of the Board. The Board may discharge an employee of the Board*

for any reason that does not violate public policy, including, without limitation, making a false representation to the Board.

Sec. 15.6. *Except as otherwise provided in section 10 of this act, while engaged in the business of the Board:*

1. *Each member of the Board is entitled to receive a salary of not more than \$80 per day, as established by the Board; and*

2. *Each member and employee of the Board is entitled to receive a per diem allowance and travel expenses at a rate fixed by the Board. The rate must not exceed the rate provided for officers and employees of this State generally.*

Sec. 15.8. *The Board and any of its members and its staff and employees, including, without limitation, inspectors, investigators, advisers, examiners, clerks, counsel, experts, committees, panels, hearing officers and consultants, are immune from civil liability for any act performed in good faith and without malicious intent in the execution of any duties pursuant to this chapter."*

Amend the bill as a whole by deleting sec. 18 and adding new sections designated sections 18 and 18.5, following sec. 17, to read as follows:

"Sec. 18. 1. *If a person is not licensed to practice massage therapy pursuant to this chapter, the person shall not:*

(a) Engage in the practice of massage therapy; or

(b) Use in connection with his name the words or letters "L.M.T.," "licensed massage therapist," "licensed massage technician," "M.T.," "massage technician" or "massage therapist," or any other letters, words or insignia indicating or implying that he is licensed to practice massage therapy, or in any other way, orally, or in writing or print, or by sign, directly or by implication, use the word "massage" or represent himself as licensed or qualified to engage in the practice of massage therapy.

2. *If a person's license to practice massage therapy pursuant to this chapter has expired or has been suspended or revoked by the Board, the person shall not:*

(a) Engage in the practice of massage therapy; or

(b) Use in connection with his name the words or letters "L.M.T.," "licensed massage therapist," "licensed massage technician," "M.T.," "massage technician" or "massage therapist," or any other letters, words or insignia indicating or implying that he is licensed to practice massage therapy, or in any other way, orally, or in writing or print, or by sign, directly or by implication, use the word "massage" or represent himself as licensed or qualified to engage in the practice of massage therapy.

3. *A person who violates any provision of this section is guilty of a misdemeanor.*

Sec. 18.5. 1. *If the Board determines that a person has violated or is about to violate any provision of this chapter, the Board may bring an action in a court of competent jurisdiction to enjoin the person from engaging in or continuing the violation.*

2. *An injunction:*

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

(b) *Does not prohibit the criminal prosecution and punishment of the person who commits the violation."*

Amend sec. 19, page 7, by deleting lines 19 through 22 and inserting: "*to practice massage therapy verifying that:*

(I) *The applicant has not been involved in any disciplinary action relating to his license to practice massage therapy; and*

(II) *Disciplinary proceedings relating to his license to practice massage therapy are not pending;*

(5) *Except as otherwise provided in section 21 of this act, a complete set of fingerprints and written permission"*.

Amend sec. 19, page 7, by deleting lines 34 through 44 and inserting: "*section 14 of this act and except as otherwise provided in subsection 3, pass a written examination administered by any board that is accredited by the National Commission for Certifying Agencies, or its successor organization, to examine massage therapists.*

3. *If the Board determines that the examinations being administered pursuant to paragraph (c) of subsection 2 are inadequately testing the knowledge and competency of applicants, the Board shall prepare or cause to be prepared its own written examination to test the knowledge and competency of applicants. Such an examination must be offered not less than four times each year. The location of the examination must alternate between Clark County and Washoe County. Upon request, the Board must provide a list of approved interpreters at the location of the examination to interpret the examination for an applicant who, as determined by the Board, requires an interpreter for the examination.*

4. *The Board shall recognize a program of massage therapy that is:*

(a) *Approved by the Commission on Postsecondary Education; or*

(b) *Offered by a public college in this State or any other state.*

➡ *The Board may recognize other programs of massage therapy.*

5. *The Board or its designee shall:*

(a) *Conduct an investigation to"*.

Amend sec. 19, page 8, by deleting line 5 and inserting: "*involving the applicant that would affect his suitability for licensure; and"*.

Amend sec. 19, page 8, by deleting lines 12 through 16 and inserting:

"(c) *Report the results of the investigation of the applicant within the period the Board establishes by regulation pursuant to section 14 of this act; and*

(d) *Maintain the results of the investigation in a confidential manner for use by the Board and its members and employees in carrying out their duties pursuant to this chapter. The provisions of this paragraph do not prohibit the Board or its members or employees from communicating or cooperating with or providing any documents or other information to any other licensing*

board or any other federal, state or local agency that is investigating a person, including, without limitation, a law enforcement agency."

Amend the bill as a whole by deleting sections 20 and 21 and adding new sections designated sections 20 and 21, following sec. 19, to read as follows:

"Sec. 20. 1. The Board may issue a temporary license to practice massage therapy.

2. An applicant for a temporary license issued pursuant to this section must:

(a) Be at least 18 years of age; and

(b) Submit to the Board:

(1) A completed application on a form prescribed by the Board;

(2) The fees prescribed by the Board pursuant to section 25 of this act;

(3) Proof that he has successfully completed a program of massage therapy recognized by the Board pursuant to section 19 of this act;

(4) Proof that he:

(I) Has taken the examination required pursuant to section 19 of this act; or

(II) Is scheduled to take such an examination within 90 days after the date of application;

(5) An affidavit indicating that he has not committed any of the offenses for which the Board may refuse to issue a license pursuant to section 29 of this act;

(6) A certified statement issued by the licensing authority in each state, territory or possession of the United States or the District of Columbia in which the applicant is or has been licensed to practice massage therapy verifying that:

(I) The applicant has not been involved in any disciplinary action relating to his license to practice massage therapy; and

(II) Disciplinary proceedings relating to his license to practice massage therapy are not pending; and

(7) Except as otherwise provided in section 21 of this act, a complete set of fingerprints and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

3. A temporary license issued pursuant to this section expires 90 days after the date the Board issues the temporary license. The Board shall not renew the temporary license.

4. A person who holds a temporary license:

(a) May practice massage therapy only under the supervision of a fully licensed massage therapist and only in accordance with the provisions of this chapter and the regulations of the Board;

(b) Must comply with any other conditions, limitations and requirements imposed on the temporary license by the Board;

(c) Is subject to the regulatory and disciplinary authority of the Board to the same extent as a fully licensed massage therapist; and

(d) Remains subject to the regulatory and disciplinary authority of the Board after the expiration of the temporary license for all acts relating to the practice of massage therapy which occurred during the period of temporary licensure.

5. As used in this section, "fully licensed massage therapist" means a person who holds a license to practice massage therapy issued pursuant to section 19 or 24 of this act.

Sec. 21. 1. The Board of Massage Therapists and the State Board of Cosmetology shall, to the extent practicable, reduce duplication in the licensing procedure for a qualified applicant who is applying to the Board of Massage Therapists for a license to practice pursuant to this chapter and who is also applying to the State Board of Cosmetology for a license to practice pursuant to chapter 644 of NRS, if both applications are filed not more than 60 days apart.

2. If a qualified applicant submits an application to the State Board of Cosmetology for a license to practice pursuant to chapter 644 of NRS and, not later than 60 days after that application, the applicant also submits an application to the Board of Massage Therapists for a license to practice pursuant to this chapter:

(a) The applicant is not required to submit a set of fingerprints to the Board of Massage Therapists if the applicant submitted a set of fingerprints with his application to the State Board of Cosmetology;

(b) The Board of Massage Therapists shall request from the State Board of Cosmetology a copy of any reports relating to a background investigation of the applicant;

(c) Upon receiving such a request, the State Board of Cosmetology shall provide to the Board of Massage Therapists any reports relating to a background investigation of the applicant; and

(d) The Board of Massage Therapists shall use the reports provided by the State Board of Cosmetology in reviewing the application for a license to practice pursuant to this chapter, except that the Board of Massage Therapists may conduct its own background investigation of the applicant if the Board of Massage Therapists deems it to be necessary."

Amend sec. 22, page 9, by deleting lines 34 through 45 and inserting:

"Sec. 22. 1. In addition to the any other requirements set forth in this chapter:

(a) An applicant for the issuance of a license as a massage therapist shall include the social security number of the applicant in the application submitted to the Board.

(b) An applicant for the issuance or renewal of a license as a massage therapist shall submit to the Board the statement prescribed by the Welfare Division of the Department of Human Resources pursuant to NRS 425.520. The statement must be completed and signed by the applicant."

Amend sec. 22, page 10, by deleting lines 6 and 7 and inserting:

"3. *A license as a massage therapist may not be issued or renewed by the Board if the applicant:*".

Amend the bill as a whole by deleting sections 24 and 25 and adding new sections designated sections 24 and 25, following sec. 23, to read as follows:

"Sec. 24. 1. *Notwithstanding the provisions of section 19 of this act and except as otherwise provided in subsection 3, the Board may issue a license to an applicant who holds a current license to practice massage therapy issued by another state, territory or possession of the United States or the District of Columbia.*

2. *An applicant for a license issued by the Board pursuant to subsection 1 must submit to the Board:*

- (a) *A completed application on a form prescribed by the Board;*
- (b) *The fees prescribed by the Board pursuant to section 25 of this act;*
- (c) *A notarized statement signed by the applicant that states:*

(1) *Whether any disciplinary proceedings relating to his license to practice massage therapy have at any time been instituted against him; and*

(2) *Whether he has been arrested or convicted, within the immediately preceding 10 years, for any crime involving violence, prostitution or any other sexual offense; and*

(d) *A certified statement issued by the licensing authority in each state, territory or possession of the United States or the District of Columbia in which the applicant is or has been licensed to practice massage therapy during the immediately preceding 10 years verifying that:*

(1) *The applicant has not been involved in any disciplinary action relating to his license to practice massage therapy; and*

(2) *Disciplinary proceedings relating to his license to practice massage therapy are not pending.*

3. *The Board shall not issue a license pursuant to this section unless the state, territory or possession of the United States or the District of Columbia in which the applicant is licensed had requirements at the time the license was issued that the Board determines are substantially equivalent to the requirements for a license to practice massage therapy set forth in this chapter.*

Sec. 25. 1. *The Board shall establish a schedule of fees and charges. The fees for the following items must not exceed the following amounts:*

<i>An examination established by the Board pursuant to this</i>	
<i>chapter</i>	<i>\$600</i>
<i>An application for a license.....</i>	<i>300</i>
<i>An application for a license without an examination.....</i>	<i>300</i>
<i>A background check of an applicant</i>	<i>600</i>
<i>The issuance of a license</i>	<i>400</i>
<i>The renewal of a license</i>	<i>200</i>
<i>The restoration of an expired license.....</i>	<i>500</i>
<i>The reinstatement of a suspended or revoked license</i>	<i>500</i>
<i>The issuance of a duplicate license</i>	<i>75</i>

The restoration of an inactive license 300

2. *The total fees collected by the Board pursuant to this section must not exceed the amount of money necessary for the operation of the Board and for the maintenance of an adequate reserve."*

Amend sec. 27, page 12, by deleting lines 31 through 34 and inserting:
"adopted by the Board under section 14 of this act; and

(c) The fee for renewal of the license prescribed by the Board".

Amend sec. 27, page 12, by deleting lines 38 through 42 and inserting:

"(a) Complies with the provisions of subsection 1; and

(b) Submits to the Board the fees prescribed by the Board".

Amend sec. 29, page 14, line 18, after *"probation;"* by inserting *"or"*.

Amend sec. 29, page 14, by deleting lines 24 through 26 and inserting:
"licensed massage therapist."

Amend the bill as a whole by deleting sections 30 through 32 and adding new sections designated sections 30 through 32, following sec. 29, to read as follows:

"Sec. 30. 1. If any member of the Board or the Executive Director becomes aware of any ground for initiating disciplinary action against a holder of a license, the member or Executive Director shall file a written complaint with the Board.

2. The complaint must specifically:

(a) Set forth the relevant facts; and

(b) Charge one or more grounds for initiating disciplinary action.

3. As soon as practicable after the filing of the complaint, an investigation of the complaint must be conducted to determine whether the allegations in the complaint merit the initiation of disciplinary proceedings against the holder of the license.

Sec. 31. 1. If, after notice and a hearing as required by law, the Board finds one or more grounds for taking disciplinary action, the Board may:

(a) Place the applicant or holder of the license on probation for a specified period or until further order of the Board;

(b) Administer to the applicant or holder of the license a public reprimand;

(c) Refuse to issue, renew, reinstate or restore the license;

(d) Suspend or revoke the license;

(e) Impose an administrative fine of not more than \$1,000 per day for each day for which the Board determines that a violation occurred;

(f) Require the applicant or holder of the license to pay the costs incurred by the Board to conduct the investigation and hearing; or

(g) Impose any combination of actions set forth in paragraphs (a) to (f), inclusive.

2. The order of the Board may contain such other terms, provisions or conditions as the Board deems appropriate.

3. The order of the Board and the findings of fact and conclusions of law supporting that order are public records.

4. *The Board shall not issue a private reprimand.*

Sec. 32. *Notwithstanding any other statute to the contrary:*

1. *If the Board finds that immediate action is necessary to protect the health, safety or welfare of the public, the Board may, upon providing notice to the massage therapist, temporarily suspend his license for a period not to exceed 30 days. For good cause, the Board may extend the period of the temporary suspension if the Board deems such action to be necessary to protect the health, safety or welfare of the public pending proceedings for disciplinary action. In any such case, a hearing must be held and a final decision rendered regarding whether to extend the period of the temporary suspension not later than 30 days after the date on which the Board notifies the massage therapist of the temporary suspension.*

2. *If a massage therapist is charged with or cited for a crime involving violence, prostitution or any other sexual offense, the appropriate law enforcement agency shall report the charge or citation to the Executive Director. Upon receiving such a report, the Executive Director shall immediately issue a cease and desist order temporarily suspending the license of the massage therapist. The temporary suspension of the license is effective immediately upon issuance of the cease and desist order and must not exceed 15 days. For good cause, the Board may extend the period of the temporary suspension if the Board deems such action to be necessary to protect the health, safety or welfare of the public pending proceedings for disciplinary action. In any such case, a hearing must be held and a final decision rendered regarding whether to extend the period of the temporary suspension not later than 15 days after the date on which the Executive Director issues the cease and desist order.*

3. *If the Board or the Executive Director issues an order temporarily suspending the license of a massage therapist pending proceedings for disciplinary action, a court shall not stay that order."*

Amend the bill as a whole by deleting sec. 34 and adding new sections designated sections 34 and 34.5, following sec. 33, to read as follows:

"Sec. 34. 1. *Except as otherwise provided in this section, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person are confidential, unless the person submits a written statement to the Board requesting that such documents and information be made public records.*

2. *The charging documents filed with the Board to initiate disciplinary action and all documents and information considered by the Board when determining whether to impose discipline are public records.*

3. *The provisions of this section do not prohibit the Board from communicating or cooperating with or providing any documents or other information to any other licensing board or any other federal, state or local*

agency that is investigating a person, including, without limitation, a law enforcement agency.

Sec. 34.5. Chapter 644 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The State Board of Cosmetology and the Board of Massage Therapists shall, to the extent practicable, reduce duplication in the licensing procedure for a qualified applicant who is applying to the State Board of Cosmetology for a license to practice pursuant to this chapter and who is also applying to the Board of Massage Therapists for a license to practice pursuant to sections 2 to 34, inclusive, of this act, if both applications are filed not more than 60 days apart.*

2. *If a qualified applicant submits an application to the Board of Massage Therapists for a license to practice pursuant to sections 2 to 34, inclusive, of this act and, not later than 60 days after that application, the applicant also submits an application to the State Board of Cosmetology for a license to practice pursuant to this chapter:*

(a) The applicant is not required to submit a set of fingerprints to the State Board of Cosmetology if the applicant submitted a set of fingerprints with his application to the Board of Massage Therapists;

(b) The State Board of Cosmetology shall request from the Board of Massage Therapists a copy of any reports relating to a background investigation of the applicant;

(c) Upon receiving such a request, the Board of Massage Therapists shall provide to the State Board of Cosmetology any reports relating to a background investigation of the applicant; and

(d) The State Board of Cosmetology shall use the reports provided by the Board of Massage Therapists in reviewing the application for a license to practice pursuant to this chapter."

Amend the bill as a whole by deleting sections 56 through 59 and adding new sections designated sections 56 through 58, following section 55, to read as follows:

"Sec. 56. 1. Notwithstanding the provisions of sections 2 to 34, inclusive, of this act and except as otherwise provided in subsection 3, the Board of Massage Therapists may issue a license to practice massage therapy to an applicant, without regard to whether the applicant meets the requirements set forth in section 19 of this act, if the applicant:

(a) Holds a current license to practice massage therapy issued before July 1, 2007, by a county, city or town of this State that regulates the practice of massage therapy; and

(b) Applies to the Board for a license before July 1, 2007.

2. An applicant who applies for a license from the Board pursuant to subsection 1 must submit to the Board:

(a) A completed application on a form prescribed by the Board;

(b) The fees prescribed by the Board pursuant to section 25 of this act; and

(c) A notarized statement signed by the applicant that states:

(1) Whether any disciplinary proceedings relating to his license to practice massage therapy have at any time been instituted against him; and

(2) Whether he has been arrested or convicted, within the 10 years immediately preceding submission of the application, for any crime involving violence, prostitution or any other sexual offense.

3. If an applicant applies for a license from the Board pursuant to subsection 1 and the applicant does not have a criminal background investigation approved by a local law enforcement agency, the applicant must:

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

(b) Submit to a background investigation conducted pursuant to section 19 of this act.

4. A license issued by the Board pursuant to subsection 1 shall be deemed to be a license issued by the Board pursuant to section 19 of this act.

5. A person who is licensed to practice massage therapy by a county, city or town in this State before July 1, 2007, must, if the person wishes to continue to practice massage therapy on and after July 1, 2007, hold a license to practice massage therapy issued by the Board.

6. Until July 1, 2007, if a person is licensed to practice massage therapy by a county, city or town in this State but the person does not hold a license to practice massage therapy issued by the Board, the person shall comply with:

(a) All ordinances and regulations of the county, city or town relating to the practice of massage therapy; and

(b) The provisions of sections 2 to 18, inclusive, 22, 23 and 25 to 34, inclusive, of this act.

Sec. 57. 1. As soon as practicable, the Governor shall appoint to the Board of Massage Therapists pursuant to sections 9 and 10 of this act:

(a) Two members whose terms expire on June 30, 2007;

(b) Three members whose terms expire on June 30, 2008;

(c) Two members whose terms expire on June 30, 2009; and

(d) One nonvoting advisory member whose term expires on June 30, 2009,

except that no member may begin serving a term sooner than July 1, 2005.

2. Notwithstanding the provisions of section 9 of this act, each massage therapist who is appointed to the Board of Massage Therapists to an initial term pursuant to subsection 1 is not required to hold a license issued pursuant to sections 2 to 34, inclusive, of this act at the time of appointment but must be eligible for such a license at the time of appointment.

Sec. 58. 1. This act becomes effective upon passage and approval for the purposes of:

(a) The Governor appointing members to the Board of Massage Therapists; and

(b) The Board and its members and employees performing any organizational, preparatory or preliminary administrative tasks that are necessary to carry out the provisions of this act,

➔ and on October 1, 2005, for all other purposes.

2. Sections 22 and 23 of this act expire by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational or recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

➔ are repealed by the Congress of the United States."

Senator Carlton moved the adoption of the amendment.

Remarks by Senators Carlton and Tiffany.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 280.

Bill read second time.

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

Amendment No. 1104.

Amend sec. 2, page 2, line 10, after "*institution.*" by inserting: "*The System is encouraged to review the core curriculum at each institution to determine whether there is parity among the institutions of the System.*".

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

"Sec. 4. *The Board of Regents may appoint a student adviser who has been elected by the Nevada Student Alliance. If the Board appoints such an adviser to the Board, the Board shall determine the duties of the adviser, who is not a member of the Board and may not vote on matters before the Board.*".

Amend sec. 5, page 3, line 17, by deleting: "*and research services*" and inserting "*facilities*".

Amend sec. 5, page 3, line 19, after "*the*" by inserting "*library*".

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 396.560 is hereby amended to read as follows:

396.560 1. Upon the recommendation of a president of a branch within the System, the Board of Regents shall issue to those who worthily complete the full course of study in the school of mines or in the school of agriculture,

or in the school of liberal arts, or in any equivalent course that may hereafter be prescribed, a diploma of graduation, conferring the proper academic degree, from the System.

2. The Board of Regents shall not issue such a diploma to a ~~{person}~~ student who has not completed the full course of study as set forth in ~~{subsection 1.}~~ this section.

3. *For the purposes of this section, a student at a university or state college within the System completes the full course of study for a diploma of graduation if, in accordance with the policy of the Board of Regents, he satisfies the requirements for graduation and a degree as set forth in the catalog of the university or state college that is in effect at the time the student:*

(a) *First enrolls in the university or state college or is admitted to the academic program or department of the student's major if the program or department has a formal process for admitting students to the program or department; or*

(b) *Graduates,*
 ➔ *whichever the student elects. A student who changes his major must elect the catalog of the year of the latest change of the major or the year of graduation. A student may not elect a catalog that is more than 10 years old at the time of his graduation."*

Amend sec. 7, page 4, line 13, by deleting "A" and inserting: "Pursuant to the policy of the Board of Regents, a".

Amend sec. 7, page 4, by deleting lines 18 through 22 and inserting:

"3. *All credits earned toward the completion of a degree of associate of arts, associate of science or associate of business must automatically transfer toward the course work required for the award of a baccalaureate degree upon the graduation of the student from any university or college within the System.*

➔ *If the transfer of credit pursuant to this section is denied and the student believes that the credit should be applied to his degree, he may appeal the decision. The appeal process must be made available to all students and may be posted on the website of the System."*

Amend the bill as a whole by deleting sec. 8.

Amend sec. 11, page 8, by deleting lines 12 and 13 and inserting:

"Sec. 11. 1. This section and sections 1 to 5, inclusive, 8, 9 and 10 of this act become effective upon passage and approval.

2. Section 7 of this act becomes effective on July 1, 2005."

Amend sec. 11, page 8, line 14, by deleting "2." and inserting "3."

Amend the title of the bill to read as follows:

"AN ACT relating to higher education; requiring the Board of Regents of the University of Nevada to ensure that students enrolled in a program for the education of teachers are instructed in the academic standards required for high school pupils; authorizing the Board of Regents to appoint a student advisor who has been elected by the Nevada Student Alliance; requiring

access to library facilities for students enrolled at an institution within the University and Community College System of Nevada; specifying that a student at a university or state college within the System completes a full course of study for the issuance of a diploma of graduation from the System if he satisfies the requirements for graduation and a degree as set forth in the catalog of the university or state college that is in effect at the time of enrollment or at the time of graduation, whichever the student elects; revising the terms of office of members of the Board of Regents; revising provisions regarding the degrees and transferability of credits earned within the System; and providing other matters properly relating thereto."

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. 345.

Bill read second time.

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

Amendment No. 871.

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

"Section 1. NRS 289.290 is hereby amended to read as follows:

289.290 1. A person designated by the Director of the State Department of Agriculture as a field agent or an inspector pursuant to subsection 2 of NRS 561.225 has the powers of a peace officer to make investigations and arrests and to execute warrants of search and seizure, and may temporarily stop a vehicle in the enforcement of the provisions of titles 49 and 50 of NRS and chapters 581, 582, 583, 586, 587, 588 and 590 of NRS.

2. An officer appointed by the Nevada Junior Livestock Show Board pursuant to NRS 563.120 has the powers of a peace officer for the preservation of order and peace on the grounds and in the buildings and the approaches thereto of the livestock shows and exhibitions that the Board conducts.

3. In carrying out the provisions of chapter 565 of NRS, an inspector of the State Department of Agriculture has the powers of a peace officer to make investigations and arrests and to execute warrants of search and seizure. ~~[The provisions of this subsection do not authorize any inspector to retire under the Public Employees' Retirement System before having attained the minimum service age of 60 years.]~~".

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

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

"AN ACT relating to peace officers; repealing a provision concerning the retirement of inspectors of the State Department of Agriculture; expanding the membership of the Peace Officers' Standards and Training".

Amend the summary of the bill to read as follows:

"SUMMARY—Makes various changes relating to peace officers. (BDR 23-1326)".

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. 415.

Bill read second time.

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

Amendment No. 809.

Amend section 1, pages 2 and 3, by deleting line 45 on page 2 and line 1 on page 3, and inserting: "*Legislator shall notify the Legislative Counsel of that fact. Upon receipt of such notification, the Legislative Counsel shall list the name of that Legislator or the name of the committee as the*".

Amend section 1, page 3, line 6, by deleting "*original*".

Amend the title of the bill, by deleting the fourth and fifth lines and inserting: "Legislative Counsel; authorizing the replacement of a primary requester on the list of requests prepared by".

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. 455.

Bill read second time.

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

Amendment No. 1089.

Amend section 1, page 2, by deleting line 2 and inserting: "thereto a new section to read as follows:

1. *A county clerk may provide the form for the application to register to vote prescribed by the Secretary of State pursuant to NRS 293.507 to a candidate, major political party, minor political party or any other person submitting a request pursuant to subsection 2.*

2. *A candidate, major political party, minor political party or other person shall:*

(a) *Submit a request for forms for the application to register to vote to the county clerk in person, by telephone, in writing or by facsimile machine; and*

(b) *State the number of forms for the application to register to vote that the candidate, major political party, minor political party or other person is requesting.*

3. *The county clerk may record the control numbers assigned to the forms by the Secretary of State pursuant to NRS 293.507 of the forms he provided in response to the request. The county clerk shall maintain a request for multiple applications with his records."*

Amend the bill as a whole by deleting sections 2 through 4 and adding:

"Secs. 2-4. (Deleted by amendment.)".

Amend sec. 5, page 3, lines 19 and 20, by deleting: "~~made available~~ designated" and inserting "made available".

Amend sec. 5, page 3, by deleting lines 24 through 30 and inserting: "of a building governed by this subsection shall designate and approve the area required by this subsection for the building."

Amend sec. 5, page 3, by deleting lines 37 and 38 and inserting:

"3. A person aggrieved by a decision made by a".

Amend sec. 5, pages 3 and 4, by deleting lines 43 and 44 on page 3 and lines 1 and 2 on page 4, and inserting: "subsection 1 ~~[-]~~ or 2. *If the Secretary of State determines that the public officer or employee violated subsection 1 or 2 and that a person was denied the use of a public building for the purpose of gathering signatures on a petition, the Secretary of State shall order that the deadline for filing the petition provided pursuant to NRS 293.128, 293.165, 293.172, 293.200, 295.056, 298.109, 306.035 or 306.110 must be extended for a period equal to the time that the person was denied the use of a public building for the purpose of gathering signatures on a petition, but in no event may the deadline be extended for a period of more than 5 days.*

4. *The decision of the Secretary of State is a final".*

Amend sec. 5, page 4, line 13, by deleting "*petition.*" and inserting: "*petition, but in no event may the deadline be extended for a period of more than 5 days.*".

Amend the bill as a whole by deleting sec. 6 and adding:

"Sec. 6. (Deleted by amendment.)".

Amend sec. 7, page 5, lines 18 and 19, by deleting: "~~{second}~~ *fourth* Tuesday in ~~{July}~~ *April*" and inserting: "second Tuesday in ~~{July}~~ *June*".

Amend sec. 7, page 5, line 26, by deleting: "~~{first}~~ *third* Tuesday in ~~{June}~~ *March*" and inserting: "first Tuesday in ~~{June}~~ *May*".

Amend sec. 7, page 5, line 27, by deleting: "~~{fourth}~~ *second* Tuesday in ~~{July}~~ *May*." and inserting: "fourth Tuesday in ~~{July}~~ *June*".

Amend sec. 7, page 5, line 41, by deleting: "~~{second}~~ *fourth* Tuesday in ~~{July}~~ *April*" and inserting: "second Tuesday in ~~{July}~~ *June*".

Amend sec. 7, page 5, by deleting lines 42 and 43 and inserting: "before 5 p.m. ~~{of the second Tuesday in September}~~ *on the first Tuesday after the primary election* must be filled by the person who receives the next".

Amend sec. 7, page 6, by deleting lines 2 and 3 and inserting: "election after 5 p.m. ~~{of the second Tuesday in September}~~ on the first Tuesday after the primary election of the year in which the general".

Amend sec. 7, page 6, by deleting lines 8 and 9 and inserting: "or before 5 p.m. on the ~~{second Tuesday in September}~~ first Tuesday after the primary election. In each case, the statutory filing fee must be".

Amend sec. 8, page 6, by deleting lines 37 and 38 and inserting:

"2. No change may be made on the ballot after the ~~{second Tuesday in September}~~ first Tuesday after the primary election of the year in".

Amend sec. 8, page 6, by deleting lines 42 and 43 and inserting: "be filed with the Secretary of State before 5 p.m. ~~{of the second Tuesday in September}~~ on the first Tuesday after the primary election, and the".

Amend the bill as a whole by deleting sections 9 and 10 and adding:

"Secs. 9 and 10. (Deleted by amendment.)".

Amend sec. 11, page 8, by deleting lines 18 and 19 and inserting:

"293.175 1. The primary election must be held on the ~~{first Tuesday of September}~~ twelfth Tuesday before the general election in each even-numbered year."

Amend the bill as a whole by deleting sections 13 through 27 and adding:

"Secs. 13-27. (Deleted by amendment.)".

Amend sec. 28, page 21, by deleting line 23 and inserting: "before 5 p.m. on the ~~{third Thursday in August}~~ second Thursday before the primary election and".

Amend sec. 29, page 21, lines 29 and 30, by deleting: "~~{second}~~ fourth Tuesday in ~~{July}~~ May," and inserting: "second Tuesday in ~~{July}~~ June,".

Amend sec. 29, page 21, lines 43 and 44, by deleting: "of the ~~{second}~~ first Tuesday in ~~{September}~~ July," and inserting: "~~{of the second Tuesday in September}~~ on the first Tuesday after the primary election,".

Amend the bill as a whole by deleting sections 30 and 31 and adding:

"Secs. 30 and 31. (Deleted by amendment.)".

Amend sec. 32, page 25, by deleting line 34 and inserting:

"(a) If the person who assists an elector with completing the form".

Amend sec. 32, page 25, line 35, by deleting "vote," and inserting: "vote retains the form,".

Amend the bill as a whole by deleting sec. 34 and adding new sections designated sections 34 and 34.5, following sec. 33, to read as follows:

"Sec. 34. NRS 293B.063 is hereby amended to read as follows:

293B.063 No mechanical voting system may be used in this State unless it meets or exceeds the standards for voting systems established by the Federal Election Commission ~~{-}~~ pursuant to federal law.

Sec. 34.5. NRS 293B.104 is hereby amended to read as follows:

293B.104 The Secretary of State shall not approve any mechanical voting system which does not meet or exceed the standards for voting

systems established by the Federal Election Commission ~~[]~~ pursuant to federal law.".

Amend sec. 35, page 27, line 45, by deleting "April" and inserting "June".

Amend the bill as a whole by deleting sections 36 through 51 and adding:

"Secs. 36-51. (Deleted by amendment.)".

Amend sec. 52, page 40, by deleting line 8 and inserting: "~~[first Tuesday in September preceding the]~~ date fixed by the election laws of this State for statewide elections, at which time there must be nominated candidates for the office to be voted for at the next".

Amend the title of the bill to read as follows:

"AN ACT relating to elections; providing that a primary election must be conducted on the twelfth Tuesday before a general election in an even-numbered year; revising the provisions governing areas at public buildings for the use in gathering of signatures on a petition; revising the provision governing the form for application to register to vote; revising the provisions governing registering to vote before an election; providing a penalty; and providing other matters properly relating thereto.".

Senator Cegavske moved the adoption of the amendment.

Remarks by Senator Cegavske.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Cegavske moved that Assembly Bill No. 538 be taken from the Second Reading File and placed on the Second Reading File on the fifth agenda.

Motion carried.

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

Remarks by Senator Horsford.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 290.

Bill read third time.

The following amendment was proposed by Senator Schneider:

Amendment No. 1062.

Amend section 1, page 1, line 2, by deleting: "2, 3 and 4" and inserting: "1.5 to 4.3, inclusive,".

Amend the bill as a whole by adding a new section designated sec. 1.5, following section 1, to read as follows:

"Sec. 1.5. 1. *"High-rise residential common-interest community" means a common-interest community in which a majority of the units are or will be:*

(a) *Located in one or more high-rise residential buildings; and*

(b) Designed or intended for residential or hotel-condominium use.

2. *As used in this section, "high-rise residential building" means a building that:*

(a) Is part of a common-interest community, has at least five floors above ground level, including the ground floor, and has a majority of its interior square footage designed or intended for residential or hotel-condominium use; or

(b) When completed, will be part of a common-interest community, will have at least five floors above ground level, including the ground floor, and will have a majority of its interior square footage designed or intended for residential use."

Amend the bill as a whole by adding new sections designated sections 4.3 and 4.7, following sec. 4, to read as follows:

"Sec. 4.3. 1. *In a high-rise residential common-interest community:*

(a) Votes allocated to a unit may be cast pursuant to a proxy in accordance with the provisions of the governing documents;

(b) The governing documents may include provisions for casting votes pursuant to a proxy that are different from the provisions of NRS 116.311; and

(c) If authorized by the governing documents, a unit's owner may give a proxy to any other person, including a general proxy authorizing the holder of the proxy to vote as he wishes on any matter on behalf of the unit's owner. Such a proxy may be a continuing proxy unlimited as to time, but revocable upon written notice.

2. *If the governing documents for a high-rise residential common-interest community are silent on a matter that is covered by the provisions of NRS 116.311, the provisions of NRS 116.311 control until the governing documents provide otherwise.*

Sec. 4.7. NRS 116.003 is hereby amended to read as follows:

116.003 *As used in this chapter and in the declaration and bylaws of an association, unless the context otherwise requires, the words and terms defined in NRS 116.005 to 116.095, inclusive, and section 1.5 of this act have the meanings ascribed to them in those sections."*

Amend sec. 5, page 2, line 24, by deleting: "2, 3 and 4" and inserting: "2 to 4.3, inclusive,".

Amend sec. 5, page 2, line 25, after "inclusive," by inserting: "and section 1.5 of this act,".

Amend the bill as a whole by adding new sections designated sections 5.3 and 5.7, following sec. 5, to read as follows:

"Sec. 5.3. NRS 116.212 is hereby amended to read as follows:

116.212 1. *If the declaration provides that any of the powers described in NRS 116.3102 are to be exercised by or may be delegated to a profit or nonprofit corporation that exercises those or other powers on behalf of one or more common-interest communities or for the benefit of the units' owners of one or more common-interest communities, or on behalf of a*

common-interest community and a time-share plan created pursuant to chapter 119A of NRS, all provisions of this chapter applicable to unit-owners' associations apply to any such corporation, except as modified by this section.

2. Unless it is acting in the capacity of an association described in NRS 116.3101, a master association may exercise the powers set forth in paragraph (b) of subsection 1 of NRS 116.3102 only to the extent expressly permitted in:

(a) The declarations of common-interest communities which are part of the master association or expressly described in the delegations of power from those common-interest communities to the master association; or

(b) The declaration of the common-interest community which is a part of the master association and the time-share instrument creating the time-share plan governed by the master association.

3. If the declaration of any common-interest community provides that the executive board may delegate certain powers to a master association, the members of the executive board have no liability for the acts or omissions of the master association with respect to those powers following delegation.

4. The rights and responsibilities of units' owners with respect to the unit-owners' association set forth in NRS 116.3103, 116.31032, 116.31034, 116.31036, 116.3108, 116.31085, 116.3109, 116.311, 116.31105 and 116.3112 *and section 4.3 of this act*, apply in the conduct of the affairs of a master association only to persons who elect the board of a master association, whether or not those persons are otherwise units' owners within the meaning of this chapter.

5. Even if a master association is also an association described in NRS 116.3101, the certificate of incorporation or other instrument creating the master association and the declaration of each common-interest community, the powers of which are assigned by the declaration or delegated to the master association, may provide that the executive board of the master association must be elected after the period of the declarant's control in any of the following ways:

(a) All units' owners of all common-interest communities subject to the master association may elect all members of the master association's executive board.

(b) All members of the executive boards of all common-interest communities subject to the master association may elect all members of the master association's executive board.

(c) All units' owners of each common-interest community subject to the master association may elect specified members of the master association's executive board.

(d) All members of the executive board of each common-interest community subject to the master association may elect specified members of the master association's executive board.

Sec. 5.7. NRS 116.3106 is hereby amended to read as follows:

116.3106 1. The bylaws of the association must provide:

(a) The number of members of the executive board and the titles of the officers of the association;

(b) For election by the executive board of a president, treasurer, secretary and any other officers of the association the bylaws specify;

(c) The qualifications, powers and duties, terms of office and manner of electing and removing officers of the association and members of the executive board and filling vacancies;

(d) Which powers, if any, that the executive board or the officers of the association may delegate to other persons or to a community manager;

(e) Which of its officers may prepare, execute, certify and record amendments to the declaration on behalf of the association;

(f) Procedural rules for conducting meetings of the association;

(g) A method for amending the bylaws; and

(h) Procedural rules for conducting elections.

2. Except as otherwise provided in the declaration, the bylaws ~~may~~ :

(a) *May* provide for any other matters the association deems necessary and appropriate ~~[-]~~; and

(b) *In a high-rise residential common-interest community, may include provisions authorized pursuant to section 4.3 of this act.*

3. The bylaws must be written in plain English."

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

"Sec. 7. NRS 116.311 is hereby amended to read as follows:

116.311 1. If only one of several owners of a unit is present at a meeting of the association, that owner is entitled to cast all the votes allocated to that unit. If more than one of the owners are present, the votes allocated to that unit may be cast only in accordance with the agreement of a majority in interest of the owners, unless the declaration expressly provides otherwise. There is majority agreement if any one of the owners cast the votes allocated to that unit without protest made promptly to the person presiding over the meeting by any of the other owners of the unit.

2. Except as otherwise provided in this section, votes allocated to a unit may be cast pursuant to a proxy executed by a unit's owner. A unit's owner may give a proxy only to a member of his immediate family, a tenant of the unit's owner who resides in the common-interest community, another unit's owner who resides in the common-interest community, or a delegate or representative when authorized pursuant to NRS 116.31105. If a unit is owned by more than one person, each owner of the unit may vote or register protest to the casting of votes by the other owners of the unit through an executed proxy. A unit's owner may revoke a proxy given pursuant to this section only by actual notice of revocation to the person presiding over a meeting of the association.

3. Before a vote may be cast pursuant to a proxy:

(a) The proxy must be dated.

- (b) The proxy must not purport to be revocable without notice.
- (c) The proxy must designate the meeting for which it is executed.

(d) The proxy must designate each specific item on the agenda of the meeting for which the unit's owner has executed the proxy, except that the unit's owner may execute the proxy without designating any specific items on the agenda of the meeting if the proxy is to be used solely for determining whether a quorum is present for the meeting. If the proxy designates one or more specific items on the agenda of the meeting for which the unit's owner has executed the proxy, the proxy must indicate, for each specific item designated in the proxy, whether the holder of the proxy must cast a vote in the affirmative or the negative on behalf of the unit's owner. If the proxy does not indicate whether the holder of the proxy must cast a vote in the affirmative or the negative for a particular item on the agenda of the meeting, the proxy must be treated, with regard to that particular item, as if the unit's owner were present but not voting on that particular item.

(e) The holder of the proxy must disclose at the beginning of the meeting for which the proxy is executed the number of proxies pursuant to which the holder will be casting votes.

4. A proxy terminates immediately after the conclusion of the meeting for which it is executed.

5. A vote may not be cast pursuant to a proxy for the election or removal of a member of the executive board of an association unless the proxy is exercised through a delegate or representative authorized pursuant to NRS 116.31105.

6. The holder of a proxy may not cast a vote on behalf of the unit's owner who executed the proxy in a manner that is contrary to the proxy.

7. A proxy is void if the proxy or the holder of the proxy violates any provision of subsections 1 to 6, inclusive.

8. If the declaration requires that votes on specified matters affecting the common-interest community must be cast by the lessees of leased units rather than the units' owners who have leased the units:

(a) The provisions of subsections 1 to 7, inclusive, apply to the lessees as if they were the units' owners;

(b) The units' owners who have leased their units to the lessees may not cast votes on those specified matters;

(c) The lessees are entitled to notice of meetings, access to records and other rights respecting those matters as if they were the units' owners; and

(d) The units' owners must be given notice, in the manner provided in NRS 116.3108, of all meetings at which the lessees are entitled to vote.

9. If any votes are allocated to a unit that is owned by the association, those votes may not be cast, by proxy or otherwise, for any purpose.

10. *The provisions of this section do not apply to a high-rise residential common-interest community to the extent that its governing documents include provisions authorized pursuant to section 4.3 of this act for casting*

votes pursuant to a proxy that are different from the provisions of this section."

Amend the title of the bill, eleventh line, after "board;" by inserting: "making various changes concerning high-rise residential common-interest communities;"

Senator Schneider moved the adoption of the amendment.

Remarks by Senator Schneider.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 517.

Bill read third time.

Roll call on Senate Bill No. 517:

YEAS—21.

NAYS—None.

Senate Bill No. 517 having received a constitutional majority, Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 518.

Bill read third time.

Roll call on Senate Bill No. 518:

YEAS—21.

NAYS—None.

Senate Bill No. 518 having received a constitutional majority, Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 299.

Bill read third time.

Roll call on Assembly Bill No. 299:

YEAS—21.

NAYS—None.

Assembly Bill No. 299 having received a constitutional majority, Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 334.

Bill read third time.

The following amendment was proposed by Senator Hardy:

Amendment No. 1050.

Amend sec. 5, page 5, between lines 13 and 14, by inserting:

"3. *As used in this section:*

(a) *"On-line bidding" has the meaning ascribed to it in NRS 332.047.*

(b) *"Spyware" does not include:*

(1) *An Internet browser;*

(2) Software for transmitting messages instantly that informs the user whether other users are on-line at the same time;

(3) Software that is designed to detect or prevent the use of computer contaminants;

(4) Software that is designed to detect fraudulent on-line bidding;

(5) Software that is designed to prevent children from accessing pornography on the Internet;

(6) Software that conducts remote maintenance or repair of a computer or its systems;

(7) Software that is designed to manage or to perform maintenance on a network of computers;

(8) Software for media players; and

(9) Software that authenticates a user."

Senator Hardy moved the adoption of the amendment.

Remarks by Senator Hardy.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Townsend moved that Assembly Bill No. 371 be taken from its position on the General File and placed on the bottom of the General File on the fifth agenda.

Remarks by Senator Townsend.

Motion carried.

Senator Washington moved that Assembly Bill No. 162 be taken from the Secretary's desk and placed on the bottom of the General File on the fifth agenda.

Remarks by Senator Washington.

Motion carried.

Senator Titus moved that Assembly Bill No. 120 be taken from the Secretary's desk and placed on the bottom of the General File on the fifth agenda.

Remarks by Senator Titus.

Motion carried.

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

Remarks by Senator Washington.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 533.

Bill read third time.

Roll call on Assembly Bill No. 533:

YEAS—21.

NAYS—None.

Assembly Bill No. 533 having received a constitutional majority,
Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 87.

Bill read third time.

Remarks by Senators Carlton and Beers.

Roll call on Assembly Bill No. 87:

YEAS—17.

NAYS—Beers, Cegavske, McGinness, Rhoads—4.

Assembly Bill No. 87 having received a constitutional majority,
Mr. President pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 137.

Bill read third time.

Roll call on Assembly Bill No. 137:

YEAS—21.

NAYS—None.

Assembly Bill No. 137 having received a constitutional majority,
Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 168.

Bill read third time.

Roll call on Assembly Bill No. 168:

YEAS—21.

NAYS—None.

Assembly Bill No. 168 having received a constitutional majority,
Mr. President pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 180.

Bill read third time.

The following amendment was proposed by Senator Washington:

Amendment No. 1105.

Amend sec. 10, page 22, by deleting line 24 and inserting:

"(e) may be used for the purpose of improving the achievement of pupils and improving classroom instruction but must not be used for the purpose of".

Amend the title of the bill, by deleting the tenth and eleventh lines and inserting: "governing the use of certain accountability information; revising the provisions".

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. 418.

Bill read third time.

The following amendment was proposed by Senator Townsend:

Amendment No. 1100.

Amend sec. 9, page 3, line 29, after "2." by inserting: "Before enacting such an ordinance, the Board shall hold a public hearing to present its plan for implementing the local sales and use tax.

3."

Amend sec. 13, page 5, lines 28 and 29, by deleting: "percentage of the current budget of the city which is expended" and inserting: "amount approved for expenditure by the body for the fiscal year".

Amend sec. 13, page 5, line 31, by deleting "percentage of" and inserting: "amount approved for expenditure in".

Amend sec. 13 page 5, line 32, by deleting: "budget of that city which was expended" and inserting "fiscal year".

Amend sec. 13, pages 5 and 6, by deleting lines 38 through 45 on page 5 and lines 1 through 4 on page 6 and inserting:

"(a) The amount approved for expenditure by the City of Las Vegas for the fiscal year for the support of the police department, not including any money received or expended pursuant to this act or any money collected pursuant to an additional ad valorem tax approved by the voters pursuant to NRS 280.265, is equal to or greater than the amount determined by multiplying the sum of the amounts approved for expenditure by both the City of Las Vegas and Clark County for the support of the police department during the immediately preceding fiscal year by the percentage of the expense of the operating and maintaining the police department apportioned to the City of Las Vegas for the fiscal year pursuant to NRS 280.201; and

(b) The amount approved for expenditure by the County for the fiscal year for the support of the police department, not including any money received or expended pursuant to this act or any money collected pursuant to an additional ad valorem tax approved by the voters pursuant to NRS 280.265, is equal to or greater than the amount determined by multiplying the sum of the amounts approved for expenditure by both the City of Las Vegas and the County for the support of the police department during the immediately preceding fiscal year by the percentage of the expense of operating and maintaining the police department apportioned to the County for the fiscal year pursuant to NRS 280.210."

Senator Townsend moved the adoption of the amendment.

Remarks by Senators Townsend, Beers, Care, Carlton and Lee.

Senators Beers, Cegavske and Heck requested a roll call vote on Senator Townsend's motion.

Roll call on Senator Townsend's motion:

YEAS—14.

NAYS—Beers, Cegavske, Hardy, Heck, Mathews, Tiffany, Washington—7.

The motion having received a majority, Mr. President pro Tempore declared it carried.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 443.

Bill read third time.

Roll call on Assembly Bill No. 443:

YEAS—17.

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

Assembly Bill No. 443 having received a constitutional majority, Mr. President pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 221.

Bill read third time.

Remarks by Senators Schneider, Care and Horsford.

Senator Horsford disclosed that he is an executive director for a post-secondary certified institution who is contracted occasionally but will not be affected by this bill.

Senator Care moved that Assembly Bill No. 221 be taken from the General File and placed on the General File on the fifth agenda.

Remarks by Senator Beers.

Motion carried.

Assembly Bill No. 532.

Bill read third time.

Roll call on Assembly Bill No. 532:

YEAS—21.

NAYS—None.

Assembly Bill No. 532 having received a constitutional majority, Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

UNFINISHED BUSINESS

CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 170.

The following Assembly amendment was read:

Amendment No. 864.

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

Amend the bill as a whole by adding a new section designated sec. 1.5, following section 1, to read as follows:

"Sec. 1.5. 1. *"Agriculture" means the current use of real property as a business venture for profit, which business venture produced a minimum*

gross income of \$5,000 during the immediately preceding calendar year from the following pursuits:

(a) Raising, harvesting and selling crops, fruit, flowers, timber or other products of the soil;

(b) Feeding, breeding, management and sale of livestock, poultry or the produce thereof;

(c) Operating a feed lot consisting of at least 50 head of cattle or an equivalent number of animal units of sheep or hogs, for the production of food;

(d) Raising furbearing animals or bees; or

(e) Dairying and the sale of dairy products.

➡ The term includes every process and step necessary and incident to the preparation and storage of the products raised on such property for human or animal consumption or for marketing except actual market locations.

2. As used in this section, "current use" of real property for agricultural purposes includes:

(a) Land lying fallow for 1 year as a normal and regular requirement of good agricultural husbandry;

(b) Land planted in orchards or other perennials prior to maturity; and

(c) Land leased or otherwise made available for use by an agricultural association formed pursuant to chapter 547 of NRS."

Amend sec. 4, page 2, line 16, after "persons." by inserting: "The term does not include a golf course, a driving range used to practice the sport of golf or any similar facility related to the sport of golf."

Amend sec. 5, page 2, line 20, after "therewith." by inserting: "The term does not include a golf course, a driving range used to practice the sport of golf or any similar facility related to the sport of golf."

Amend sec. 9, page 2, line 37, after "for" by inserting "agriculture,".

Amend sec. 9, page 3, line 1, after "for" by inserting "agriculture,".

Amend sec. 10, page 3, line 4, by deleting "Money" and inserting: "Except as otherwise provided in this subsection, money".

Amend sec. 10, page 3, line 7, after "citizens," by inserting: "and to preserve and protect agriculture,".

Amend sec. 10, page 3, line 12, after "for" by inserting "agriculture,".

Amend sec. 10, page 3, between lines 15 and 16, by inserting:

" ➡ Money to acquire, develop, construct, equip, operate, maintain, improve and manage recreational programs must not be obtained by the issuance of bonds."

Amend sec. 12, page 3, line 36, by deleting "2" and inserting "1.5".

Amend sec. 13, page 4, line 12, after "citizens," by inserting: "and to preserve and protect agriculture,".

Amend sec. 14, page 5, line 5, after "citizens," by inserting: "and to preserve and protect agriculture,".

Amend sec. 15, page 5, line 42, after "citizens," by inserting: "and to preserve and protect agriculture,".

Amend sec. 16, page 6, line 39, after "*citizens*," by inserting: "*and to preserve and protect agriculture*,".

Amend sec. 18, page 8, line 15, after "*citizens*," by inserting: "*and for preserving and protecting agriculture*,".

Amend sec. 18, page 8, line 19, after "*chapter*," by inserting: "*The provisions of this subsection do not authorize the board of county commissioners of a county to obtain money to acquire, develop, construct, equip, operate, maintain, improve and manage recreational programs by the issuance of bonds*,".

Amend the bill as a whole by renumbering sec. 19 as sec. 20 and adding a new section designated sec. 19, following sec. 18, to read as follows:

"Sec. 19. NRS 547.140 is hereby amended to read as follows:

547.140 ~~[Where]~~

1. *Except as otherwise provided in subsection 2, if two or more counties are included in and comprise an agricultural district, the boards of county commissioners of such counties are authorized to appropriate, out of the general fund of such counties, such money ~~[or moneys]~~ for the encouragement of such agricultural associations as the boards may, in their judgment, deem just and proper. ~~[, but in]~~*

2. *In no case ~~[shall such]~~ may an appropriation described in subsection 1 exceed the sum of \$1,500 in any 1 year ~~[,], unless the money so appropriated was obtained from the proceeds of a tax imposed pursuant to chapter 377A of NRS~~."*

Amend sec. 19, page 8, line 25, by deleting: "17 and 18" and inserting: "17, 18 and 19".

Senator McGinness moved that the Senate concur in the Assembly amendment to Senate Bill No. 170.

Remarks by Senator McGinness.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 263.

The following Assembly amendment was read:

Amendment No. 999.

Amend sec. 17, page 5, line 21, by deleting "*located*;" and inserting: "*located and any local planning commission whose territorial jurisdiction includes or is immediately adjacent to the real property subject to the covenant*;".

Senator Rhoads moved that the Senate concur in the Assembly amendment to Senate Bill No. 263.

Remarks by Senator Rhoads.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 307.

The following Assembly amendment was read:

Amendment No. 728.

Amend section 1, page 3, line 36, by deleting "*services.*" and inserting: "*services, if the company elects, in the form and manner prescribed by the Department, to have the property of the company assessed by a county assessor.*".

Amend the title of the bill, first line, by deleting "requiring" and inserting "authorizing".

Amend the summary of the bill to read as follows:

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

Senator McGinness moved that the Senate concur in the Assembly amendment to Senate Bill No. 307.

Remarks by Senator McGinness.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 389.

The following Assembly amendment was read:

Amendment No. 909.

Amend section 1, page 1, line 3, by deleting "32," and inserting "33,".

Amend sec. 14, page 2, line 33, by deleting "26" and inserting "27".

Amend sec. 15, pages 2 and 3, by deleting lines 36 through 45 on page 2 and lines 1 through 7 on page 3, and inserting:

"1. *In the case of counties:*

(a) *A drainage and flood control project, as defined in NRS 244A.027;*

(b) *An overpass project, as defined in NRS 244A.037;*

(c) *A sewerage project, as defined in NRS 244A.0505;*

(d) *A street project, as defined in NRS 244A.053;*

(e) *An underpass project, as defined in NRS 244A.055; or*

(f) *A water project, as defined in NRS 244A.056.*

2. *In the case of cities:*

(a) *A drainage project or flood control project, as defined in NRS 268.682;*

(b) *An overpass project, as defined in NRS 268.700;*

(c) *A sewerage project, as defined in NRS 268.714;*

(d) *A street project, as defined in NRS 268.722;*

(e) *An underpass project, as defined in NRS 268.726; or*

(f) *A water project, as defined in NRS 268.728."*

Amend the bill as a whole by deleting sec. 16 and adding:

"Sec. 16. (Deleted by amendment.)".

Amend sec. 17, pages 3 and 4, by deleting lines 39 through 45 on page 3 and lines 1 through 12 on page 4, and inserting:

"Sec. 17. 1. *Except as otherwise provided in subsections 2, 3 and 4, the governing body of a municipality, on the behalf and in the name of the municipality, may designate a tax increment area comprising any specially benefited zone within the municipality designated for the purpose of creating*

a special account for the payment of bonds or other securities issued to defray the cost of an undertaking, including, without limitation, the condemnation of property for an undertaking, as supplemented by the Local Government Securities Law, except as otherwise provided in this chapter."

Amend sec. 17, page 4, line 13, by deleting "3." and inserting "2."

Amend sec. 17, page 4, line 18, by deleting "4." and inserting "3."

Amend sec. 17, page 4, line 22, by deleting "5." and inserting "4."

Amend sec. 25, page 10, line 20, by deleting "26" and inserting "27".

Amend the bill as a whole by renumbering sections 26 through 35 as sections 27 through 36 and adding a new section designated sec. 26, following sec. 25, to read as follows:

"Sec. 26. *The provisions of NRS 338.010 to 338.090, inclusive, apply to any construction work to be performed under any contract or other agreement related to an undertaking ordered by a governing body pursuant to this chapter.*"

Amend sec. 26, page 12, between lines 8 and 9 by inserting:

"(c) *Pursuant to NRS 387.3285 or 387.3287, if that rate was approved by a majority of the registered voters within the area of the taxing agency voting upon the question, must be allocated to, and when collected must be paid into, the appropriate fund of that taxing agency.*

(d) *For the support of the public schools within a county school district pursuant to NRS 387.195, must be allocated to, and when collected must be paid into, the appropriate fund of that taxing agency.*

4. *The provisions of paragraph (a) of subsection 3 include, without limitation, a tax rate approved for bonds of a county school district issued pursuant to NRS 350.020, including, without limitation, amounts necessary for a reserve account in the debt service fund."*

Amend sec. 26, page 12, line 9, by deleting "4." and inserting "5."

Amend sec. 29, page 13, line 43, by deleting "26" and inserting "27".

Amend sec. 33, page 15, line 2, by deleting "32," and inserting "33,".

Amend sec. 34, page 15, line 10, by deleting "27" and inserting "28".

Amend the summary of the bill to read as follows:

"SUMMARY—Provides for creation of tax increment areas by municipalities to defray costs of certain undertakings. (BDR 22-815)".

Senator McGinness moved that the Senate concur in the Assembly amendment to Senate Bill No. 389.

Remarks by Senator McGinness.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 460.

The following Assembly amendment was read:

Amendment No. 970.

Amend the bill as a whole by deleting sec. 5 and renumbering sections 6 and 7 as sections 5 and 6.

Amend sec. 6, page 5, line 3, by deleting: "or section 5 of this act,".

Amend the title of the bill, first line, after "authorizing" by inserting "certain".

Senator Washington moved that the Senate do not concur in the Assembly amendment to Senate Bill No. 460.

Remarks by Senator Washington.

Motion carried on a division of the house.

Bill ordered transmitted to the Assembly.

GENERAL FILE AND THIRD READING

Assembly Bill No. 221.

Bill read third time.

Remarks by Senator Carlton.

Roll call on Assembly Bill No. 221:

YEAS—17.

NAYS—Beers, Carlton, Cegavske, Schneider—4.

Assembly Bill No. 221 having received a constitutional majority, Mr. President pro Tempore declared it passed, as amended.

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 7:45 p.m.

SENATE IN SESSION

At 7:50 p.m.

President pro Tempore Amodei presiding.

Quorum present.

GENERAL FILE AND THIRD READING

Senate Bill No. 406.

Bill read third time.

Roll call on Senate Bill No. 406:

YEAS—21.

NAYS—None.

Senate Bill No. 406 having received a constitutional majority, Mr. President pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 39.

Bill read third time.

Roll call on Assembly Bill No. 39:

YEAS—21.

NAYS—None.

Assembly Bill No. 39 having received a constitutional majority,
Mr. President pro Tempore declared it passed, as amended.
Bill ordered transmitted to the Assembly.

Assembly Bill No. 185.
Bill read third time.
Roll call on Assembly Bill No. 185:
YEAS—21.
NAYS—None.

Assembly Bill No. 185 having received a constitutional majority,
Mr. President pro Tempore declared it passed, as amended.
Bill ordered transmitted to the Assembly.

Assembly Bill No. 236.
Bill read third time.
Roll call on Assembly Bill No. 236:
YEAS—21.
NAYS—None.

Assembly Bill No. 236 having received a constitutional majority,
Mr. President pro Tempore declared it passed, as amended.
Bill ordered transmitted to the Assembly.

Assembly Bill No. 312.
Bill read third time.
Roll call on Assembly Bill No. 312:
YEAS—20.
NAYS—None.
NOT VOTING—Raggio.

Assembly Bill No. 312 having received a constitutional majority,
Mr. President pro Tempore declared it passed, as amended.
Bill ordered transmitted to the Assembly.

Assembly Bill No. 348.
Bill read third time.
Roll call on Assembly Bill No. 348:
YEAS—21.
NAYS—None.

Assembly Bill No. 348 having received a constitutional majority,
Mr. President pro Tempore declared it passed, as amended.
Bill ordered transmitted to the Assembly.

Assembly Bill No. 416.
Bill read third time.
Roll call on Assembly Bill No. 416:
YEAS—21.
NAYS—None.

Assembly Bill No. 416 having received a constitutional majority,
Mr. President pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senator Care moved that the Senate recess subject to the call of the Chair.
Motion carried.

Senate in recess at 7:56 p.m.

SENATE IN SESSION

At 8 p.m.

President pro Tempore Amodei presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Care moved that Assembly Bill No. 485 be taken from the General
File and placed on the bottom of the General File on the fifth agenda.

Remarks by Senator Care.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 504.

Bill read third time.

Roll call on Assembly Bill No. 504:

YEAS—21.

NAYS—None.

Assembly Bill No. 504 having received a constitutional majority,
Mr. President pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 497.

Bill read third time.

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

Amendment No. 1103.

Amend sec. 3, page 4, line 39, after "*clerk*" by inserting "*or postmarked*".

Amend sec. 3, page 4, by deleting line 41 and inserting: "*on the date the
applicant completed the application;*".

Amend sec. 3, page 4, line 43, after "*clerk*" by inserting "*or postmarked*".

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. 550.

Bill read third time.

The following amendment was proposed by Senator Nolan.

Amendment No. 1063.

Amend the bill as a whole by renumbering section 1 as sec. 26 and adding new sections designated sections 1 through 25, following the enacting clause, to read as follows:

"Section 1. NRS 482.31555 is hereby amended to read as follows:

482.31555 A short-term lessor may provide in a lease of a passenger car that a waiver of damages does not apply in the following circumstances:

1. Damage or loss resulting from an authorized driver's:

(a) Intentional, willful, wanton or reckless conduct.

(b) Operation of the car in violation of NRS 484.379 ~~[-]~~ *or section 14 of this act.*

(c) Towing or pushing with the car.

(d) Operation of the car on an unpaved road if the damage or loss is a direct result of the road or driving conditions.

2. Damage or loss occurring when the passenger car is:

(a) Used for hire.

(b) Used in connection with conduct that constitutes a felony.

(c) Involved in a speed test or contest or in driver training activity.

(d) Operated by a person other than an authorized driver.

(e) Operated in a foreign country or outside of the States of Nevada, Arizona, California, Idaho, Oregon and Utah, unless the lease expressly provides that the passenger car may be operated in other locations.

3. An authorized driver providing:

(a) Fraudulent information to the short-term lessor.

(b) False information to the lessor and the lessor would not have leased the passenger car if he had received true information.

Sec. 2. NRS 482.456 is hereby amended to read as follows:

482.456 1. A person who has had the registration of his motor vehicle suspended pursuant to NRS 482.451 and who drives the motor vehicle for which the registration has been suspended on a highway is guilty of a misdemeanor and shall be:

(a) Punished by imprisonment in the county jail for not less than 30 days nor more than 6 months; or

(b) Sentenced to a term of not less than 60 days nor more than 6 months in residential confinement, and by a fine of not less than \$500 and not more than \$1,000.

➤ The provisions of this subsection do not apply if the period of suspension has expired but the person has not reinstated his registration.

2. A person who has had the registration of his motor vehicle suspended pursuant to NRS 482.451 and who knowingly allows the motor vehicle for which the registration has been suspended to be operated by another person upon a highway is guilty of a misdemeanor.

3. A person who willfully fails to return a certificate of registration or the license plates as required pursuant to NRS 482.451 is guilty of a misdemeanor.

4. A term of imprisonment imposed pursuant to the provisions of this section may be served intermittently at the discretion of the judge or justice of the peace, except that the full term of imprisonment must be served within 6 months after the date of conviction, and any segment of time the person is imprisoned must not consist of less than 24 hours. This discretion must be exercised after considering all the circumstances surrounding the offense, and the family and employment of the person convicted.

5. Jail sentences simultaneously imposed pursuant to this section and NRS 484.3792, 484.37937 or 484.3794 *or section 15 of this act* must run consecutively.

Sec. 3. NRS 483.330 is hereby amended to read as follows:

483.330 1. The Department may require every applicant for a driver's license, including a commercial driver's license issued pursuant to NRS 483.900 to 483.940, inclusive, to submit to an examination. The examination may include:

(a) A test of the applicant's ability to understand official devices used to control traffic;

(b) A test of his knowledge of practices for safe driving and the traffic laws of this State;

(c) Except as otherwise provided in subsection 2, a test of his eyesight; and

(d) Except as otherwise provided in subsection 3, an actual demonstration of his ability to exercise ordinary and reasonable control in the operation of a motor vehicle of the type or class of vehicle for which he is to be licensed.

↪ The examination may also include such further physical and mental examination as the Department finds necessary to determine the applicant's fitness to drive a motor vehicle safely upon the highways.

2. The Department may provide by regulation for the acceptance of a report from an ophthalmologist, optician or optometrist in lieu of an eye test by a driver's license examiner.

3. If the Department establishes a type or classification of driver's license to operate a motor vehicle of a type which is not normally available to examine an applicant's ability to exercise ordinary and reasonable control of such a vehicle, the Department may, by regulation, provide for the acceptance of an affidavit from a:

(a) Past, present or prospective employer of the applicant; or

(b) Local joint apprenticeship committee which had jurisdiction over the training or testing, or both, of the applicant,

↪ in lieu of an actual demonstration.

4. The Department may waive an examination pursuant to subsection 1 for a person applying for a Nevada driver's license who possesses a valid driver's license of the same type or class issued by another jurisdiction unless that person:

(a) Has not attained 25 years of age;

(b) Has had his license or privilege to drive a motor vehicle suspended, revoked or cancelled or has been otherwise disqualified from driving during the immediately preceding 4 years;

(c) Has been convicted, during the immediately preceding 7 years, of a violation of NRS 484.379 or 484.3795 *or section 14 of this act* or a law of any other jurisdiction that prohibits the same or similar conduct;

(d) Has restrictions to his driver's license which the Department must reevaluate to ensure the safe driving of a motor vehicle by that person;

(e) Has had three or more convictions of moving traffic violations on his driving record during the immediately preceding 4 years; or

(f) Has been convicted of any of the offenses related to the use or operation of a motor vehicle which must be reported pursuant to the provisions of ~~[Parts 1325 and]~~ *Part 1327* of Title 23 of the Code of Federal Regulations relating to the National Driver Register Problem Driver Pointer System during the immediately preceding 4 years.

Sec. 4. NRS 483.410 is hereby amended to read as follows:

483.410 1. Except as otherwise provided in subsection 6, for every driver's license, including a motorcycle driver's license, issued and service performed, the following fees must be charged:

A license issued to a person 65 years of age or older \$14

An original license issued to any other person..... 19

A renewal license issued to any other person 19

Reinstatement of a license after suspension, revocation or cancellation, except a revocation for a violation of NRS 484.379 or 484.3795 *or section 14 of this act* or pursuant to NRS 484.384 and 484.385 40

Reinstatement of a license after revocation for a violation of NRS 484.379 or 484.3795 *or section 14 of this act* or pursuant to NRS 484.384 and 484.38565

A new photograph, change of name, change of other information, except address, or any combination 5

A duplicate license 14

2. For every motorcycle endorsement to a driver's license, a fee of \$5 must be charged.

3. If no other change is requested or required, the Department shall not charge a fee to convert the number of a license from the licensee's social security number, or a number that was formulated by using the licensee's social security number as a basis for the number, to a unique number that is not based on the licensee's social security number.

4. The increase in fees authorized by NRS 483.347 and the fees charged pursuant to NRS 483.383 and 483.415 must be paid in addition to the fees charged pursuant to subsections 1 and 2.

5. A penalty of \$10 must be paid by each person renewing his license after it has expired for a period of 30 days or more as provided in NRS 483.386 unless he is exempt pursuant to that section.

6. The Department may not charge a fee for the reinstatement of a driver's license that has been:

- (a) Voluntarily surrendered for medical reasons; or
- (b) Cancelled pursuant to NRS 483.310.

7. All fees and penalties are payable to the Administrator at the time a license or a renewal license is issued.

8. Except as otherwise provided in NRS 483.340, 483.415 and 483.840, all money collected by the Department pursuant to this chapter must be deposited in the State Treasury for credit to the Motor Vehicle Fund.

Sec. 5. NRS 483.460 is hereby amended to read as follows:

483.460 1. Except as otherwise provided by specific statute, the Department shall revoke the license, permit or privilege of any driver upon receiving a record of his conviction of any of the following offenses, when that conviction has become final, and the driver is not eligible for a license, permit or privilege to drive for the period indicated:

(a) For a period of 3 years if the offense is:

(1) A violation of subsection 2 of NRS 484.377.

(2) A third or subsequent violation within 7 years of NRS 484.379 ~~or~~ *or section 14 of this act.*

(3) A violation of NRS 484.3795 or a homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484.379 or 484.3795 ~~or~~ *or section 14 of this act.*

➤ The period during which such a driver is not eligible for a license, permit or privilege to drive must be set aside during any period of imprisonment and the period of revocation must resume upon completion of the period of imprisonment or when the person is placed on residential confinement.

(b) For a period of 1 year if the offense is:

(1) Any other manslaughter resulting from the driving of a motor vehicle or felony in the commission of which a motor vehicle is used, including the unlawful taking of a motor vehicle.

(2) Failure to stop and render aid as required pursuant to the laws of this State in the event of a motor vehicle accident resulting in the death or bodily injury of another.

(3) Perjury or the making of a false affidavit or statement under oath to the Department pursuant to NRS 483.010 to 483.630, inclusive, or pursuant to any other law relating to the ownership or driving of motor vehicles.

(4) Conviction, or forfeiture of bail not vacated, upon three charges of reckless driving committed within a period of 12 months.

(5) A second violation within 7 years of NRS 484.379 *or section 14 of this act* and the driver is not eligible for a restricted license during any of that period.

(6) A violation of NRS 484.348.

(c) For a period of 90 days, if the offense is a first violation within 7 years of NRS 484.379 ~~or~~ *or section 14 of this act.*

2. The Department shall revoke the license, permit or privilege of a driver convicted of violating NRS 484.379 who fails to complete the educational course on the use of alcohol and controlled substances within the time ordered by the court and shall add a period of 90 days during which the driver is not eligible for a license, permit or privilege to drive.

3. When the Department is notified by a court that a person who has been convicted of a first violation within 7 years of NRS 484.379 has been permitted to enter a program of treatment pursuant to NRS 484.37937, the Department shall reduce by one-half the period during which he is not eligible for a license, permit or privilege to drive, but shall restore that reduction in time if notified that he was not accepted for or failed to complete the treatment.

4. The Department shall revoke the license, permit or privilege to drive of a person who is required to install a device pursuant to NRS 484.3943 but who operates a motor vehicle without such a device:

(a) For 3 years, if it is his first such offense during the period of required use of the device.

(b) For 5 years, if it is his second such offense during the period of required use of the device.

5. A driver whose license, permit or privilege is revoked pursuant to subsection 4 is not eligible for a restricted license during the period set forth in paragraph (a) or (b) of that subsection, whichever applies.

6. In addition to any other requirements set forth by specific statute, if the Department is notified that a court has ordered the revocation, suspension or delay in the issuance of a license pursuant to title 5 of NRS, NRS 176.064 or 206.330, chapter 484 of NRS or any other provision of law, the Department shall take such actions as are necessary to carry out the court's order.

7. As used in this section, "device" has the meaning ascribed to it in NRS 484.3941.

Sec. 6. NRS 483.461 is hereby amended to read as follows:

483.461 1. If the result of a test given pursuant to NRS 484.382 or 484.383 shows that a person less than 21 years of age had a concentration of alcohol of 0.02 or more but less than 0.08 in his blood or breath at the time of the test, his license, permit or privilege to drive must be suspended for a period of 90 days.

2. If a revocation or suspension of a person's license, permit or privilege to drive for a violation of NRS 62E.640, 484.379 or 484.3795 *or section 14 of this act* follows a suspension ordered pursuant to subsection 1, the Department shall:

(a) Cancel the suspension ordered pursuant to subsection 1; and

(b) Give the person credit toward the period of revocation or suspension ordered pursuant to NRS 62E.640, 484.379 or 484.3795, *or section 14 of this act*, whichever is applicable, for any period during which the person's license, permit or privilege to drive was suspended pursuant to subsection 1.

3. This section does not preclude:

(a) The prosecution of a person for a violation of any other provision of law; or

(b) The suspension or revocation of a person's license, permit or privilege to drive pursuant to any other provision of law.

Sec. 7. NRS 483.461 is hereby amended to read as follows:

483.461 1. If the result of a test given pursuant to NRS 484.382 or 484.383 shows that a person less than 21 years of age had a concentration of alcohol of 0.02 or more but less than 0.10 in his blood or breath at the time of the test, his license, permit or privilege to drive must be suspended for a period of 90 days.

2. If a revocation or suspension of a person's license, permit or privilege to drive for a violation of NRS 62E.640, 484.379 or 484.3795 *or section 14 of this act* follows a suspension ordered pursuant to subsection 1, the Department shall:

(a) Cancel the suspension ordered pursuant to subsection 1; and

(b) Give the person credit toward the period of revocation or suspension ordered pursuant to NRS 62E.640, 484.379 or 484.3795, *or section 14 of this act*, whichever is applicable, for any period during which the person's license, permit or privilege to drive was suspended pursuant to subsection 1.

3. This section does not preclude:

(a) The prosecution of a person for a violation of any other provision of law; or

(b) The suspension or revocation of a person's license, permit or privilege to drive pursuant to any other provision of law.

Sec. 8. NRS 483.490 is hereby amended to read as follows:

483.490 1. Except as otherwise provided in this section, after a driver's license has been suspended or revoked for an offense other than a second violation within 7 years of NRS 484.379 *or section 14 of this act* and one-half of the period during which the driver is not eligible for a license has expired, the Department may, unless the statute authorizing the suspension prohibits the issuance of a restricted license, issue a restricted driver's license to an applicant permitting the applicant to drive a motor vehicle:

(a) To and from work or in the course of his work, or both; or

(b) To acquire supplies of medicine or food or receive regularly scheduled medical care for himself or a member of his immediate family.

➡ Before a restricted license may be issued, the applicant must submit sufficient documentary evidence to satisfy the Department that a severe hardship exists because the applicant has no alternative means of transportation and that the severe hardship outweighs the risk to the public if he is issued a restricted license.

2. A person who has been ordered to install a device in a motor vehicle pursuant to NRS 484.3943:

(a) Shall install the device not later than 21 days after the date on which the order was issued; and

(b) May not receive a restricted license pursuant to this section until:

(1) After at least 1 year of the period during which he is not eligible for a license, if he was convicted of:

(I) A violation of NRS 484.3795 or a homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484.379 or 484.3795 ~~[-]~~ *or section 14 of this act*;
or

(II) A third or subsequent violation within 7 years of NRS 484.379 ~~[-]~~ *or section 14 of this act*;

(2) After at least 180 days of the period during which he is not eligible for a license, if he was convicted of a violation of subsection 2 of NRS 484.377; or

(3) After at least 45 days of the period during which he is not eligible for a license, if he was convicted of a first violation within 7 years of NRS 484.379 ~~[-]~~ *or section 14 of this act*.

3. If the Department has received a copy of an order requiring a person to install a device in a motor vehicle pursuant to NRS 484.3943, the Department shall not issue a restricted driver's license to such a person pursuant to this section unless the applicant has submitted proof of compliance with the order and subsection 2.

4. After a driver's license has been revoked or suspended pursuant to title 5 of NRS, the Department may issue a restricted driver's license to an applicant permitting the applicant to drive a motor vehicle:

(a) If applicable, to and from work or in the course of his work, or both;
and

(b) If applicable, to and from school.

5. After a driver's license has been suspended pursuant to NRS 483.443, the Department may issue a restricted driver's license to an applicant permitting the applicant to drive a motor vehicle:

(a) If applicable, to and from work or in the course of his work, or both;

(b) To receive regularly scheduled medical care for himself or a member of his immediate family; and

(c) If applicable, as necessary to exercise a court-ordered right to visit a child.

6. A driver who violates a condition of a restricted license issued pursuant to subsection 1 or by another jurisdiction is guilty of a misdemeanor and, if the license of the driver was suspended or revoked for:

(a) A violation of NRS 484.379, 484.3795 or 484.384 ~~[-]~~ *or section 14 of this act*;

(b) A homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484.379 or 484.3795 ~~[-]~~ *or section 14 of this act*; or

(c) A violation of a law of any other jurisdiction that prohibits the same or similar conduct as set forth in paragraph (a) or (b),

↪ the driver shall be punished in the manner provided pursuant to subsection 2 of NRS 483.560.

7. The periods of suspensions and revocations required pursuant to this chapter and NRS 484.384 must run consecutively, except as otherwise provided in NRS 483.465 and 483.475, when the suspensions must run concurrently.

8. Whenever the Department suspends or revokes a license, the period of suspension, or of ineligibility for a license after the revocation, begins upon the effective date of the revocation or suspension as contained in the notice thereof.

Sec. 9. NRS 483.560 is hereby amended to read as follows:

483.560 1. Except as otherwise provided in subsection 2, any person who drives a motor vehicle on a highway or on premises to which the public has access at a time when his driver's license has been cancelled, revoked or suspended is guilty of a misdemeanor.

2. Except as otherwise provided in this subsection, if the license of the person was suspended, revoked or restricted because of:

(a) A violation of NRS 484.379, 484.3795 or 484.384 ~~[-]~~ *or section 14 of this act;*

(b) A homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484.379 or 484.3795 ~~[-]~~ *or section 14 of this act;* or

(c) A violation of a law of any other jurisdiction that prohibits the same or similar conduct as set forth in paragraph (a) or (b),

↪ the person shall be punished by imprisonment in jail for not less than 30 days nor more than 6 months or by serving a term of residential confinement for not less than 60 days nor more than 6 months, and shall be further punished by a fine of not less than \$500 nor more than \$1,000. A person who is punished pursuant to this subsection may not be granted probation, and a sentence imposed for such a violation may not be suspended. A prosecutor may not dismiss a charge of such a violation in exchange for a plea of guilty or of nolo contendere to a lesser charge or for any other reason, unless in his judgment the charge is not supported by probable cause or cannot be proved at trial. The provisions of this subsection do not apply if the period of revocation has expired but the person has not reinstated his license.

3. A term of imprisonment imposed pursuant to the provisions of this section may be served intermittently at the discretion of the judge or justice of the peace. This discretion must be exercised after considering all the circumstances surrounding the offense, and the family and employment of the person convicted. However, the full term of imprisonment must be served

within 6 months after the date of conviction, and any segment of time the person is imprisoned must not consist of less than 24 hours.

4. Jail sentences simultaneously imposed pursuant to this section and NRS 484.3792, 484.37937 or 484.3794 *or section 15 of this act* must run consecutively.

5. If the Department receives a record of the conviction or punishment of any person pursuant to this section upon a charge of driving a vehicle while his license was:

(a) Suspended, the Department shall extend the period of the suspension for an additional like period.

(b) Revoked, the Department shall extend the period of ineligibility for a license, permit or privilege to drive for an additional 1 year.

(c) Restricted, the Department shall revoke his restricted license and extend the period of ineligibility for a license, permit or privilege to drive for an additional 1 year.

(d) Suspended or cancelled for an indefinite period, the Department shall suspend his license for an additional 6 months for the first violation and an additional 1 year for each subsequent violation.

6. Suspensions and revocations imposed pursuant to this section must run consecutively.

Sec. 10. NRS 483.910 is hereby amended to read as follows:

483.910 1. The Department shall charge and collect the following fees:

For an original commercial driver's license which requires the

Department to administer a driving skills test \$84

For an original commercial driver's license which does not require the ..

Department to administer a driving skills test 54

For renewal of a commercial driver's license which requires the

Department to administer a driving skills test 84

For renewal of a commercial driver's license which does not require the

Department to administer a driving skills test 54

For reinstatement of a commercial driver's license after suspension or ..

revocation of the license for a violation of NRS 484.379 or 484.3795,

or section 14 of this act or pursuant to NRS 484.384 and 484.385, or

pursuant to 49 C.F.R. § 383.51(b)(2)(i) or (ii)..... 84

For reinstatement of a commercial driver's license after suspension,

revocation, cancellation or disqualification of the license, except a

suspension or revocation for a violation of NRS 484.379 or 484.3795,

or section 14 of this act or pursuant to NRS 484.384 and 484.385, or

pursuant to 49 C.F.R. § 383.51(b)(2)(i) or (ii)..... 54

For the transfer of a commercial driver's license from another jurisdiction,

which requires the Department to administer a driving skills test..... 84

For the transfer of a commercial driver's license from another jurisdiction,

which does not require the Department to administer a driving skills ..

test 54

For a duplicate commercial driver's license 19

For any change of information on a commercial driver's license 9
 For each endorsement added after the issuance of an original commercial
 driver's license 14
 For the administration of a driving skills test to change any information on,
 or add an endorsement to, an existing commercial driver's license... 30

2. The Department shall charge and collect an annual fee of \$555 from each person who is authorized by the Department to administer a driving skills test pursuant to NRS 483.912.

3. An additional charge of \$3 must be charged for each knowledge test administered to a person who has twice failed the test.

4. An additional charge of \$25 must be charged for each driving skills test administered to a person who has twice failed the test.

5. The increase in fees authorized in NRS 483.347 must be paid in addition to the fees charged pursuant to this section.

6. The Department shall charge an applicant for a hazardous materials endorsement an additional fee for the processing of fingerprints. The Department shall establish the additional fee by regulation, except that the amount of the additional fee must not exceed the sum of the amount charged by the Central Repository for Nevada Records of Criminal History and each applicable federal agency to process the fingerprints for a background check of the applicant in accordance with Section 1012 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (USA PATRIOT ACT) of 2001, 49 U.S.C. § 5103a.

Sec. 11. NRS 483.922 is hereby amended to read as follows:

483.922 1. Except as otherwise provided in NRS 484.383, a person who drives, operates or is in actual physical control of a commercial motor vehicle within this State shall be deemed to have given consent to an evidentiary test of his blood, urine, breath or other bodily substance for the purpose of determining the concentration of alcohol in his blood or breath or to detect the presence of a controlled substance, chemical, poison, organic solvent or another prohibited substance.

2. The tests must be administered pursuant to NRS 484.383 at the direction of a police officer who, after stopping or detaining such a person, has reasonable grounds to believe that the person was:

(a) Driving, ~~operation~~ *operating* or in actual physical control of a commercial motor vehicle while under the influence of intoxicating liquor or a controlled substance; or

(b) Engaging in any other conduct prohibited by NRS 484.379 or 484.3795 ~~[-] or section 14 of this act.~~

3. As used in this section, "prohibited substance" has the meaning ascribed to it in NRS 484.1245.

Sec. 12. Chapter 484 of NRS is hereby amended by adding thereto the provisions set forth as sections 13 to 21, inclusive, of this act.

Sec. 13. "Concentration of alcohol of 0.18 or more in his blood or breath" means 0.18 gram or more of alcohol per 100 milliliters of the blood of a person or per 210 liters of his breath.

Sec. 14. 1. It is unlawful for any person who:

(a) Is under the extreme influence of intoxicating liquor;

(b) Has a concentration of alcohol of 0.18 or more in his blood or breath;

or

(c) Is found by measurement within 2 hours after driving or being in actual physical control of a vehicle to have a concentration of alcohol of 0.18 or more in his blood or breath,

➡ to drive or be in actual physical control of a vehicle on a highway or on premises to which the public has access.

2. If consumption is proven by a preponderance of the evidence, it is an affirmative defense under paragraph (c) of subsection 1 that the defendant consumed a sufficient quantity of alcohol after driving or being in actual physical control of the vehicle, and before his blood or breath was tested, to cause him to have a concentration of alcohol of 0.18 or more in his blood or breath. A defendant who intends to offer this defense at a trial or preliminary hearing must, not less than 14 days before the trial or hearing or at such other time as the court may direct, file and serve on the prosecuting attorney a written notice of that intent.

3. A person who violates any provision of this section may be subject to the additional penalty set forth in NRS 484.3667.

Sec. 15. 1. Unless a greater penalty is provided pursuant to NRS 484.3795, a person who violates the provisions of section 14 of this act:

(a) For the first offense within 7 years, is guilty of a misdemeanor. The court shall:

(1) Sentence him to imprisonment for not less than 6 days nor more than 6 months in jail, or to perform not less than 72 hours, but not more than 144 hours, of community service while dressed in distinctive garb that identifies him as having violated the provisions of section 14 of this act;

(2) Fine him not less than \$400 nor more than \$1,000; and

(3) Order him to attend a program of treatment for the abuse of alcohol pursuant to the provisions of NRS 484.37945.

(b) For a second offense within 7 years, is guilty of a misdemeanor. Unless the sentence is reduced pursuant to NRS 484.3794, the court shall:

(1) Sentence him to:

(I) Imprisonment for not less than 14 days nor more than 6 months in jail; or

(II) Residential confinement for not less than 14 days nor more than 6 months, in the manner provided in NRS 4.376 to 4.3766, inclusive, or 5.0755 to 5.078, inclusive;

(2) Fine him not less than \$750 nor more than \$1,000, or order him to perform an equivalent number of hours of community service while dressed

in distinctive garb that identifies him as having violated the provisions of section 14 of this act; and

(3) Order him to attend a program of treatment for the abuse of alcohol pursuant to the provisions of NRS 484.37945.

(c) For a third offense within 7 years, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and shall be further punished by a fine of not less than \$4,000 nor more than \$5,000. An offender so imprisoned must, insofar as practicable, be segregated from offenders whose crimes were violent and, insofar as practicable, be assigned to an institution or facility of minimum security.

(d) For a fourth or subsequent offense, regardless of the length of time that has passed since the prior offenses, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years, and shall be further punished by a fine of not less than \$4,000 nor more than \$5,000. An offender so imprisoned must, insofar as practicable, be segregated from offenders whose crimes were violent and, insofar as practicable, be assigned to an institution or facility of minimum security.

2. Except as otherwise provided in this subsection, an offense that occurred within 7 years immediately preceding the date of the principal offense or after the principal offense constitutes a prior offense for the purposes of this section when evidenced by a conviction, without regard to the sequence of the offenses and convictions. For the purposes of paragraph (d) of subsection 1, an offense that occurred on any date preceding the date of the principal offense or after the principal offense constitutes a prior offense for the purposes of this section when evidenced by a conviction, without regard for the sequence of the offenses and convictions. The facts concerning a prior offense must be alleged in the complaint, indictment or information, must not be read to the jury or proved at trial but must be proved at the time of sentencing and, if the principal offense is alleged to be a felony, must also be shown at the preliminary examination or presented to the grand jury.

3. A person convicted of violating the provisions of section 14 of this act must not be released on probation, and a sentence imposed for violating those provisions must not be suspended except, as provided in NRS 4.373, 5.055 and 484.3794, that portion of the sentence imposed that exceeds the mandatory minimum. A prosecuting attorney shall not dismiss a charge of violating the provisions of section 14 of this act in exchange for a plea of guilty or nolo contendere to a lesser charge or for any other reason unless he knows or it is obvious that the charge is not supported by probable cause or cannot be proved at the time of trial.

4. A term of confinement imposed pursuant to the provisions of this section may be served intermittently at the discretion of the judge or justice of the peace, except that a person who is convicted of a second or subsequent

offense within 7 years must be confined for at least one segment of not less than 48 consecutive hours. This discretion must be exercised after considering all the circumstances surrounding the offense, and the family and employment of the offender, but any sentence of 30 days or less must be served within 6 months after the date of conviction or, if the offender was sentenced pursuant to NRS 484.3794 and the suspension of his sentence was revoked, within 6 months after the date of revocation. Any time for which the offender is confined must consist of not less than 24 consecutive hours.

5. Jail sentences simultaneously imposed pursuant to this section and NRS 482.456, 483.560 or 485.330 must run consecutively.

6. If the defendant was transporting a person who is less than 15 years of age in the motor vehicle at the time of the violation, the court shall consider that fact as an aggravating factor in determining the sentence of the defendant.

7. For the purpose of determining whether one offense occurs within 7 years of another offense, any period of time between the two offenses during which, for any such offense, the offender is imprisoned, serving a term of residential confinement, confined in a treatment facility, on parole or on probation must be excluded.

8. As used in this section, unless the context otherwise requires:

(a) "Offense" means:

(1) A violation of NRS 484.379, 484.3795 or section 14 of this act;

(2) A homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484.379, 484.3795 or section 14 of this act; or

(3) A violation of a law of any other jurisdiction that prohibits the same or similar conduct as set forth in subparagraph (1) or (2).

(b) "Treatment facility" has the meaning ascribed to it in NRS 484.3793.

Sec. 16. As used in sections 16 to 21, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 17 and 18 of this act have the meanings ascribed to them in those sections.

Sec. 17. "Automated enforcement system" means a contrivance, device, mechanism or any combination thereof that is used to obtain evidence of a moving traffic violation without the need for contemporaneous manipulation or operation by a human being. The term includes a red-light camera.

Sec. 18. "Red-light camera" means a camera that:

1. Is adapted for use or placed at an intersection or crosswalk in which the movement of vehicles or pedestrians, or both, is controlled by an official traffic-control device that is operated electrically, electronically or mechanically; and

2. Is capable of photographing or otherwise capturing one or more images or representations of all the following in a simultaneous or approximately simultaneous manner:

(a) The license plate number of a vehicle;

- (b) An accurate likeness of the driver or operator of the vehicle;*
- (c) The signal displayed by or upon the official traffic-control device as the vehicle enters or exits, or both, the intersection or crosswalk controlled by the official traffic-control device;*
- (d) The position of the vehicle within the intersection or crosswalk relative to the signal displayed by or upon the official traffic-control device; and*
- (e) The date and time of day.*

Sec. 19. *The Department of Transportation shall adopt regulations establishing a pilot program pursuant to which a county, city or other local government may acquire and use an automated enforcement system to gather evidence to be used for the issuance of a traffic citation for:*

- 1. A violation of this chapter; or*
- 2. A violation of an ordinance, rule or regulation of the county, city or local government which has the force of law.*

Sec. 20. *The regulations adopted by the Department of Transportation pursuant to section 19 of this act must set forth, without limitation:*

- 1. That a citation issued through the use of an automated enforcement system imposes the same penalties as a citation issued by a peace officer for the same or substantially similar violation;*
- 2. That a citation may not be issued through the use of an automated enforcement system unless the evidence gathered by the system with respect to a particular alleged violation provides reasonable proof that the person driving or operating the vehicle at the time of the alleged violation was the registered owner of the vehicle;*
- 3. That a citation issued through the use of an automated enforcement system must:*
 - (a) Insofar as practicable, comply with the applicable provisions of NRS 484.799; and*
 - (b) Afford the person cited an opportunity to appeal or otherwise challenge the citation by appearance before a magistrate, justice or judge, as appropriate; and*
- 4. Criteria detailing the information that must be included in the report that a county, city or local government is required to provide to the Department of Transportation pursuant to subsection 2 of section 21 of this act.*

Sec. 21. *The Department of Transportation shall:*

- 1. Establish a clearinghouse of information relating to the use of automated enforcement systems;*
- 2. Require a county, city or local government that acquires and uses an automated enforcement system to report to the Department of Transportation, on or before October 1, 2006, and on or before October 1 of each even-numbered year thereafter, the information required to be reported by regulation of the Department of Transportation adopted pursuant to subsection 4 of section 20 of this act; and*

3. *Submit a comprehensive report on the use of automated enforcement systems to the Director of the Legislative Counsel Bureau for distribution to each regular session of the Legislature on or before April 1 of each odd-numbered year.*

Sec. 22. NRS 484.013 is hereby amended to read as follows:

484.013 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 484.014 to 484.217, inclusive, *and section 13 of this act* have the meanings ascribed to them in those sections.

Sec. 23. NRS 484.259 is hereby amended to read as follows:

484.259 1. Except for the provisions of NRS 484.379 to 484.3947, inclusive, *and sections 14 and 15 of this act*, and any provisions made applicable by specific statute, the provisions of this chapter do not apply to persons, teams, motor vehicles and other equipment while actually engaged in work upon the surface of a highway.

2. The provisions of this chapter apply to the persons, teams, motor vehicles and other equipment described in subsection 1 when traveling to or from such work.

Sec. 24. NRS 484.3667 is hereby amended to read as follows:

484.3667 1. Except as otherwise provided in subsection 2, a person who is convicted of a violation of a speed limit, or of NRS 484.254, 484.278, 484.289, 484.291 to 484.301, inclusive, 484.305, 484.309, 484.311, 484.335, 484.337, 484.361, 484.363, 484.3765, 484.377, 484.379, 484.448, 484.453 or 484.479, *or section 14 of this act*, that occurred:

(a) In an area designated as a temporary traffic control zone in which construction, maintenance or repair of a highway is conducted; and

(b) At a time when the workers who are performing the construction, maintenance or repair of the highway are present, or when the effects of the act may be aggravated because of the condition of the highway caused by construction, maintenance or repair, including, without limitation, reduction in lane width, reduction in the number of lanes, shifting of lanes from the designated alignment and uneven or temporary surfaces, including, without limitation, modifications to road beds, cement-treated bases, chip seals and other similar conditions,

↪ shall be punished by imprisonment or by a fine, or both, for a term or an amount equal to and in addition to the term of imprisonment or amount of the fine, or both, that the court imposes for the primary offense. Any term of imprisonment imposed pursuant to this subsection runs consecutively with the sentence prescribed by the court for the crime. This subsection does not create a separate offense, but provides an additional penalty for the primary offense, whose imposition is contingent upon the finding of the prescribed fact.

2. The additional penalty imposed pursuant to subsection 1 must not exceed a total of \$1,000, 6 months of imprisonment or 120 hours of community service.

3. A governmental entity that designates an area as a temporary traffic control zone in which construction, maintenance or repair of a highway is conducted, or the person with whom the governmental entity contracts to provide such service shall cause to be erected:

(a) A sign located before the beginning of such an area stating "DOUBLE PENALTIES IN WORK ZONES" to indicate a double penalty may be imposed pursuant to this section;

(b) A sign to mark the beginning of the temporary traffic control zone; and

(c) A sign to mark the end of the temporary traffic control zone.

4. A person who otherwise would be subject to an additional penalty pursuant to this section is not relieved of any criminal liability because signs are not erected as required by subsection 3 if the violation results in injury to any person performing highway construction or maintenance in the temporary traffic control zone or in damage to property in an amount equal to \$1,000 or more.

Sec. 25. NRS 484.3791 is hereby amended to read as follows:

484.3791 1. In addition to any other penalty provided by law, a person convicted of a violation of NRS 484.379 *or section 14 of this act* is liable to the State for a civil penalty of \$35, payable to the Department.

2. The Department shall not issue any license to drive a motor vehicle to a person convicted of a violation of NRS 484.379 *or section 14 of this act* until the civil penalty is paid.

3. Any money received by the Department pursuant to subsection 1 must be deposited with the State Treasurer for credit to the Fund for the Compensation of Victims of Crime."

Amend section 1, page 1, line 4, by deleting "484.3795," and inserting: "484.3795 ~~[-]~~ *or section 15 of this act*,".

Amend section 1, page 2, line 4, by deleting: "subparagraph (4) or" and inserting: "~~subparagraph (4) or~~".

Amend section 1, page 2, by deleting lines 15 through 20 and inserting: "of NRS 484.379; *and*

(3) Fine him not less than \$400 nor more than \$1,000 . ~~[-]~~ *and*

~~(4) If he is found to have a concentration of alcohol of 0.18 or more in his blood or breath, order him to attend a program of treatment for the abuse of alcohol or drugs pursuant to the provisions of NRS 484.37945.]~~".

Amend section 1, page 4, by deleting lines 20 through 24 and inserting:

"(a) ~~["Concentration of alcohol of 0.18 or more in his blood or breath" means 0.18 gram or more of alcohol per 100 milliliters of the blood of a person or per 210 liters of his breath.~~

~~(b)]~~ "Offense" means:

(1) A violation of NRS 484.379 or 484.3795 ~~[-]~~ *or section 14 of this act*;"

Amend section 1, page 4, line 28, by deleting "484.3795; or" and inserting: "484.3795 ~~[-]~~ *or section 14 of this act*; or".

Amend section 1, page 4, line 32, by deleting "(c)" and inserting "(b)".

Amend the bill as a whole by renumbering sections 2 and 3 as sections 39 and 40 and adding new sections designated sections 27 through 38, following section 1, to read as follows:

"Sec. 27. NRS 484.37937 is hereby amended to read as follows:

484.37937 1. Except as otherwise provided in subsection 2, a person who is found guilty of a first violation of NRS 484.379 ~~[, other than a person who is found to have a concentration of alcohol of 0.18 or more in his blood or breath,]~~ may, at that time or any time before he is sentenced, apply to the court to undergo a program of treatment for alcoholism or drug abuse which is certified by the Health Division of the Department of Human Resources for at least 6 months. The court shall authorize that treatment if:

(a) The person is diagnosed as an alcoholic or abuser of drugs by:

(1) An alcohol and drug abuse counselor who is licensed or certified pursuant to chapter 641C of NRS to make that diagnosis; or

(2) A physician who is certified to make that diagnosis by the Board of Medical Examiners;

(b) He agrees to pay the cost of the treatment to the extent of his financial resources; and

(c) He has served or will serve a term of imprisonment in jail of 1 day, or has performed or will perform 24 hours of community service.

2. A person may not apply to the court to undergo a program of treatment pursuant to subsection 1 if, within the immediately preceding 7 years, he has been found guilty of:

(a) A violation of NRS 484.3795 ~~[,]~~ or section 14 of this act;

(b) A homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484.379 or 484.3795 ~~[,]~~ or section 14 of this act; or

(c) A violation of a law of any other jurisdiction that prohibits the same or similar conduct as set forth in paragraph (a) or (b).

3. For the purposes of subsection 1, a violation of a law of any other jurisdiction that prohibits the same or similar conduct as NRS 484.379 or section 14 of this act constitutes a violation of NRS 484.379 ~~[,]~~ or section 14 of this act, respectively.

4. A prosecuting attorney may, within 10 days after receiving notice of an application for treatment pursuant to this section, request a hearing on the question of whether the offender is eligible to undergo a program of treatment for alcoholism or drug abuse. The court shall order a hearing on the application upon the request of the prosecuting attorney or may order a hearing on its own motion. The hearing must be limited to the question of whether the offender is eligible to undergo such a program of treatment.

5. At the hearing on the application for treatment, the prosecuting attorney may present the court with any relevant evidence on the matter. If a hearing is not held, the court shall decide the matter upon affidavits and other information before the court.

6. If the court grants an application for treatment, the court shall:

(a) Immediately sentence the offender and enter judgment accordingly.

(b) Suspend the sentence of the offender for not more than 3 years upon the condition that the offender be accepted for treatment by a treatment facility, that he complete the treatment satisfactorily and that he comply with any other condition ordered by the court.

(c) Advise the offender that:

(1) If he is accepted for treatment by such a facility, he may be placed under the supervision of the facility for a period not to exceed 3 years and during treatment he may be confined in an institution or, at the discretion of the facility, released for treatment or supervised aftercare in the community.

(2) If he is not accepted for treatment by such a facility or he fails to complete the treatment satisfactorily, he shall serve the sentence imposed by the court. Any sentence of imprisonment must be reduced by a time equal to that which he served before beginning treatment.

(3) If he completes the treatment satisfactorily, his sentence will be reduced to a term of imprisonment which is no longer than that provided for the offense in paragraph (c) of subsection 1 and a fine of not more than the minimum fine provided for the offense in NRS 484.3792, but the conviction must remain on his record of criminal history.

7. The court shall administer the program of treatment pursuant to the procedures provided in NRS 458.320 and 458.330, except that the court:

(a) Shall not defer the sentence, set aside the conviction or impose conditions upon the election of treatment except as otherwise provided in this section.

(b) May immediately revoke the suspension of sentence for a violation of any condition of the suspension.

8. The court shall notify the Department, on a form approved by the Department, upon granting the application of the offender for treatment and his failure to be accepted for or complete treatment.

Sec. 28. NRS 484.3794 is hereby amended to read as follows:

484.3794 1. Except as otherwise provided in subsection 2, a person who is found guilty of a second violation of NRS 484.379 *or section 14 of this act* within 7 years may, at that time or any time before he is sentenced, apply to the court to undergo a program of treatment for alcoholism or drug abuse which is certified by the Health Division of the Department of Human Resources for at least 1 year if:

(a) He is diagnosed as an alcoholic or abuser of drugs by:

(1) An alcohol and drug abuse counselor who is licensed or certified pursuant to chapter 641C of NRS to make that diagnosis; or

(2) A physician who is certified to make that diagnosis by the Board of Medical Examiners;

(b) He agrees to pay the costs of the treatment to the extent of his financial resources; and

(c) He has served or will serve a term of imprisonment in jail of 5 days, and if required pursuant to NRS 484.3792 ~~[-]~~ *or section 15 of this act*, has performed or will perform not less than one-half of the hours of community service.

2. A person may not apply to the court to undergo a program of treatment pursuant to subsection 1 if, within the immediately preceding 7 years, he has been found guilty of:

(a) A violation of NRS 484.3795;

(b) A homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484.379 or 484.3795 ~~[-]~~ *or section 14 of this act*; or

(c) A violation of a law of any other jurisdiction that prohibits the same or similar conduct as set forth in paragraph (a) or (b).

3. For the purposes of subsection 1, a violation of a law of any other jurisdiction that prohibits the same or similar conduct as NRS 484.379 *or section 14 of this act* constitutes a violation of NRS 484.379 ~~[-]~~ *or section 14 of this act, respectively*.

4. A prosecuting attorney may, within 10 days after receiving notice of an application for treatment pursuant to this section, request a hearing on the matter. The court shall order a hearing on the application upon the request of the prosecuting attorney or may order a hearing on its own motion.

5. At the hearing on the application for treatment, the prosecuting attorney may present the court with any relevant evidence on the matter. If a hearing is not held, the court shall decide the matter upon affidavits and other information before the court.

6. If the court determines that an application for treatment should be granted, the court shall:

(a) Immediately sentence the offender and enter judgment accordingly.

(b) Suspend the sentence of the offender for not more than 3 years upon the condition that the offender be accepted for treatment by a treatment facility, that he complete the treatment satisfactorily and that he comply with any other condition ordered by the court.

(c) Advise the offender that:

(1) If he is accepted for treatment by such a facility, he may be placed under the supervision of the facility for a period not to exceed 3 years and during treatment he may be confined in an institution or, at the discretion of the facility, released for treatment or supervised aftercare in the community.

(2) If he is not accepted for treatment by such a facility or he fails to complete the treatment satisfactorily, he shall serve the sentence imposed by the court. Any sentence of imprisonment must be reduced by a time equal to that which he served before beginning treatment.

(3) If he completes the treatment satisfactorily, his sentence will be reduced to a term of imprisonment which is no longer than that provided for the offense in paragraph (c) of subsection 1 and a fine of not more than the

minimum provided for the offense in NRS 484.3792 ~~[or section 15 of this act]~~, but the conviction must remain on his record of criminal history.

7. The court shall administer the program of treatment pursuant to the procedures provided in NRS 458.320 and 458.330, except that the court:

(a) Shall not defer the sentence, set aside the conviction or impose conditions upon the election of treatment except as otherwise provided in this section.

(b) May immediately revoke the suspension of sentence for a violation of a condition of the suspension.

8. The court shall notify the Department, on a form approved by the Department, upon granting the application of the offender for treatment and his failure to be accepted for or complete treatment.

Sec. 29. NRS 484.37943 is hereby amended to read as follows:

484.37943 1. If a person is found guilty of a ~~[first violation, if the concentration of alcohol in the defendant's blood or breath at the time of the offense was 0.18 or more,]~~ violation of section 14 of this act, or any second violation of NRS 484.379 within 7 years, the court shall, before sentencing the offender, require an evaluation of the offender pursuant to subsection 3, 4 or 5 to determine whether he is an abuser of alcohol or other drugs.

2. If a person is convicted of a first violation of NRS 484.379 *or section 14 of this act* and he is under 21 years of age at the time of the violation, the court shall, before sentencing the offender, require an evaluation of the offender pursuant to subsection 3, 4 or 5 to determine whether he is an abuser of alcohol or other drugs.

3. Except as otherwise provided in subsection 4 or 5, the evaluation of an offender pursuant to this section must be conducted at an evaluation center by:

(a) An alcohol and drug abuse counselor who is licensed or certified pursuant to chapter 641C of NRS to make that evaluation; or

(b) A physician who is certified to make that evaluation by the Board of Medical Examiners,

➡ who shall report to the court the results of the evaluation and make a recommendation to the court concerning the length and type of treatment required for the offender.

4. The evaluation of an offender who resides more than 30 miles from an evaluation center may be conducted outside an evaluation center by a person who has the qualifications set forth in subsection 3. The person who conducts the evaluation shall report to the court the results of the evaluation and make a recommendation to the court concerning the length and type of treatment required for the offender.

5. The evaluation of an offender who resides in another state may, upon approval of the court, be conducted in the state where the offender resides by a physician or other person who is authorized by the appropriate governmental agency in that state to conduct such an evaluation. The offender shall ensure that the results of the evaluation and the

recommendation concerning the length and type of treatment for the offender are reported to the court.

6. An offender who is evaluated pursuant to this section shall pay the cost of the evaluation. An evaluation center or a person who conducts an evaluation in this State outside an evaluation center shall not charge an offender more than \$100 for the evaluation.

Sec. 30. NRS 484.37945 is hereby amended to read as follows:

484.37945 1. When a program of treatment is ordered pursuant to paragraph (a) or (b) of subsection 1 of NRS 484.3792 ~~[-]~~ *or paragraph (a) or (b) of subsection 1 of section 15 of this act*, the court shall place the offender under the clinical supervision of a treatment facility for treatment for a period not to exceed 1 year, in accordance with the report submitted to the court pursuant to subsection 3, 4 or 5 of NRS 484.37943. The court shall:

(a) Order the offender confined in a treatment facility, then release the offender for supervised aftercare in the community; or

(b) Release the offender for treatment in the community,
➔ for the period of supervision ordered by the court.

2. The court shall:

(a) Require the treatment facility to submit monthly progress reports on the treatment of an offender pursuant to this section; and

(b) Order the offender, to the extent of his financial resources, to pay any charges for his treatment pursuant to this section. If the offender does not have the financial resources to pay all those charges, the court shall, to the extent possible, arrange for the offender to obtain his treatment from a treatment facility that receives a sufficient amount of federal or state money to offset the remainder of the charges.

3. A treatment facility is not liable for any damages to person or property caused by a person who:

(a) Drives, operates or is in actual physical control of a vehicle or a vessel under power or sail while under the influence of intoxicating liquor or a controlled substance; or

(b) Engages in any other conduct prohibited by NRS 484.379, 484.3795, subsection 2 of NRS 488.400, NRS 488.410 or 488.420, *or section 14 or 48 of this act* or a law of any other jurisdiction that prohibits the same or similar conduct,

➔ after the treatment facility has certified to his successful completion of a program of treatment ordered pursuant to paragraph (a) or (b) of subsection 1 of NRS 484.3792 ~~[-]~~ *or paragraph (a) or (b) of subsection 1 of section 15 of this act*.

Sec. 31. NRS 484.3796 is hereby amended to read as follows:

484.3796 1. Before sentencing an offender pursuant to NRS 484.3795 or paragraph (c) of subsection 1 of NRS 484.3792 ~~[-]~~ *or paragraph (c) or (d) of subsection 1 of section 15 of this act*, the court shall require that the offender be evaluated to determine whether he is an abuser of alcohol or drugs and whether he can be treated successfully for his condition.

2. The evaluation must be conducted by:

(a) An alcohol and drug abuse counselor who is licensed or certified pursuant to chapter 641C of NRS to make such an evaluation;

(b) A physician who is certified to make such an evaluation by the Board of Medical Examiners; or

(c) A psychologist who is certified to make such an evaluation by the Board of Psychological Examiners.

3. The alcohol and drug abuse counselor, physician or psychologist who conducts the evaluation shall immediately forward the results of the evaluation to the Director of the Department of Corrections.

Sec. 32. NRS 484.3797 is hereby amended to read as follows:

484.3797 1. The judge or judges in each judicial district shall cause the preparation and maintenance of a list of the panels of persons who:

(a) Have been injured or had members of their families or close friends injured or killed by a person who was driving or in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or who was engaging in any other conduct prohibited by NRS 484.379 or 484.3795 or *section 14 of this act* or a law of any other jurisdiction that prohibits the same or similar conduct; and

(b) Have, by contacting the judge or judges in the district, expressed their willingness to discuss collectively the personal effect of those crimes.

➡ The list must include the name and telephone number of the person to be contacted regarding each such panel and a schedule of times and locations of the meetings of each such panel. The judge or judges shall establish, in cooperation with representatives of the members of the panels, a fee, if any, to be paid by defendants who are ordered to attend a meeting of the panel. The amount of the fee, if any, must be reasonable. The panel may not be operated for profit.

2. Except as otherwise provided in this subsection, if a defendant pleads guilty to or is found guilty of any violation of NRS 484.379 or 484.3795, or *section 14 of this act*, the court shall, in addition to imposing any other penalties provided by law, order the defendant to:

(a) Attend, at the defendant's expense, a meeting of a panel of persons who have been injured or had members of their families or close friends injured or killed by a person who was driving or in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or who was engaging in any other conduct prohibited by NRS 484.379 or 484.3795 or *section 14 of this act* or a law of any other jurisdiction that prohibits the same or similar conduct, in order to have the defendant understand the effect such a crime has on other persons; and

(b) Pay the fee, if any, established by the court pursuant to subsection 1.

➡ The court may, but is not required to, order the defendant to attend such a meeting if one is not available within 60 miles of the defendant's residence.

3. A person ordered to attend a meeting pursuant to subsection 2 shall, after attending the meeting, present evidence or other documentation

satisfactory to the court that he attended the meeting and remained for its entirety.

Sec. 33. NRS 484.37975 is hereby amended to read as follows:

484.37975 1. If a person is convicted of a second or subsequent violation of NRS 484.379 or 484.3795 *or section 14 of this act* within 7 years, the court shall issue an order directing the Department to suspend the registration of each motor vehicle that is registered to or owned by the person for 5 days.

2. If a court issues an order directing the Department to suspend the registration of a motor vehicle pursuant to subsection 1, the court shall forward a copy of the order to the Department within 5 days after issuing the order. The order must include, without limitation, information concerning each motor vehicle that is registered to or owned by the person, including, without limitation, the registration number of the motor vehicle, if such information is available.

3. A court shall provide for limited exceptions to the provisions of subsection 1 on an individual basis to avoid undue hardship to a person other than the person to whom that provision applies. Such an exception must be provided if the court determines that:

(a) A member of the immediate family of the person whose registration is suspended needs to use the motor vehicle:

(1) To travel to or from work or in the course and scope of his employment;

(2) To obtain medicine, food or other necessities or to obtain health care services for himself or another member of his immediate family; or

(3) To transport himself or another member of his immediate family to or from school; or

(b) An alternative means of transportation is not available to a member of the immediate family of the person whose registration is suspended.

Sec. 34. NRS 484.3798 is hereby amended to read as follows:

484.3798 1. If a defendant pleads guilty to or is found guilty of any violation of NRS 484.379 or 484.3795 *or section 14 of this act* and a chemical analysis of his blood, urine, breath or other bodily substance was conducted, the court shall, in addition to any penalty provided by law, order the defendant to pay the sum of \$60 as a fee for the chemical analysis. Except as otherwise provided in this subsection, any money collected for the chemical analysis must not be deducted from, and is in addition to, any fine otherwise imposed by the court and must be:

(a) Collected from the defendant before or at the same time that the fine is collected.

(b) Stated separately in the judgment of the court or on the court's docket.

2. All money collected pursuant to subsection 1 must be paid by the clerk of the court to the county or city treasurer, as appropriate, on or before the fifth day of each month for the preceding month.

3. The treasurer shall deposit all money received by him pursuant to subsection 2 in the county or city treasury, as appropriate, for credit to the fund for forensic services created pursuant to NRS 453.575. The money must be accounted for separately within the fund.

4. Except as otherwise provided in subsection 5, each month the treasurer shall, from the money credited to the fund pursuant to subsection 3, pay any amount owed for forensic services and deposit any remaining money in the county or city general fund, as appropriate.

5. In counties that do not receive forensic services under a contract with the State, the money credited to the fund pursuant to subsection 3:

(a) Except as otherwise provided in paragraph (b), must be:

(1) Expended to pay for the chemical analyses performed within the county;

(2) Expended to purchase and maintain equipment to conduct such analyses;

(3) Expended for the training and continuing education of the employees who conduct such analyses; and

(4) Paid to law enforcement agencies which conduct such analyses to be used by those agencies in the manner provided in this subsection.

(b) May only be expended to cover the costs of chemical analyses conducted by, equipment used by, or training for employees of an analytical laboratory that is approved by the Committee on Testing for Intoxication created ~~in~~ by NRS 484.388.

Sec. 35. NRS 484.382 is hereby amended to read as follows:

484.382 1. Any person who drives or is in actual physical control of a vehicle on a highway or on premises to which the public has access shall be deemed to have given his consent to a preliminary test of his breath to determine the concentration of alcohol in his breath when the test is administered at the direction of a police officer at the scene of a vehicle accident or collision or where he stops a vehicle, if the officer has reasonable grounds to believe that the person to be tested was:

(a) Driving or in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance; or

(b) Engaging in any other conduct prohibited by NRS 484.379 or 484.3795 ~~or~~ *section 14 of this act*.

2. If the person fails to submit to the test, the officer shall seize his license or permit to drive as provided in NRS 484.385 and arrest him and take him to a convenient place for the administration of a reasonably available evidentiary test under NRS 484.383.

3. The result of the preliminary test must not be used in any criminal action, except to show there were reasonable grounds to make an arrest.

Sec. 36. NRS 484.383 is hereby amended to read as follows:

484.383 1. Except as otherwise provided in subsections 3 and 4, any person who drives or is in actual physical control of a vehicle on a highway or on premises to which the public has access shall be deemed to have given

his consent to an evidentiary test of his blood, urine, breath or other bodily substance to determine the concentration of alcohol in ~~for~~ his blood or breath or to determine whether a controlled substance, chemical, poison, organic solvent or another prohibited substance is present, if such a test is administered at the direction of a police officer having reasonable grounds to believe that the person to be tested was:

(a) Driving or in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance; or

(b) Engaging in any other conduct prohibited by NRS 484.379 or 484.3795 ~~or~~ *or section 14 of this act.*

2. If the person to be tested pursuant to subsection 1 is dead or unconscious, the officer shall direct that samples of blood from the person be tested.

3. Any person who is afflicted with hemophilia or with a heart condition requiring the use of an anticoagulant as determined by a physician is exempt from any blood test which may be required pursuant to this section but must, when appropriate pursuant to the provisions of this section, be required to submit to a breath or urine test.

4. If the concentration of alcohol in the blood or breath of the person to be tested is in issue:

(a) Except as otherwise provided in this section, the person may refuse to submit to a blood test if means are reasonably available to perform a breath test.

(b) The person may request a blood test, but if means are reasonably available to perform a breath test when the blood test is requested, and the person is subsequently convicted, he must pay for the cost of the blood test, including the fees and expenses of witnesses in court.

(c) A police officer may direct the person to submit to a blood test if the officer has reasonable grounds to believe that the person:

(1) Caused death or substantial bodily harm to another person as a result of driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or as a result of engaging in any other conduct prohibited by NRS 484.379 or 484.3795 ~~or~~ *or section 14 of this act;* or

(2) Has been convicted within the previous 7 years of:

(I) A violation of NRS 484.379, 484.3795, subsection 2 of NRS 488.400, NRS 488.410 or 488.420 *or section 14 or 48 of this act* or a law of another jurisdiction that prohibits the same or similar conduct; or

(II) Any other offense in this State or another jurisdiction in which death or substantial bodily harm to another person resulted from conduct prohibited by a law set forth in sub-subparagraph (I).

5. If the presence of a controlled substance, chemical, poison, organic solvent or another prohibited substance in the blood or urine of the person is in issue, the officer may direct him to submit to a blood or urine test, or both, in addition to the breath test.

6. Except as otherwise provided in subsections 3 and 5, a police officer shall not direct a person to submit to a urine test.

7. If a person to be tested fails to submit to a required test as directed by a police officer pursuant to this section and the officer has reasonable grounds to believe that the person to be tested was:

(a) Driving or in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance; or

(b) Engaging in any other conduct prohibited by NRS 484.379 or 484.3795 ~~or~~ *or section 14 of this act*,

↪ the officer may direct that reasonable force be used to the extent necessary to obtain samples of blood from the person to be tested. Not more than three such samples may be taken during the 5-hour period immediately following the time of the initial arrest. In such a circumstance, the officer is not required to provide the person with a choice of tests for determining the concentration of alcohol or presence of a controlled substance or another prohibited substance in his blood.

8. If a person who is less than 18 years of age is directed to submit to an evidentiary test pursuant to this section, the officer shall, before testing the person, make a reasonable attempt to notify the parent, guardian or custodian of the person, if known.

Sec. 37. NRS 484.389 is hereby amended to read as follows:

484.389 1. If a person refuses to submit to a required chemical test provided for in NRS 484.382 or 484.383, evidence of that refusal is admissible in any criminal or administrative action arising out of acts alleged to have been committed while the person was:

(a) Driving or in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance; or

(b) Engaging in any other conduct prohibited by NRS 484.379 or 484.3795 ~~or~~ *or section 14 of this act*.

2. Except as otherwise provided in subsection 3 of NRS 484.382, a court or hearing officer may not exclude evidence of a required test or failure to submit to such a test if the police officer or other person substantially complied with the provisions of NRS 484.382 to 484.393, inclusive.

3. If a person submits to a chemical test provided for in NRS 484.382 or 484.383, full information concerning that test must be made available, upon his request, to him or his attorney.

4. Evidence of a required test is not admissible in a criminal or administrative proceeding unless it is shown by documentary or other evidence that the law enforcement agency calibrated the breath-testing device and otherwise maintained it as required by the regulations of the Committee on Testing for Intoxication.

Sec. 38. NRS 484.391 is hereby amended to read as follows:

484.391 1. A person who is arrested for driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or for engaging in any other conduct prohibited by

NRS 484.379 or 484.3795 *or section 14 of this act* must be permitted, upon his request and at his expense, reasonable opportunity to have a qualified person of his own choosing administer a chemical test or tests to determine:

- (a) The concentration of alcohol in his blood or breath; or
- (b) Whether a controlled substance, chemical, poison, organic solvent or another prohibited substance is present in his blood or urine.

2. The failure or inability to obtain such a test or tests by such a person does not preclude the admission of evidence relating to the refusal to submit to a test or relating to a test taken upon the request of a police officer.

3. A test obtained under the provisions of this section may not be substituted for or stand in lieu of the test required by NRS 484.383."

Amend sec. 2, page 4, line 41, after "484.3795" by inserting: "*or section 14 of this act*".

Amend sec. 3, page 5, by deleting lines 33 through 38 and inserting:

- "(1) A third or subsequent violation of NRS 484.379 ~~[or a]~~;
- (2) A violation of NRS 484.3795 ~~[or]~~; or
- (3) A violation of *section 14 of this act*,".

Amend sec. 3, page 6, by deleting line 19 and inserting: "subsection 1 : ~~[or 2:]~~".

Amend sec. 3, page 7, line 20, by deleting "484.3795," and inserting: "*484.3795 or section 14 of this act*,".

Amend sec. 3, page 7, by deleting lines 23 through 25.

Amend sec. 3, page 7, line 26, by deleting "(b)" and inserting "(a)".

Amend sec. 3, page 7, line 29, by deleting "(c)" and inserting "(b)".

Amend the bill as a whole by renumbering sec. 4 as sec. 58 and adding new sections designated sections 41 through 57, following sec. 3, to read as follows:

"Sec. 41. NRS 484.778 is hereby amended to read as follows:

484.778 The governing body of each city may enact an ordinance adopting the penalties set forth for misdemeanors in NRS 484.3792 *and section 15 of this act* for similar offenses under city ordinance.

Sec. 42. NRS 484.791 is hereby amended to read as follows:

484.791 1. Any peace officer may, without a warrant, arrest a person if the officer has reasonable cause for believing that the person has committed any of the following offenses:

- (a) Homicide by vehicle;
- (b) A violation of NRS 484.379;
- (c) A violation of NRS 484.3795;
- (d) *A violation of section 14 of this act*;
- (e) Failure to stop, give information or render reasonable assistance in the event of an accident resulting in death or personal injuries in violation of NRS 484.219 or 484.223;
- ~~[(e)]~~ (f) Failure to stop or give information in the event of an accident resulting in damage to a vehicle or to other property legally upon or adjacent to a highway in violation of NRS 484.221 or 484.225;

~~[(f)]~~ (g) Reckless driving;

~~[(g)]~~ (h) Driving a motor vehicle on a highway or on premises to which the public has access at a time when his driver's license has been cancelled, revoked or suspended; or

~~[(h)]~~ (i) Driving a motor vehicle in any manner in violation of the restrictions imposed in a restricted license issued to him pursuant to NRS 483.490.

2. Whenever any person is arrested as authorized in this section, he must be taken without unnecessary delay before the proper magistrate as specified in NRS 484.803, except that in the case of either of the offenses designated in paragraphs ~~[(e) and]~~ (f) and (g) of subsection 1 a peace officer has the same discretion as is provided in other cases in NRS 484.795.

Sec. 43. NRS 484.795 is hereby amended to read as follows:

484.795 Whenever any person is halted by a peace officer for any violation of this chapter and is not required to be taken before a magistrate, the person may, in the discretion of the peace officer, either be given a traffic citation, or be taken without unnecessary delay before the proper magistrate. He must be taken before the magistrate in any of the following cases:

1. When the person does not furnish satisfactory evidence of identity or when the peace officer has reasonable and probable grounds to believe the person will disregard a written promise to appear in court;

2. When the person is charged with a violation of NRS 484.701, relating to the refusal of a driver of a vehicle to submit the vehicle to an inspection and test;

3. When the person is charged with a violation of NRS 484.755, relating to the failure or refusal of a driver of a vehicle to submit the vehicle and load to a weighing or to remove excess weight therefrom; or

4. When the person is charged with a violation of NRS 484.379 ~~[(1)]~~ or *section 14 of this act*, unless he is incapacitated and is being treated for injuries at the time the peace officer would otherwise be taking him before the magistrate.

Sec. 44. NRS 484.801 is hereby amended to read as follows:

484.801 Except for felonies and those offenses set forth in paragraphs (a) to ~~[(d)]~~ (e), inclusive, of subsection 1 of NRS 484.791, a peace officer at the scene of a traffic accident may issue a traffic citation, as provided in NRS 484.799, or a misdemeanor citation, as provided in NRS 171.1773, to any person involved in the accident when, based upon personal investigation, the peace officer has reasonable and probable grounds to believe that the person has committed any offense pursuant to the provisions of this chapter or of chapter 482, 483, 485, 486 or 706 of NRS in connection with the accident.

Sec. 45. NRS 484.805 is hereby amended to read as follows:

484.805 Whenever any person is taken into custody by a peace officer for the purpose of taking him before a magistrate or court as authorized or required in this chapter upon any charge other than a felony or the offenses

enumerated in paragraphs (a) to ~~[(d)]~~ (e), inclusive, of subsection 1 of NRS 484.791, and no magistrate is available at the time of arrest, and there is no bail schedule established by the magistrate or court and no lawfully designated court clerk or other public officer who is available and authorized to accept bail upon behalf of the magistrate or court, the person must be released from custody upon the issuance to him of a misdemeanor citation or traffic citation and his signing a promise to appear, as provided in NRS 171.1773 or 484.799, respectively.

Sec. 46. NRS 484.910 is hereby amended to read as follows:

484.910 ~~[(A)]~~ *Except as otherwise provided in sections 16 to 21, inclusive, of this act, a governmental entity and any agent thereof shall not use photographic, video or digital equipment for gathering evidence to be used for the issuance of a traffic citation for a violation of this chapter unless the equipment is held in the hand or installed temporarily or permanently within a vehicle or facility of a law enforcement agency.*

Sec. 47. Chapter 488 of NRS is hereby amended by adding thereto the provisions set forth as sections 48 and 49 of this act.

Sec. 48. 1. *It is unlawful for any person who:*

(a) *Is under the extreme influence of intoxicating liquor;*

(b) *Has a concentration of alcohol of 0.18 or more in his blood or breath;*

or

(c) *Is found by measurement within 2 hours after operating or being in actual physical control of a vessel to have a concentration of alcohol of 0.18 or more in his blood or breath,*

➡ to operate or be in actual physical control of a vessel under power or sail on the waters of this State.

2. *If consumption is proven by a preponderance of the evidence, it is an affirmative defense under paragraph (c) of subsection 1 that the defendant consumed a sufficient quantity of alcohol after operating or being in actual physical control of the vessel, and before his blood was tested, to cause him to have a concentration of 0.18 or more of alcohol in his blood or breath. A defendant who intends to offer this defense at a trial or preliminary hearing must, not less than 14 days before the trial or hearing or at such other time as the court may direct, file and serve on the prosecuting attorney a written notice of that intent.*

Sec. 49. *Unless a greater penalty is provided pursuant to NRS 488.420, a person who violates the provisions of section 48 of this act is guilty of a misdemeanor. The court shall:*

1. *Sentence him to imprisonment for not less than 6 days nor more than 6 months in jail, or to perform not less than 72 hours, but not more than 144 hours, of community service; and*

2. *Fine him not less than \$400 nor more than \$1,000.*

Sec. 50. NRS 488.405 is hereby amended to read as follows:

488.405 As used in NRS ~~[488.410 and 488.420, the phrase "concentration"]~~ 488.400 to 488.520, inclusive, and sections 48 and 49 of this act:

1. "Concentration of alcohol of 0.08 or more in his blood or breath" means 0.08 gram or more per 100 milliliters of the blood of a person or per 210 liters of his breath.

2. "Concentration of alcohol of 0.18 or more in his blood or breath" means 0.18 gram or more of alcohol per 100 milliliters of the blood of a person or per 210 liters of his breath.

Sec. 51. NRS 488.405 is hereby amended to read as follows:

488.405 As used in NRS ~~[488.410 and 488.420, the phrase "concentration"]~~ 488.400 to 488.520, inclusive, and sections 48 and 49 of this act:

1. "Concentration of alcohol of 0.10 or more in his blood or breath" means 0.10 gram or more per 100 milliliters of the blood of a person or per 210 liters of his breath.

2. "Concentration of alcohol of 0.18 or more in his blood or breath" means 0.18 gram or more of alcohol per 100 milliliters of the blood of a person or per 210 liters of his breath.

Sec. 52. NRS 488.430 is hereby amended to read as follows:

488.430 1. Before sentencing a defendant pursuant to NRS 488.420 ~~[,]~~ or section 49 of this act, the court shall require that the defendant be evaluated to determine whether he is an abuser of alcohol or drugs and whether he can be treated successfully for his condition.

2. The evaluation must be conducted by:

(a) An alcohol and drug abuse counselor who is licensed or certified pursuant to chapter 641C of NRS to make such an evaluation;

(b) A physician who is certified to make such an evaluation by the Board of Medical Examiners; or

(c) A psychologist who is certified to make such an evaluation by the Board of Psychological Examiners.

3. The alcohol and drug abuse counselor, physician or psychologist who conducts the evaluation shall immediately forward the results of the evaluation to the Director of the Department of Corrections.

Sec. 53. NRS 488.440 is hereby amended to read as follows:

488.440 1. If a defendant pleads guilty to or is found guilty of, a violation of NRS 488.410 or 488.420 or section 48 of this act and a chemical analysis of his blood, urine, breath or other bodily substance was conducted, the court shall, in addition to any penalty provided by law, order the defendant to pay the sum of \$60 as a fee for the chemical analysis. Except as otherwise provided in this subsection, any money collected for the chemical analysis must not be deducted from, and is in addition to, any fine otherwise imposed by the court and must be:

(a) Collected from the defendant before or at the same time that the fine is collected.

(b) Stated separately in the judgment of the court or on the court's docket.

2. All money collected pursuant to subsection 1 must be paid by the clerk of the court to the county or city treasurer, as appropriate, on or before the fifth day of each month for the preceding month.

3. The treasurer shall deposit all money received by him pursuant to subsection 2 in the county or city treasury, as appropriate, for credit to the fund for forensic services created pursuant to NRS 453.575. The money must be accounted for separately within the fund.

4. Except as otherwise provided in subsection 5, each month the treasurer shall, from the money credited to the fund pursuant to subsection 3, pay any amount owed for forensic services and deposit any remaining money in the county or city general fund, as appropriate.

5. In counties that do not receive forensic services under a contract with the State, the money credited to the fund pursuant to subsection 3:

(a) Except as otherwise provided in paragraph (b), must be:

(1) Expended to pay for the chemical analyses performed within the county;

(2) Expended to purchase and maintain equipment to conduct such analyses;

(3) Expended for the training and continuing education of the employees who conduct such analyses; and

(4) Paid to law enforcement agencies which conduct such analyses to be used by those agencies in the manner provided in this subsection.

(b) May only be expended to cover the costs of chemical analyses conducted by, equipment used by or training for employees of an analytical laboratory that is approved by the Committee on Testing for Intoxication created ~~in~~ by NRS 484.388.

Sec. 54. NRS 488.450 is hereby amended to read as follows:

488.450 1. Any person who operates or is in actual physical control of a vessel under power or sail on the waters of this State shall be deemed to have given his consent to a preliminary test of his breath to determine the concentration of alcohol in his breath when the test is administered at the direction of a peace officer after a vessel accident or collision or where an officer stops a vessel, if the officer has reasonable grounds to believe that the person to be tested was:

(a) Operating or in actual physical control of a vessel under power or sail while under the influence of intoxicating liquor or a controlled substance; or

(b) Engaging in any other conduct prohibited by NRS 488.410 or 488.420 ~~or section 48 of this act.~~

2. If the person fails to submit to the test, the officer shall arrest him and take him to a convenient place for the administration of a reasonably available evidentiary test under NRS 488.460.

3. The result of the preliminary test must not be used in any criminal action, except to show there were reasonable grounds to make an arrest.

Sec. 55. NRS 488.460 is hereby amended to read as follows:

488.460 1. Except as otherwise provided in subsections 3 and 4, a person who operates or is in actual physical control of a vessel under power or sail on the waters of this State shall be deemed to have given his consent to an evidentiary test of his blood, urine, breath or other bodily substance to determine the concentration of alcohol in his blood or breath or to determine whether a controlled substance, chemical, poison, organic solvent or another prohibited substance is present, if such a test is administered at the direction of a peace officer having reasonable grounds to believe that the person to be tested was:

(a) Operating or in actual physical control of a vessel under power or sail while under the influence of intoxicating liquor or a controlled substance; or

(b) Engaging in any other conduct prohibited by NRS 488.410 or 488.420 ~~[-] or section 48 of this act.~~

2. If the person to be tested pursuant to subsection 1 is dead or unconscious, the officer shall direct that samples of blood from the person be tested.

3. Any person who is afflicted with hemophilia or with a heart condition requiring the use of an anticoagulant as determined by a physician is exempt from any blood test which may be required pursuant to this section, but must, when appropriate pursuant to the provisions of this section, be required to submit to a breath or urine test.

4. If the concentration of alcohol of the blood or breath of the person to be tested is in issue:

(a) Except as otherwise provided in this section, the person may refuse to submit to a blood test if means are reasonably available to perform a breath test.

(b) The person may request a blood test, but if means are reasonably available to perform a breath test when the blood test is requested, and the person is subsequently convicted, he must pay for the cost of the blood test, including the fees and expenses of witnesses in court.

(c) A peace officer may direct the person to submit to a blood test if the officer has reasonable grounds to believe that the person:

(1) Caused death or substantial bodily harm to another person as a result of operating or being in actual physical control of a vessel under power or sail while under the influence of intoxicating liquor or a controlled substance or as a result of engaging in any other conduct prohibited by NRS 488.410 or 488.420 ~~[-] or section 48 of this act;~~ or

(2) Has been convicted within the previous 7 years of:

(I) A violation of NRS 484.379, 484.3795, subsection 2 of NRS 488.400, NRS 488.410 or 488.420 *or section 14 or 48 of this act* or a law of another jurisdiction that prohibits the same or similar conduct; or

(II) Any other offense in this State or another jurisdiction in which death or substantial bodily harm to another person resulted from conduct prohibited by a law set forth in sub-subparagraph (I).

5. If the presence of a controlled substance, chemical, poison, organic solvent or another prohibited substance in the blood or urine of the person is in issue, the officer may direct him to submit to a blood or urine test, or both, in addition to the breath test.

6. Except as otherwise provided in subsections 3 and 5, a peace officer shall not direct a person to submit to a urine test.

7. If a person to be tested fails to submit to a required test as directed by a peace officer pursuant to this section and the officer has reasonable grounds to believe that the person to be tested was:

(a) Operating or in actual physical control of a vessel under power or sail while under the influence of intoxicating liquor or a controlled substance; or

(b) Engaging in any other conduct prohibited by NRS 488.410 or 488.420 ~~or section 48 of this act,~~

the officer may direct that reasonable force be used to the extent necessary to obtain samples of blood from the person to be tested. Not more than three such samples may be taken during the 5-hour period immediately following the time of the initial arrest. In such a circumstance, the officer is not required to provide the person with a choice of tests for determining the alcoholic content or presence of a controlled substance or another prohibited substance in his blood.

Sec. 56. NRS 488.480 is hereby amended to read as follows:

488.480 1. If a person refuses to submit to a required chemical test provided for in NRS 488.450 or 488.460, evidence of that refusal is admissible in any criminal action arising out of acts alleged to have been committed while the person was:

(a) Operating or in actual physical control of a vessel under power or sail while under the influence of intoxicating liquor or a controlled substance; or

(b) Engaging in any other conduct prohibited by NRS 488.410 or 488.420 ~~or section 48 of this act.~~

2. Except as otherwise provided in subsection 3 of NRS 488.450, a court may not exclude evidence of a required test or failure to submit to such a test if the peace officer or other person substantially complied with the provisions of NRS 488.450 to 488.500, inclusive.

3. If a person submits to a chemical test provided for in NRS 488.450 or 488.460, full information concerning that test must be made available, upon his request, to him or his attorney.

4. Evidence of a required test is not admissible in a criminal proceeding unless it is shown by documentary or other evidence that the device for testing breath was certified pursuant to NRS 484.3882 and was calibrated, maintained and operated as provided by the regulations of the Committee on Testing for Intoxication adopted pursuant to NRS 484.3884, 484.3886 or 484.3888.

5. If the device for testing breath has been certified by the Committee on Testing for Intoxication to be accurate and reliable pursuant to NRS 484.3882, it is presumed that, as designed and manufactured, the device

is accurate and reliable for the purpose of testing a person's breath to determine the concentration of alcohol in the person's breath.

6. A court shall take judicial notice of the certification by the Director of a person to operate testing devices of one of the certified types. If a test to determine the amount of alcohol in a person's breath has been performed with a certified type of device by a person who is certified pursuant to NRS 484.3886 or 484.3888, it is presumed that the person operated the device properly.

7. This section does not preclude the admission of evidence of a test of a person's breath where the:

(a) Information is obtained through the use of a device other than one of a type certified by the Committee on Testing for Intoxication.

(b) Test has been performed by a person other than one who is certified by the Director.

Sec. 57. NRS 488.490 is hereby amended to read as follows:

488.490 1. A person who is arrested for operating or being in actual physical control of a vessel under power or sail while under the influence of intoxicating liquor or a controlled substance or for engaging in any other conduct prohibited by NRS 488.410 or 488.420 *or section 48 of this act* must be permitted, upon his request and at his expense, reasonable opportunity to have a qualified person of his own choosing administer a chemical test to determine:

(a) The concentration of alcohol in his blood or breath; or

(b) Whether a controlled substance, chemical, poison, organic solvent or another prohibited substance is present in his blood or urine.

2. The failure or inability to obtain such a test does not preclude the admission of evidence relating to the refusal to submit to a test or relating to a test taken upon the request of a peace officer.

3. A test obtained under the provisions of this section may not be substituted for or stand in lieu of the test required by NRS 488.460."

Amend sec. 4, page 7, line 38, after "488.420" by inserting: "*or section 48 of this act*".

Amend the bill as a whole by renumbering sections 5 through 7 as sections 63 through 65 and adding new sections designated sections 59 through 62, following sec. 4, to read as follows:

"Sec. 59. NRS 4.355 is hereby amended to read as follows:

4.355 1. A justice of the peace in a township whose population is 40,000 or more may appoint a referee to take testimony and recommend orders and a judgment:

(a) In any action filed pursuant to NRS 73.010;

(b) In any action filed pursuant to NRS 33.200 to 33.360, inclusive;

(c) In any action for a misdemeanor constituting a violation of chapter 484 of NRS, except NRS 484.379 ~~and 484.3795;~~ *or 484.3795 or section 14 of this act;* or

(d) In any action for a misdemeanor constituting a violation of a county traffic ordinance.

2. The referee must meet the qualifications of a justice of the peace as set forth in subsections 1 and 2 of NRS 4.010.

3. The referee:

- (a) Shall take testimony;
- (b) Shall make findings of fact, conclusions of law and recommendations for an order or judgment;
- (c) May, subject to confirmation by the justice of the peace, enter an order or judgment; and
- (d) Has any other power or duty contained in the order of reference issued by the justice of the peace.

4. The findings of fact, conclusions of law and recommendations of the referee must be furnished to each party or his attorney at the conclusion of the proceeding or as soon thereafter as possible. Within 5 days after receipt of the findings of fact, conclusions of law and recommendations, a party may file a written objection. If no objection is filed, the court shall accept the findings, unless clearly erroneous, and the judgment may be entered thereon. If an objection is filed within the 5-day period, the justice of the peace shall review the matter by trial de novo, except that if all of the parties so stipulate, the review must be confined to the record.

5. A referee must be paid one-half of the hourly compensation of a justice of the peace.

Sec. 60. NRS 4.3762 is hereby amended to read as follows:

4.3762 1. Except as otherwise provided in subsection 7, in lieu of imposing any punishment other than a minimum sentence required by statute, a justice of the peace may sentence a person convicted of a misdemeanor to a term of residential confinement. In making this determination, the justice of the peace shall consider the criminal record of the convicted person and the seriousness of the crime committed.

2. In sentencing a convicted person to a term of residential confinement, the justice of the peace shall:

- (a) Require the convicted person to be confined to his residence during the time he is away from his employment, public service or other activity authorized by the justice of the peace; and
- (b) Require intensive supervision of the convicted person, including, without limitation, electronic surveillance and unannounced visits to his residence or other locations where he is expected to be to determine whether he is complying with the terms of his sentence.

3. In sentencing a convicted person to a term of residential confinement, the justice of the peace may, when the circumstances warrant, require the convicted person to submit to:

- (a) A search and seizure by the chief of a department of alternative sentencing, an assistant alternative sentencing officer or any other law

enforcement officer at any time of the day or night without a search warrant; and

(b) Periodic tests to determine whether the offender is using a controlled substance or consuming alcohol.

4. Except as otherwise provided in subsection 5, an electronic device may be used to supervise a convicted person sentenced to a term of residential confinement. The device must be minimally intrusive and limited in capability to recording or transmitting information concerning the presence of the person at his residence, including, but not limited to, the transmission of still visual images which do not concern the activities of the person while inside his residence. A device which is capable of recording or transmitting:

(a) Oral or wire communications or any auditory sound; or

(b) Information concerning the activities of the person while inside his residence,

↪ must not be used.

5. An electronic device must be used in the manner set forth in subsection 4 to supervise a person who is sentenced pursuant to paragraph (b) of subsection 1 of NRS 484.3792 *or paragraph (b) of subsection 1 of section 15 of this act* for a second violation within 7 years of driving under the influence of intoxicating liquor or a controlled substance.

6. A term of residential confinement, together with the term of any minimum sentence required by statute, may not exceed the maximum sentence which otherwise could have been imposed for the offense.

7. The justice of the peace shall not sentence a person convicted of committing a battery which constitutes domestic violence pursuant to NRS 33.018 to a term of residential confinement in lieu of imprisonment unless the justice of the peace makes a finding that the person is not likely to pose a threat to the victim of the battery.

8. The justice of the peace may issue a warrant for the arrest of a convicted person who violates or fails to fulfill a condition of residential confinement.

Sec. 61. NRS 5.076 is hereby amended to read as follows:

5.076 1. Except as otherwise provided in subsection 7, in lieu of imposing any punishment other than a minimum sentence required by statute, a municipal judge may sentence a person convicted of a misdemeanor to a term of residential confinement. In making this determination, the municipal judge shall consider the criminal record of the convicted person and the seriousness of the crime committed.

2. In sentencing a convicted person to a term of residential confinement, the municipal judge shall:

(a) Require the convicted person to be confined to his residence during the time he is away from his employment, public service or other activity authorized by the municipal judge; and

(b) Require intensive supervision of the convicted person, including, without limitation, electronic surveillance and unannounced visits to his residence or other locations where he is expected to be in order to determine whether he is complying with the terms of his sentence.

3. In sentencing a convicted person to a term of residential confinement, the municipal judge may, when the circumstances warrant, require the convicted person to submit to:

(a) A search and seizure by the chief of a department of alternative sentencing, an assistant alternative sentencing officer or any other law enforcement officer at any time of the day or night without a search warrant; and

(b) Periodic tests to determine whether the offender is using a controlled substance or consuming alcohol.

4. Except as otherwise provided in subsection 5, an electronic device may be used to supervise a convicted person sentenced to a term of residential confinement. The device must be minimally intrusive and limited in capability to recording or transmitting information concerning the presence of the person at his residence, including, but not limited to, the transmission of still visual images which do not concern the activities of the person while inside his residence. A device which is capable of recording or transmitting:

(a) Oral or wire communications or any auditory sound; or

(b) Information concerning the activities of the person while inside his residence,

↪ must not be used.

5. An electronic device must be used in the manner set forth in subsection 4 to supervise a person who is sentenced pursuant to paragraph (b) of subsection 1 of NRS 484.3792 *or paragraph (b) of subsection 1 of section 15 of this act* for a second violation within 7 years of driving under the influence of intoxicating liquor or a controlled substance.

6. A term of residential confinement, together with the term of any minimum sentence required by statute, may not exceed the maximum sentence which otherwise could have been imposed for the offense.

7. The municipal judge shall not sentence a person convicted of committing a battery which constitutes domestic violence pursuant to NRS 33.018 to a term of residential confinement in lieu of imprisonment unless the municipal judge makes a finding that the person is not likely to pose a threat to the victim of the battery.

8. The municipal judge may issue a warrant for the arrest of a convicted person who violates or fails to fulfill a condition of residential confinement.

Sec. 62. NRS 42.010 is hereby amended to read as follows:

42.010 1. In an action for the breach of an obligation, where the defendant caused an injury by the operation of a motor vehicle in violation of NRS 484.379 or 484.3795 *or section 14 of this act* after willfully consuming or using alcohol or another substance, knowing that he would thereafter

operate the motor vehicle, the plaintiff, in addition to the compensatory damages, may recover damages for the sake of example and by way of punishing the defendant.

2. The provisions of NRS 42.005 do not apply to any cause of action brought pursuant to this section."

Amend sec. 7, page 11, by deleting line 35 and inserting: "488.420 ~~[-]~~ *or section 14 or 48 of this act.*".

Amend the bill as a whole by adding new sections designated sections 66 through 84, following sec. 7, to read as follows:

"Sec. 66. NRS 62A.220 is hereby amended to read as follows:

62A.220 "Minor traffic offense" means a violation of any state or local law or ordinance governing the operation of a motor vehicle upon any highway within this State other than:

1. A violation of chapter 484 or 706 of NRS that causes the death of a person;

2. A violation of NRS 484.379 ~~[-]~~ *or section 14 of this act*; or

3. A violation declared to be a felony.

Sec. 67. NRS 62E.620 is hereby amended to read as follows:

62E.620 1. The juvenile court shall order a delinquent child to undergo an evaluation to determine whether the child is an abuser of alcohol or other drugs if the child committed:

(a) An unlawful act in violation of NRS 484.379 or 484.3795 ~~[-]~~ *or section 14 of this act*;

(b) The unlawful act of using, possessing, selling or distributing a controlled substance; or

(c) The unlawful act of purchasing, consuming or possessing an alcoholic beverage in violation of NRS 202.020.

2. The evaluation of the child must be conducted by:

(a) An alcohol and drug abuse counselor who is licensed or certified or an alcohol and drug abuse counselor intern who is certified pursuant to chapter 641C of NRS to make that classification; or

(b) A physician who is certified to make that classification by the Board of Medical Examiners.

3. The evaluation of the child may be conducted at an evaluation center.

4. The person who conducts the evaluation of the child shall report to the juvenile court the results of the evaluation and make a recommendation to the juvenile court concerning the length and type of treatment required for the child.

5. The juvenile court shall:

(a) Order the child to undergo a program of treatment as recommended by the person who conducts the evaluation of the child.

(b) Require the treatment facility to submit monthly reports on the treatment of the child pursuant to this section.

(c) Order the child or the parent or guardian of the child, or both, to the extent of their financial ability, to pay any charges relating to the evaluation

and treatment of the child pursuant to this section. If the child or the parent or guardian of the child, or both, do not have the financial resources to pay all those charges:

(1) The juvenile court shall, to the extent possible, arrange for the child to receive treatment from a treatment facility which receives a sufficient amount of federal or state money to offset the remainder of the costs; and

(2) The juvenile court may order the child, in lieu of paying the charges relating to his evaluation and treatment, to perform community service.

6. After a treatment facility has certified a child's successful completion of a program of treatment ordered pursuant to this section, the treatment facility is not liable for any damages to person or property caused by a child who:

(a) Drives, operates or is in actual physical control of a vehicle or a vessel under power or sail while under the influence of intoxicating liquor or a controlled substance; or

(b) Engages in any other conduct prohibited by NRS 484.379, 484.3795, subsection 2 of NRS 488.400, NRS 488.410 or 488.420 *or section 14 or 48 of this act* or a law of any other jurisdiction that prohibits the same or similar conduct.

7. The provisions of this section do not prohibit the juvenile court from:

(a) Requiring an evaluation to be conducted by a person who is employed by a private company if the company meets the standards of the Health Division of the Department of Human Resources. The evaluation may be conducted at an evaluation center.

(b) Ordering the child to attend a program of treatment which is administered by a private company.

8. All information relating to the evaluation or treatment of a child pursuant to this section is confidential and, except as otherwise authorized by the provisions of this title or the juvenile court, must not be disclosed to any person other than:

(a) The juvenile court;

(b) The child;

(c) The attorney for the child, if any;

(d) The parents or guardian of the child;

(e) The district attorney; and

(f) Any other person for whom the communication of that information is necessary to effectuate the evaluation or treatment of the child.

9. A record of any finding that a child has violated the provisions of NRS 484.379 or 484.3795 *or section 14 of this act* must be included in the driver's record of that child for 7 years after the date of the offense.

Sec. 68. NRS 62E.640 is hereby amended to read as follows:

62E.640 1. If a child is adjudicated delinquent for an unlawful act in violation of NRS 484.379 or 484.3795 ~~+~~ *or section 14 of this act*, the juvenile court shall, if the child possesses a driver's license:

(a) Issue an order revoking the driver's license of the child for 90 days and requiring the child to surrender his driver's license to the juvenile court; and

(b) Not later than 5 days after issuing the order, forward to the Department of Motor Vehicles a copy of the order and the driver's license of the child.

2. The Department of Motor Vehicles shall order the child to submit to the tests and other requirements which are adopted by regulation pursuant to subsection 1 of NRS 483.495 as a condition of reinstatement of the driver's license of the child.

3. If the child is adjudicated delinquent for a subsequent unlawful act in violation of NRS 484.379 or 484.3795 ~~or~~ *or section 14 of this act*, the juvenile court shall order an additional period of revocation to apply consecutively with the previous order.

4. The juvenile court may authorize the Department of Motor Vehicles to issue a restricted driver's license pursuant to NRS 483.490 to a child whose driver's license is revoked pursuant to this section.

Sec. 69. NRS 179.245 is hereby amended to read as follows:

179.245 1. Except as otherwise provided in subsection 5 and NRS 176A.265, 179.259 and 453.3365, a person may petition the court in which he was convicted for the sealing of all records relating to a conviction of:

(a) A category A or B felony after 15 years from the date of his release from actual custody or discharge from parole or probation, whichever occurs later;

(b) A category C or D felony after 12 years from the date of his release from actual custody or discharge from parole or probation, whichever occurs later;

(c) A category E felony after 10 years from the date of his release from actual custody or discharge from parole or probation, whichever occurs later;

(d) Any gross misdemeanor after 7 years from the date of his release from actual custody or discharge from probation, whichever occurs later;

(e) A violation of NRS 484.379 other than a felony, or a battery which constitutes domestic violence pursuant to NRS 33.018 other than a felony, after 7 years from the date of his release from actual custody or from the date when he is no longer under a suspended sentence, whichever occurs later; or

(f) Any other misdemeanor after 3 years from the date of his release from actual custody or from the date when he is no longer under a suspended sentence, whichever occurs later.

2. A petition filed pursuant to subsection 1 must:

(a) Be accompanied by current, verified records of the petitioner's criminal history received from:

(1) The Central Repository for Nevada Records of Criminal History; and

(2) The local law enforcement agency of the city or county in which the conviction was entered;

(b) Include a list of any other public or private agency, company, official or other custodian of records that is reasonably known to the petitioner to have possession of records of the conviction and to whom the order to seal records, if issued, will be directed; and

(c) Include information that, to the best knowledge and belief of the petitioner, accurately and completely identifies the records to be sealed.

3. Upon receiving a petition pursuant to this section, the court shall notify the law enforcement agency that arrested the petitioner for the crime and:

(a) If the person was convicted in a district court or justice's court, the prosecuting attorney for the county; or

(b) If the person was convicted in a municipal court, the prosecuting attorney for the city.

➤ The prosecuting attorney and any person having relevant evidence may testify and present evidence at the hearing on the petition.

4. If, after the hearing, the court finds that, in the period prescribed in subsection 1, the petitioner has not been charged with any offense for which the charges are pending or convicted of any offense, except for minor moving or standing traffic violations, the court may order sealed all records of the conviction which are in the custody of the court, of another court in the State of Nevada or of a public or private agency, company or official in the State of Nevada, and may also order all such criminal identification records of the petitioner returned to the file of the court where the proceeding was commenced from, including, but not limited to, the Federal Bureau of Investigation, the California Bureau of Identification and Information, sheriffs' offices and all other law enforcement agencies reasonably known by either the petitioner or the court to have possession of such records.

5. A person may not petition the court to seal records relating to *a violation of section 14 of this act* or a conviction of a crime against a child or a sexual offense.

6. If the court grants a petition for the sealing of records pursuant to this section, upon the request of the person whose records are sealed, the court may order sealed all records of the civil proceeding in which the records were sealed.

7. As used in this section:

(a) "Crime against a child" has the meaning ascribed to it in NRS 179D.210.

(b) "Sexual offense" means:

(1) Murder of the first degree committed in the perpetration or attempted perpetration of sexual assault or of sexual abuse or sexual molestation of a child less than 14 years of age pursuant to paragraph (b) of subsection 1 of NRS 200.030.

(2) Sexual assault pursuant to NRS 200.366.

(3) Statutory sexual seduction pursuant to NRS 200.368, if punishable as a felony.

(4) Battery with intent to commit sexual assault pursuant to NRS 200.400.

(5) An offense involving the administration of a drug to another person with the intent to enable or assist the commission of a felony pursuant to NRS 200.405, if the felony is an offense listed in this paragraph.

(6) An offense involving the administration of a controlled substance to another person with the intent to enable or assist the commission of a crime of violence pursuant to NRS 200.408, if the crime of violence is an offense listed in this paragraph.

(7) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation.

(8) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive.

(9) Incest pursuant to NRS 201.180.

(10) Solicitation of a minor to engage in acts constituting the infamous crime against nature pursuant to NRS 201.195.

(11) Open or gross lewdness pursuant to NRS 201.210, if punishable as a felony.

(12) Indecent or obscene exposure pursuant to NRS 201.220, if punishable as a felony.

(13) Lewdness with a child pursuant to NRS 201.230.

(14) Sexual penetration of a dead human body pursuant to NRS 201.450.

(15) Luring a child or mentally ill person pursuant to NRS 201.560, if punishable as a felony.

(16) An attempt to commit an offense listed in subparagraphs (1) to (15), inclusive.

Sec. 70. NRS 179A.070 is hereby amended to read as follows:

179A.070 1. "Record of criminal history" means information contained in records collected and maintained by agencies of criminal justice, the subject of which is a natural person, consisting of descriptions which identify the subject and notations of summons in a criminal action, warrants, arrests, citations for misdemeanors issued pursuant to NRS 171.1773, citations issued for violations of NRS 484.379 ~~[and 484.375.]~~ or 484.3795 or *section 14 of this act*, detentions, decisions of a district attorney or the Attorney General not to prosecute the subject, indictments, informations or other formal criminal charges and dispositions of charges, including, without limitation, dismissals, acquittals, convictions, sentences, information set forth in NRS 209.353 concerning an offender in prison, any postconviction relief, correctional supervision occurring in Nevada, information concerning the status of an offender on parole or probation, and information concerning a convicted person who has registered as such pursuant to chapter 179C of NRS. The term includes only information contained in a record, maintained in written or electronic form, of a formal transaction between a person and an agency of criminal justice in this State, including, without limitation, the

fingerprints of a person who is arrested and taken into custody and of a person who is placed on parole or probation and supervised by the Division of Parole and Probation of the Department.

2. "Record of criminal history" does not include:

(a) Investigative or intelligence information, reports of crime or other information concerning specific persons collected in the course of the enforcement of criminal laws;

(b) Information concerning juveniles;

(c) Posters, announcements or lists intended to identify fugitives or wanted persons and aid in their apprehension;

(d) Original records of entry maintained by agencies of criminal justice if the records are chronological and not cross-indexed;

(e) Records of application for and issuance, suspension, revocation or renewal of occupational licenses, including, without limitation, permits to work in the gaming industry;

(f) Except as otherwise provided in subsection 1, court indexes and records of public judicial proceedings, court decisions and opinions, and information disclosed during public judicial proceedings;

(g) Except as otherwise provided in subsection 1, records of traffic violations constituting misdemeanors;

(h) Records of traffic offenses maintained by the Department to regulate the issuance, suspension, revocation or renewal of drivers' or other operators' licenses;

(i) Announcements of actions by the State Board of Pardons Commissioners and the State Board of Parole Commissioners, except information concerning the status of an offender on parole or probation; or

(j) Records which originated in an agency other than an agency of criminal justice in this State.

Sec. 71. NRS 202.3657 is hereby amended to read as follows:

202.3657 1. Any person who is a resident of this State may apply to the sheriff of the county in which he resides for a permit on a form prescribed by regulation of the Department. Any person who is not a resident of this State may apply to the sheriff of any county in this State for a permit on a form prescribed by regulation of the Department. Application forms for permits must be furnished by the sheriff of each county upon request.

2. Except as otherwise provided in this section, the sheriff shall issue a permit for one or more specific firearms to any person who is qualified to possess each firearm under state and federal law, who submits an application in accordance with the provisions of this section and who:

(a) Is 21 years of age or older;

(b) Is not prohibited from possessing a firearm pursuant to NRS 202.360; and

(c) Demonstrates competence with each firearm by presenting a certificate or other documentation to the sheriff which shows that he:

(1) Successfully completed a course in firearm safety approved by a sheriff in this State; or

(2) Successfully completed a course in firearm safety offered by a federal, state or local law enforcement agency, community college, university or national organization that certifies instructors in firearm safety.

➔ Such a course must include instruction in the use of each firearm to which the application pertains and in the laws of this State relating to the use of a firearm. A sheriff may not approve a course in firearm safety pursuant to subparagraph (1) unless he determines that the course meets any standards that are established by the Nevada Sheriffs' and Chiefs' Association or, if the Nevada Sheriffs' and Chiefs' Association ceases to exist, its legal successor.

3. The sheriff shall deny an application or revoke a permit if he determines that the applicant or permittee:

(a) Has an outstanding warrant for his arrest.

(b) Has been judicially declared incompetent or insane.

(c) Has been voluntarily or involuntarily admitted to a mental health facility during the immediately preceding 5 years.

(d) Has habitually used intoxicating liquor or a controlled substance to the extent that his normal faculties are impaired. For the purposes of this paragraph, it is presumed that a person has so used intoxicating liquor or a controlled substance if, during the immediately preceding 5 years, he has been:

(1) Convicted of violating the provisions of NRS 484.379 ~~[3]~~ or section 14 of this act; or

(2) Committed for treatment pursuant to NRS 458.290 to 458.350, inclusive.

(e) Has been convicted of a crime involving the use or threatened use of force or violence punishable as a misdemeanor under the laws of this or any other state, or a territory or possession of the United States at any time during the immediately preceding 3 years.

(f) Has been convicted of a felony in this State or under the laws of any state, territory or possession of the United States.

(g) Has been convicted of a crime involving domestic violence or stalking, or is currently subject to a restraining order, injunction or other order for protection against domestic violence.

(h) Is currently on parole or probation from a conviction obtained in this State or in any other state or territory or possession of the United States.

(i) Has, within the immediately preceding 5 years, been subject to any requirements imposed by a court of this State or of any other state or territory or possession of the United States, as a condition to the court's:

(1) Withholding of the entry of judgment for his conviction of a felony; or

(2) Suspension of his sentence for the conviction of a felony.

(j) Has made a false statement on any application for a permit or for the renewal of a permit.

4. The sheriff may deny an application or revoke a permit if he receives a sworn affidavit stating articulable facts based upon personal knowledge from any natural person who is 18 years of age or older that the applicant or permittee has or may have committed an offense or engaged in any other activity specified in subsection 3 which would preclude the issuance of a permit to the applicant or require the revocation of a permit pursuant to this section.

5. If the sheriff receives notification submitted by a court or law enforcement agency of this or any other state, the United States or a territory or possession of the United States that a permittee or an applicant for a permit has been charged with a crime involving the use or threatened use of force or violence, the conviction for which would require the revocation of a permit or preclude the issuance of a permit to the applicant pursuant to this section, the sheriff shall suspend the person's permit or the processing of his application until the final disposition of the charges against him. If a permittee is acquitted of the charges against him, or if the charges are dropped, the sheriff shall restore his permit without imposing a fee.

6. An application submitted pursuant to this section must be completed and signed under oath by the applicant. The applicant's signature must be witnessed by an employee of the sheriff or notarized by a notary public. The application must include:

(a) The name, address, place and date of birth, social security number, occupation and employer of the applicant and any other names used by the applicant;

(b) A complete set of the applicant's fingerprints taken by the sheriff or his agent;

(c) A front-view colored photograph of the applicant taken by the sheriff or his agent;

(d) If the applicant is a resident of this State, the driver's license number or identification card number of the applicant issued by the Department of Motor Vehicles;

(e) If the applicant is not a resident of this State, the driver's license number or identification card number of the applicant issued by another state or jurisdiction;

(f) The make, model and caliber of each firearm to which the application pertains;

(g) A nonrefundable fee in the amount necessary to obtain the report required pursuant to subsection 1 of NRS 202.366; and

(h) A nonrefundable fee set by the sheriff not to exceed \$60.

Sec. 72. NRS 209.392 is hereby amended to read as follows:

209.392 1. Except as otherwise provided in NRS 209.3925 and 209.429, the Director may, at the request of an offender who is eligible for residential confinement pursuant to the standards adopted by the Director pursuant to subsection 3 and who has:

(a) Established a position of employment in the community;

(b) Enrolled in a program for education or rehabilitation; or
(c) Demonstrated an ability to pay for all or part of the costs of his confinement and to meet any existing obligation for restitution to any victim of his crime,
➡ assign the offender to the custody of the Division of Parole and Probation of the Department of Public Safety to serve a term of residential confinement, pursuant to NRS 213.380, for not longer than the remainder of his sentence.

2. Upon receiving a request to serve a term of residential confinement from an eligible offender, the Director shall notify the Division of Parole and Probation. If any victim of a crime committed by the offender has, pursuant to subsection 4 of NRS 213.130, requested to be notified of the consideration of a prisoner for parole and has provided a current address, the Division of Parole and Probation shall notify the victim of the offender's request and advise the victim that he may submit documents regarding the request to the Division of Parole and Probation. If a current address has not been provided as required by subsection 4 of NRS 213.130, the Division of Parole and Probation must not be held responsible if such notification is not received by the victim. All personal information, including, but not limited to, a current or former address, which pertains to a victim and which is received by the Division of Parole and Probation pursuant to this subsection is confidential.

3. The Director, after consulting with the Division of Parole and Probation, shall adopt, by regulation, standards providing which offenders are eligible for residential confinement. The standards adopted by the Director must provide that an offender who:

(a) Is not eligible for parole or release from prison within a reasonable period;

(b) Has recently committed a serious infraction of the rules of an institution or facility of the Department;

(c) Has not performed the duties assigned to him in a faithful and orderly manner;

(d) Has ever been convicted of:

(1) Any crime involving the use or threatened use of force or violence against the victim; or

(2) A sexual offense;

(e) Has more than one prior conviction for any felony in this State or any offense in another state that would be a felony if committed in this State, not including a violation of NRS 484.379 or 484.3795 ~~or~~ *or section 14 of this act*;

(f) Has escaped or attempted to escape from any jail or correctional institution for adults; or

(g) Has not made an effort in good faith to participate in or to complete any educational or vocational program or any program of treatment, as ordered by the Director,

↪ is not eligible for assignment to the custody of the Division of Parole and Probation to serve a term of residential confinement pursuant to this section.

4. If an offender assigned to the custody of the Division of Parole and Probation pursuant to this section escapes or violates any of the terms or conditions of his residential confinement:

(a) The Division of Parole and Probation may, pursuant to the procedure set forth in NRS 213.410, return the offender to the custody of the Department.

(b) The offender forfeits all or part of the credits for good behavior earned by him before the escape or violation, as determined by the Director. The Director may provide for a forfeiture of credits pursuant to this paragraph only after proof of the offense and notice to the offender and may restore credits forfeited for such reasons as he considers proper. The decision of the Director regarding such a forfeiture is final.

5. The assignment of an offender to the custody of the Division of Parole and Probation pursuant to this section shall be deemed:

(a) A continuation of his imprisonment and not a release on parole; and

(b) For the purposes of NRS 209.341, an assignment to a facility of the Department,

↪ except that the offender is not entitled to obtain any benefits or to participate in any programs provided to offenders in the custody of the Department.

6. An offender does not have a right to be assigned to the custody of the Division of Parole and Probation pursuant to this section, or to remain in that custody after such an assignment, and it is not intended that the provisions of this section or of NRS 213.371 to 213.410, inclusive, create any right or interest in liberty or property or establish a basis for any cause of action against the State, its political subdivisions, agencies, boards, commissions, departments, officers or employees.

Sec. 73. NRS 209.425 is hereby amended to read as follows:

209.425 1. The Director shall, with the approval of the Board, establish a program for the treatment of an abuser of alcohol or drugs who is imprisoned pursuant to paragraph (c) of subsection 1 of NRS 484.3792 or NRS 484.3795 ~~[-]~~ *or paragraph (c) or (d) of subsection 1 of section 15 of this act.* The program must include an initial period of intensive mental and physical rehabilitation in a facility of the Department, followed by regular sessions of education, counseling and any other necessary or desirable treatment.

2. The Director may, upon the request of the offender after the initial period of rehabilitation, allow the offender to earn wages under any other program established by the Department if the offender assigns to the Department any wages he earns under such a program. The Director may deduct from the wages of the offender an amount determined by the Director, with the approval of the Board, to:

(a) Offset the costs, as reflected in the budget of the Department, to maintain the offender in a facility or institution of the Department and in the program of treatment established pursuant to this section; and

(b) Meet any existing obligation of the offender for the support of his family or restitution to any victim of his crime.

Sec. 74. NRS 209.481 is hereby amended to read as follows:

209.481 1. The Director shall not assign any prisoner to an institution or facility of minimum security if the prisoner:

(a) Except as otherwise provided in NRS 484.3792 and 484.3795, *and section 15 of this act*, is not eligible for parole or release from prison within a reasonable period;

(b) Has recently committed a serious infraction of the rules of an institution or facility of the Department;

(c) Has not performed the duties assigned to him in a faithful and orderly manner;

(d) Has been convicted of a sexual offense;

(e) Has committed an act of serious violence during the previous year; or

(f) Has attempted to escape or has escaped from an institution of the Department.

2. The Director shall, by regulation, establish procedures for classifying and selecting qualified prisoners.

Sec. 75. NRS 217.070 is hereby amended to read as follows:

217.070 "Victim" means:

1. A person who is physically injured or killed as the direct result of a criminal act;

2. A minor who was involved in the production of pornography in violation of NRS 200.710, 200.720, 200.725 or 200.730;

3. A minor who was sexually abused, as "sexual abuse" is defined in NRS 432B.100;

4. A person who is physically injured or killed as the direct result of a violation of NRS 484.379 *or section 14 of this act* or any act or neglect of duty punishable pursuant to NRS 484.3795;

5. A pedestrian who is physically injured or killed as the direct result of a driver of a motor vehicle who failed to stop at the scene of an accident involving the driver and the pedestrian in violation of NRS 484.219; or

6. A resident who is physically injured or killed as the direct result of an act of international terrorism as defined in 18 U.S.C. § 2331(1).

➤ The term includes a person who was harmed by any of these acts whether the act was committed by an adult or a minor.

Sec. 76. NRS 217.220 is hereby amended to read as follows:

217.220 1. Except as otherwise provided in subsections 2 and 3, compensation must not be awarded if the victim:

(a) Was injured or killed as a result of the operation of a motor vehicle, boat or airplane unless the vehicle, boat or airplane was used as a weapon in a deliberate attempt to harm the victim or unless the driver of the vehicle

injured a pedestrian, violated any of the provisions of NRS 484.379 *or section 14 of this act* or the use of the vehicle was punishable pursuant to NRS 484.3795;

(b) Was not a citizen of the United States or was not lawfully entitled to reside in the United States at the time the incident upon which the claim is based occurred or he is unable to provide proof that he was a citizen of the United States or was lawfully entitled to reside in the United States at that time;

(c) Was a coconspirator, codefendant, accomplice or adult passenger of the offender whose crime caused the victim's injuries;

(d) Was injured or killed while serving a sentence of imprisonment in a prison or jail;

(e) Was injured or killed while living in a facility for the commitment or detention of children who are adjudicated delinquent pursuant to title 5 of NRS; or

(f) Fails to cooperate with law enforcement agencies. Such cooperation does not require prosecution of the offender.

2. Paragraph (a) of subsection 1 does not apply to a minor who was physically injured or killed while being a passenger in the vehicle of an offender who violated NRS 484.379 *or section 14 of this act* or is punishable pursuant to NRS 484.3795.

3. A victim who is a relative of the offender or who, at the time of the personal injury or death of the victim, was living with the offender in a continuing relationship may be awarded compensation if the offender would not profit by the compensation of the victim.

4. The compensation officer may deny an award if he determines that the applicant will not suffer serious financial hardship. In determining whether an applicant will suffer serious financial hardship, the compensation officer shall not consider:

(a) The value of the victim's dwelling;

(b) The value of one motor vehicle owned by the victim; or

(c) The savings and investments of the victim up to an amount equal to the victim's annual salary.

Sec. 77. NRS 453A.300 is hereby amended to read as follows:

453A.300 1. A person who holds a registry identification card issued to him pursuant to NRS 453A.220 or 453A.250 is not exempt from state prosecution for, nor may he establish an affirmative defense to charges arising from, any of the following acts:

(a) Driving, operating or being in actual physical control of a vehicle or a vessel under power or sail while under the influence of marijuana.

(b) Engaging in any other conduct prohibited by NRS 484.379, 484.3795, subsection 2 of NRS 488.400, NRS 488.410, 488.420 or 493.130 ~~[-]~~ *or section 14 or 48 of this act*.

(c) Possessing a firearm in violation of paragraph (b) of subsection 1 of NRS 202.257.

(d) Possessing marijuana in violation of NRS 453.336 or possessing drug paraphernalia in violation of NRS 453.560 or 453.566, if the possession of the marijuana or drug paraphernalia is discovered because the person engaged or assisted in the medical use of marijuana in:

(1) Any public place or in any place open to the public or exposed to public view; or

(2) Any local detention facility, county jail, state prison, reformatory or other correctional facility, including, without limitation, any facility for the detention of juvenile offenders.

(e) Delivering marijuana to another person who he knows does not lawfully hold a registry identification card issued by the Department or its designee pursuant to NRS 453A.220 or 453A.250.

(f) Delivering marijuana for consideration to any person, regardless of whether the recipient lawfully holds a registry identification card issued by the Department or its designee pursuant to NRS 453A.220 or 453A.250.

2. In addition to any other penalty provided by law, if the Department determines that a person has willfully violated a provision of this chapter or any regulation adopted by the Department or Division to carry out the provisions of this chapter, the Department may, at its own discretion, prohibit the person from obtaining or using a registry identification card for a period of up to 6 months.

Sec. 78. NRS 458.260 is hereby amended to read as follows:

458.260 1. Except as otherwise provided in subsection 2, the use of alcohol, the status of drunkard and the fact of being found in an intoxicated condition are not:

(a) Public offenses and shall not be so treated in any ordinance or resolution of a county, city or town.

(b) Elements of an offense giving rise to a criminal penalty or civil sanction.

2. The provisions of subsection 1 do not apply to:

(a) A civil or administrative violation for which intoxication is an element of the violation pursuant to the provisions of a specific statute or regulation;

(b) A criminal offense for which intoxication is an element of the offense pursuant to the provisions of a specific statute or regulation;

(c) A homicide resulting from driving, operating or being in actual physical control of a vehicle or a vessel under power or sail while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484.379, 484.3795, subsection 2 of NRS 488.400, NRS 488.410 or 488.420 ~~[-]~~ or *section 14 or 48 of this act*; and

(d) Any offense or violation which is similar to an offense or violation described in paragraph (a), (b) or (c) and which is set forth in an ordinance or resolution of a county, city or town.

3. This section does not make intoxication an excuse or defense for any criminal act.

Sec. 79. NRS 458.270 is hereby amended to read as follows:

458.270 1. Except as otherwise provided in subsection 7, a person who is found in any public place under the influence of alcohol, in such a condition that he is unable to exercise care for his health or safety or the health or safety of other persons, must be placed under civil protective custody by a peace officer.

2. A peace officer may use upon such a person the kind and degree of force which would be lawful if he were effecting an arrest for a misdemeanor with a warrant.

3. If a licensed facility for the treatment of persons who abuse alcohol exists in the community where the person is found, he must be delivered to the facility for observation and care. If no such facility exists in the community, the person so found may be placed in a county or city jail or detention facility for shelter or supervision for his health and safety until he is no longer under the influence of alcohol. He may not be required against his will to remain in a licensed facility, jail or detention facility longer than 48 hours.

4. An intoxicated person taken into custody by a peace officer for a public offense must immediately be taken to a secure detoxification unit or other appropriate medical facility if his condition appears to require emergency medical treatment. Upon release from the detoxification unit or medical facility, the person must immediately be remanded to the custody of the apprehending peace officer and the criminal proceedings proceed as prescribed by law.

5. The placement of a person found under the influence of alcohol in civil protective custody must be:

(a) Recorded at the facility, jail or detention facility to which he is delivered; and

(b) Communicated at the earliest practical time to his family or next of kin if they can be located.

6. Every peace officer and other public employee or agency acting pursuant to this section is performing a discretionary function or duty.

7. The provisions of this section do not apply to a person who is apprehended or arrested for:

(a) A civil or administrative violation for which intoxication is an element of the violation pursuant to the provisions of a specific statute or regulation;

(b) A criminal offense for which intoxication is an element of the offense pursuant to the provisions of a specific statute or regulation;

(c) A homicide resulting from driving, operating or being in actual physical control of a vehicle or a vessel under power or sail while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484.379, 484.3795, subsection 2 of NRS 488.400, NRS 488.410 or 488.420 ~~[-]~~ or section 14 or 48 of this act; and

(d) Any offense or violation which is similar to an offense or violation described in paragraph (a), (b) or (c) and which is set forth in an ordinance or resolution of a county, city or town.

Sec. 80. NRS 458.300 is hereby amended to read as follows:

458.300 Subject to the provisions of NRS 458.290 to 458.350, inclusive, an alcoholic or a drug addict who has been convicted of a crime is eligible to elect to be assigned by the court to a program of treatment for the abuse of alcohol or drugs pursuant to NRS 453.580 before he is sentenced unless:

1. The crime is a crime against the person punishable as a felony or gross misdemeanor as provided in chapter 200 of NRS or the crime is an act which constitutes domestic violence as set forth in NRS 33.018;

2. The crime is that of trafficking of a controlled substance;

3. The crime is a violation of NRS 484.379 or 484.3795 ~~[-]~~ *or section 14 of this act*;

4. The alcoholic or drug addict has a record of two or more convictions of a crime described in subsection 1 or 2, a similar crime in violation of the laws of another state, or of three or more convictions of any felony;

5. Other criminal proceedings alleging commission of a felony are pending against the alcoholic or drug addict;

6. The alcoholic or drug addict is on probation or parole and the appropriate parole or probation authority does not consent to the election; or

7. The alcoholic or drug addict elected and was admitted, pursuant to NRS 458.290 to 458.350, inclusive, to a program of treatment not more than twice within the preceding 5 years.

Sec. 81. NRS 629.065 is hereby amended to read as follows:

629.065 1. Each provider of health care shall, upon request, make available to a law enforcement agent or district attorney the health care records of a patient which relate to a test of his blood, breath or urine if:

(a) The patient is suspected of having violated NRS 484.379, 484.3795, subsection 2 of NRS 488.400, NRS 488.410 or 488.420 ~~[-]~~ *or section 14 or 48 of this act*; and

(b) The records would aid in the related investigation.

➡ To the extent possible, the provider of health care shall limit the inspection to the portions of the records which pertain to the presence of alcohol or a controlled substance, chemical, poison, organic solvent or another prohibited substance in the blood, breath or urine of the patient.

2. The records must be made available at a place within the depository convenient for physical inspection. Inspection must be permitted at all reasonable office hours and for a reasonable length of time. The provider of health care shall also furnish a copy of the records to each law enforcement agent or district attorney described in subsection 1 who requests the copy and pays the costs of reproducing the copy.

3. Records made available pursuant to this section may be presented as evidence during a related administrative or criminal proceeding against the patient.

4. A provider of health care and his agents and employees are immune from any civil action for any disclosures made in accordance with the provisions of this section or any consequential damages.

5. As used in this section, "prohibited substance" has the meaning ascribed to it in NRS 484.1245.

Sec. 82. NRS 690B.029 is hereby amended to read as follows:

690B.029 1. A policy of insurance against liability arising out of the ownership, maintenance or use of a motor vehicle delivered or issued for delivery in this State to a person who is 55 years of age or older must contain a provision for the reduction in the premiums for 3-year periods if the insured:

(a) Successfully completes, after attaining 55 years of age and every 3 years thereafter, a course of traffic safety approved by the Department of Motor Vehicles; and

(b) For the 3-year period before completing the course of traffic safety and each 3-year period thereafter:

(1) Is not involved in an accident involving a motor vehicle for which the insured is at fault;

(2) Maintains a driving record free of violations; and

(3) Has not been convicted of or entered a plea of guilty or nolo contendere to a moving traffic violation or an offense involving:

(I) The operation of a motor vehicle while under the influence of intoxicating liquor or a controlled substance; or

(II) Any other conduct prohibited by NRS 484.379 or 484.3795 *or section 14 of this act* or a law of any other jurisdiction that prohibits the same or similar conduct.

2. The reduction in the premiums provided for in subsection 1 must be based on the actuarial and loss experience data available to each insurer and must be approved by the Commissioner. Each reduction must be calculated based on the amount of the premium before any reduction in that premium is made pursuant to this section, and not on the amount of the premium once it has been reduced.

3. A course of traffic safety that an insured is required to complete as the result of moving traffic violations must not be used as the basis for a reduction in premiums pursuant to this section.

4. The organization that offers a course of traffic safety approved by the Department of Motor Vehicles shall issue a certificate to each person who successfully completes the course. A person must use the certificate to qualify for the reduction in the premiums pursuant to this section.

5. The Commissioner shall review and approve or disapprove a policy of insurance that offers a reduction in the premiums pursuant to subsection 1. An insurer must receive written approval from the Commissioner before delivering or issuing a policy with a provision containing such a reduction.

Sec. 83. NRS 706.8841 is hereby amended to read as follows:

706.8841 1. The Administrator shall issue a driver's permit to qualified persons who wish to be employed by certificate holders as taxicab drivers. Before issuing a driver's permit, the Administrator shall:

(a) Require the applicant to submit a complete set of his fingerprints which the Administrator may forward to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation to ascertain whether the applicant has a criminal record and the nature of any such record, and shall further investigate the applicant's background; and

(b) Require proof that the applicant:

(1) Has been a resident of the State for 30 days before his application for a permit;

(2) Can read and orally communicate in the English language; and

(3) Has a valid license issued under NRS 483.325 which authorizes him to drive a taxicab in this State.

2. The Administrator may refuse to issue a driver's permit if the applicant has been convicted of:

(a) A felony relating to the practice of taxicab drivers in this State or any other jurisdiction at any time before the date of the application;

(b) A felony involving any sexual offense in this State or any other jurisdiction at any time before the date of the application; or

(c) A violation of NRS 484.379 or 484.3795 or *section 14 of this act* or a law of any other jurisdiction that prohibits the same or similar conduct within 3 years before the date of the application.

3. The Administrator may refuse to issue a driver's permit if the Administrator, after the background investigation of the applicant, determines that the applicant is morally unfit or if the issuance of the driver's permit would be detrimental to public health, welfare or safety.

4. A taxicab driver shall pay to the Administrator, in advance, \$40 for an original driver's permit and \$10 for a renewal.

Sec. 84. 1. This section and sections 16 to 21, inclusive, and 46 of this act become effective upon passage and approval.

2. Sections 1 to 6, inclusive, 8 to 15, inclusive, 22 to 45, inclusive, 47 to 50, inclusive, and 52 to 83, inclusive, of this act become effective on October 1, 2005.

3. Sections 16 to 21, inclusive, and 46 of this act expire by limitation on June 10, 2007.

4. Sections 6 and 50 of this act expire by limitation on the date of the repeal of the federal law requiring each state to make it unlawful for a person to operate a motor vehicle with a blood alcohol concentration of 0.08 percent or greater as a condition to receiving federal funding for the construction of highways in this State.

5. Sections 7 and 51 of this act become effective on the date of the repeal of the federal law requiring each state to make it unlawful for a person to operate a motor vehicle with a blood alcohol concentration of 0.08 percent or

greater as a condition to receiving federal funding for the construction of highways in this State."

Amend the title of the bill to read as follows:

"AN ACT relating to crimes; establishing the crime of driving under the extreme influence of alcohol for a person who drives a motor vehicle or operates a vessel with a concentration of alcohol of 0.18 or more in his blood or breath; revising the provisions governing when one offense involving the use of intoxicating liquor and controlled substances occurs within 7 years of another offense; requiring the Department of Transportation to establish by regulation a pilot program pursuant to which a county, city or other local government may acquire and use an automated enforcement system to gather evidence to be used for citations for moving traffic violations; making admissible in certain criminal proceedings the results of blood tests administered by phlebotomists or persons with special knowledge, skill, training and education in withdrawing blood in a medically acceptable manner; making mandatory the use of ignition interlock devices by persons convicted of certain offenses; limiting the admissibility of certain affidavits or declarations in certain criminal proceedings; providing that a person may not petition the court for sealing the records relating to a conviction of driving under the extreme influence of alcohol; providing penalties; and providing other matters properly relating thereto."

Amend the summary of the bill to read as follows:

"SUMMARY—Makes various changes concerning offenses involving use of intoxicating liquor and controlled substances and establishes pilot program involving use of automated systems for enforcement of traffic laws. (BDR 43-832)".

Senator Nolan moved the adoption of the amendment.

Remarks by Senators Nolan, Care and Carlton.

Senator Nolan moved that Assembly Bill No. 550 be taken from the General File and placed on the General File on the fifth agenda.

Remarks by Senator Nolan.

Motion carried.

Assembly Joint Resolution No. 5.

Resolution read third time.

Roll call on Assembly Joint Resolution No. 5:

YEAS—21.

NAYS—None.

Assembly Joint Resolution No. 5 having received a constitutional majority, Mr. President pro Tempore declared it passed, as amended.

Resolution ordered transmitted to the Assembly.

Senator Raggio moved that the Senate recess until 9:30 p.m.

Motion carried.

Senate in recess at 8:15 p.m.

SENATE IN SESSION

At 10:15 p.m.

President pro Tempore Amodei presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Raggio moved that all rules be suspended, that the reprinting of all Assembly bills be dispensed with, and that the Secretary be authorized to insert all amendments adopted by the Senate, and the Assembly bills be considered on third reading and final passage.

Remarks by Senator Raggio.

Motion carried.

Senator Hardy moved that Assembly Bill No. 485 be taken from its position on the General File and placed at the top of the General File.

Remarks by Senator Hardy.

Motion carried.

Senator Townsend moved that Assembly Bill No. 120 be taken from its position on the General File and placed on the bottom of the General File.

Remarks by Senator Townsend.

Motion carried.

Senator Townsend moved that Assembly Bill No. 195 be taken from its position on the General File and placed on the bottom of the General File.

Remarks by Senator Townsend.

Motion carried.

Senator Washington withdrew Amendment No. 1021 from Assembly Bill No. 162 on the General File.

SECOND READING AND AMENDMENT

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 Senator Hardy.

Amendment adopted.

Reprinting dispensed with. Bill ordered to third reading.

Assembly Bill No. 538.

Bill read second time.

The following amendments were proposed by the Committee on Legislative Operations and Elections:

Amendment No. 1109.

Amend the bill as a whole by deleting section 1 and renumbering sec. 2 as section 1.

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

"Sec. 2. NRS 281.462 is hereby amended to read as follows:

281.462 1. The Chairman shall appoint one or more panels of two members of the Commission on a rotating basis to ~~review the determinations of just and sufficient cause made by the Executive Director pursuant to NRS 281.511 and~~ make a ~~final~~ determination regarding whether just and sufficient cause exists for the Commission to render an opinion.

2. The Chairman and Vice Chairman of the Commission may not serve together on a panel.

3. The members of a panel may not be members of the same political party.

4. If a panel finds just and sufficient cause for the Commission to render an opinion in a matter, the members of the panel shall not participate in any further proceedings of the Commission relating to that matter.

Sec. 3. NRS 281.463 is hereby amended to read as follows:

281.463 1. The Commission shall appoint, within the limits of legislative appropriation, an Executive Director who shall perform the duties set forth in this chapter and such other duties as may be prescribed by the Commission.

2. ~~{The Executive Director must have experience in administration, law enforcement, investigations or law-~~

~~3-}~~ The Executive Director is in the unclassified service of the State.

~~{4-}~~ 3. The Executive Director shall devote his entire time and attention to the business of the Commission and shall not pursue any other business or occupation or hold any other office of profit that detracts from the full and timely performance of his duties.

~~{5-}~~ 4. The Executive Director may not:

(a) Be actively involved in the work of any political party or political campaign; or

(b) Communicate directly or indirectly with a member of the Legislative Branch on behalf of someone other than himself to influence legislative action, except in pursuit of the business of the Commission."

Amend sec. 5, page 4, by deleting lines 32 through 37 and inserting:

"(c) ~~{Gather information and conduct investigations regarding requests for opinions received by the Commission and submit recommendations to the panel appointed pursuant to NRS 281.462 regarding whether there is just and sufficient cause to render an opinion in response to a particular request.~~

~~(d)}~~ Recommend to the Commission any regulations or".

Amend sec. 5, page 4, line 41, by deleting "(e)" and inserting "~~{(e)}~~ (d)".

Amend sec. 5, page 5, line 6, by deleting "(f)" and inserting "~~{(f)}~~ (e)".

Amend sec. 5, page 5, by deleting lines 10 through 14 and inserting: "of his duties relating to ~~{~~

~~(a) The}~~ the administration of the affairs of the Commission . ~~{~~

~~(b) The review of statements of financial disclosure; and~~

~~(c) The investigation of matters under the jurisdiction of the Commission.}~~".

Amend the bill as a whole by deleting sections 6 and 7 and renumbering sec. 8 as sec. 5.

Amend sec. 8, page 6, by deleting lines 26 through 29 and inserting:

"3. Cause the making of such investigations *by an investigator of the Investigation Division of the Department of Public Safety pursuant to subsection 10 of NRS 480.460* as are reasonable and necessary for the rendition of its opinions pursuant to this chapter ~~{~~

~~4. Except as otherwise provided in NRS 281.559, inform the".~~

Amend sec. 8, page 6, line 32, after "~~{~~" by inserting: "or concerning any other matter under the jurisdiction of the Commission.

~~4."~~

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

"Sec. 6. NRS 281.475 is hereby amended to read as follows:

281.475 1. The Chairman and Vice Chairman of the Commission may administer oaths.

2. The Commission, upon majority vote, may issue a subpoena to compel the attendance of a witness and the production of books and papers. Upon the request of ~~{the Executive Director}~~ *an investigator conducting an investigation pursuant to subsection 3 of NRS 281.471* or the public officer or public employee who is the subject of a request for an opinion, the Chairman or, in his absence, the Vice Chairman, may issue a subpoena to compel the attendance of a witness and the production of books and papers.

3. Before issuing a subpoena to a public officer or public employee who is the subject of a request for an opinion, the ~~{Executive Director}~~ *investigator* shall submit a written request to the public officer or public employee requesting:

(a) His appearance as a witness; or

(b) His production of any books and papers relating to the request for an opinion.

4. Each written request submitted ~~{by the Executive Director}~~ pursuant to subsection 3 must specify the time and place for the attendance of the public officer or public employee or the production of any books and papers, and designate with certainty the books and papers requested, if any. If the public officer or public employee fails or refuses to attend at the time and place specified or produce the books and papers requested ~~{by the Executive Director}~~ within 5 business days after receipt of the request, the Chairman may issue the subpoena. Failure of the public officer or public employee to comply with ~~{the}~~ a written request ~~{of the Executive Director}~~ submitted pursuant to subsection 3 shall be deemed a waiver by the public officer or public employee of the time set forth in subsections 3 and 4 of NRS 281.511.

5. If any witness refuses to attend, testify or produce any books and papers as required by the subpoena, the Chairman of the Commission may report to the district court by petition, setting forth that:

(a) Due notice has been given of the time and place of attendance of the witness or the production of the books and papers;

(b) The witness has been subpoenaed by the Commission pursuant to this section; and

(c) The witness has failed or refused to attend or produce the books and papers required by the subpoena before the Commission, or has refused to answer questions propounded to him, and asking for an order of the court compelling the witness to attend and testify or produce the books and papers before the Commission.

6. Except as otherwise provided in this subsection, upon such a petition, the court shall enter an order directing the witness to appear before the court at a time and place to be fixed by the court in its order, the time to be not more than 10 days after the date of the order, and then and there show cause why he has not attended, testified or produced the books or papers before the Commission. If the witness has been subpoenaed by the Commission in response to a request for an opinion filed pursuant to NRS 294A.345 or 294A.346, the court shall direct the witness to appear before the court as expeditiously as possible to allow the Commission to render its opinion within the time required by NRS 281.477. A certified copy of the order must be served upon the witness.

7. If it appears to the court that the subpoena was regularly issued by the Commission, the court shall enter an order that the witness appear before the Commission, at the time and place fixed in the order, and testify or produce the required books and papers. Upon failure to obey the order, the witness must be dealt with as for contempt of court."

Amend the bill as a whole by deleting sec. 11 and renumbering sections 12 through 16 as sections 8 through 12.

Amend sec. 12, page 12, by deleting lines 33 and 34 and inserting:

"(2) All related evidence deemed necessary by the ~~{Executive Director and the}~~ panel to make a determination of whether there is".

Amend sec. 12, page 12, by deleting lines 43 through 45 and inserting: "is incarcerated in a correctional facility in this State."

Amend sec. 12, page 13, by deleting lines 3 through 23 and inserting: "~~{Executive Director shall investigate}~~ *Commission shall cause an investigation of the facts and circumstances relating to the request to* ~~{determine whether there is just and sufficient cause for the Commission to render an opinion in the matter.}~~ *be conducted by an investigator pursuant to subsection 3 of NRS 281.471. The public officer or employee that is the subject of the request may submit to the {Executive Director} investigator any information relevant to the request. The {Executive Director shall complete an investigation and present his recommendation relating to just and sufficient cause to the panel} *investigation must be completed within 45 days after the receipt of or the motion of the Commission for the request, unless the public officer or employee waives this time limit. {If the Executive Director determines after an investigation that just and sufficient cause exists for the Commission to render an opinion in the matter, he shall state such a recommendation in writing, including, without limitation, the specific evidence that supports his recommendation. If, after an investigation, the Executive Director does not determine that just and sufficient cause exists for the Commission to render an opinion in the matter, he shall state such a recommendation in writing, including, without limitation, the specific reasons for his recommendation.}* Within 15 days after the {Executive Director has provided his recommendation in the matter to the panel,} *completion of the investigation, the panel shall make a {final} determination regarding whether just and*".*

Amend sec. 12, page 15, by deleting lines 12 through 14 and inserting: "must submit the question to the {Executive Director} *Chairman of the Commission* in writing. ~~{The Executive Director may submit the question to the Commission if he deems the question relevant and appropriate.}~~ This subsection does".

Amend sec. 13, page 16, by deleting lines 10 and 11 and inserting: "ground for removal pursuant to NRS 283.440."

Amend sec. 16, page 18, by deleting lines 26 through 28 and inserting:

"281.561 1. Each candidate for public office who will be entitled to receive annual compensation of \$6,000 or more for serving in the office that he is seeking, *each public officer*".

Amend the bill as a whole by deleting sec. 17 and adding a new section, designated sec. 13, following sec. 16, to read as follows:

"Sec. 13. NRS 480.460 is hereby amended to read as follows:

480.460 The Chief of the Investigation Division shall:

1. Furnish services relating to the investigation of crimes, including interrogation with the use of polygraph instruments, upon the request of the Attorney General or any sheriff, chief of police or district attorney.

2. Disseminate information relating to the dangers of the use of controlled substances and dangerous drugs.

3. Provide and operate a system of recording all information received by the Division relating to persons who have alleged connections with organized crime or have some connection with violations of laws regulating controlled substances or dangerous drugs.

4. Arrange for the purchase of controlled substances and dangerous drugs when such a purchase is necessary in an investigation of offenses relating to controlled substances and dangerous drugs.

5. Procure from law enforcement agencies and other reliable sources information relating to violators of laws which govern controlled substances and dangerous drugs, including information about their character, probable motives, circumstances of arrest, methods of operation and other pertinent information.

6. Enforce the provisions of chapter 453 of NRS.

7. Maintain the records and other information forwarded to the Division to assist in locating missing persons or identifying dead bodies.

8. Furnish information relating to any person of whom he maintains a record to any law enforcement agency.

9. Assist the Secretary of State in carrying out an investigation pursuant to NRS 293.124.

10. *Assist the Commission on Ethics in carrying out an investigation of a matter under the jurisdiction of the Commission."*

Amend the title of the bill to read as follows:

"AN ACT relating to ethics in government; revising the restrictions upon the association of a former Commissioner of the Public Utilities Commission of Nevada with a public utility; revising the qualifications and job duties for the position of Executive Director of the Commission on Ethics; revising the date for submission of a disclosure of representation or counseling of a private person for compensation before a state agency; revising the penalty for the acceptance or receipt of an honorarium; revising the requirements relating to the filing of statements of financial disclosure; requiring the Investigation Division of the Department of Public Safety to assist the Commission on Ethics in carrying out certain investigations; and providing other matters properly relating thereto."

Senator Cegavske moved the adoption of the amendment.

Remarks by Senator Cegavske.

Amendment adopted.

Amendment No. 1110.

Amend the bill as a whole by renumbering sections 5 through 17 as sections 7 through 19 and adding new sections designated sections 5 and 6, following sec. 4, to read as follows:

"Sec. 5. NRS 281.455 is hereby amended to read as follows:

281.455 1. The Commission on Ethics, consisting of eight members, is hereby created.

2. The Legislative Commission shall appoint to the Commission four residents of the State, at least two of whom are former public officers, and at least one of whom must be an attorney licensed to practice law in this State.

3. The Governor shall appoint to the Commission four residents of the State, at least two of whom must be former public officers or public employees, and at least one of whom must be an attorney licensed to practice law in this State.

4. Not more than four members of the Commission may be members of the same political party. Not more than four members may be residents of the same county.

5. None of the members of the Commission may:

- (a) Hold another public office;
- (b) Be actively involved in the work of any political party or political campaign; or
- (c) Communicate directly with a member of the Legislative Branch on behalf of someone other than himself or the Commission, for compensation, to influence legislative action,
 ➔ while he is serving on the Commission.

6. *Members of the Commission shall comply with the Nevada Code of Judicial Conduct in carrying out their duties.*

7. After the initial terms, the terms of the members are 4 years. Any vacancy in the membership must be filled by the appropriate appointing authority for the unexpired term. Each member may serve no more than two consecutive full terms.

Sec. 6. NRS 281.463 is hereby amended to read as follows:

281.463 1. The Commission shall appoint, within the limits of legislative appropriation, an Executive Director who shall perform the duties set forth in this chapter and such other duties as may be prescribed by the Commission.

2. The Executive Director must have experience in administration, law enforcement, investigations or law.

3. The Executive Director is in the unclassified service of the State.

4. The Executive Director shall devote his entire time and attention to the business of the Commission and shall not pursue any other business or occupation or hold any other office of profit that detracts from the full and timely performance of his duties.

5. The Executive Director may not:

- (a) Be actively involved in the work of any political party or political campaign; ~~for~~
- (b) Communicate directly or indirectly with a member of the Legislative Branch on behalf of someone other than himself to influence legislative action, except in pursuit of the business of the Commission ~~for~~; or
- (c) *Provide legal advice to the Commission or any person."*

Amend sec. 5, page 5, line 1, after "Commission" by inserting: ", that he may not provide legal advice".

Amend sec. 7, page 5, by deleting lines 39 through 42 and inserting:
"officer or employee in any proceeding commenced by ~~it~~

~~(1) The~~ the filing of a request for an opinion with the Commission . ~~it~~
~~or~~

~~(2) The Commission on its own motion.]~~".

Amend sec. 8, page 6, line 16, by deleting "and" and inserting "~~and~~".

Amend sec. 8, page 6, by deleting line 18 and inserting: "Commission ~~it~~ ;
and

(e) To ensure that any person who is the subject of a request for an opinion of the Commission or who otherwise appears or is the subject of any proceeding before the Commission is afforded due process of law."

Amend sec. 8, page 6, line 26, after "3." by inserting: "*Establish, by regulation, procedures for disqualifying members of the Commission from participating in any matter before a panel or the full Commission pursuant to NRS 281.411 to 281.581, inclusive, based on the grounds of bias or prejudice. Such procedures must be substantively similar to the standards for the disqualification of judges for bias or prejudice in the Nevada Code of Judicial Conduct.*

4."

Amend sec. 8, page 6, line 29, by deleting "4. ~~Except~~" and inserting "~~4-
Except~~".

Amend sec. 8, page 6, lines 31 and 32, by deleting "~~chapter-
5-]~~" and inserting ~~chapter-~~

5."

Amend sec. 8, page 6, line 35, by deleting "~~6-]~~ 5." and inserting "6."

Amend sec. 12, page 12, by deleting lines 36 through 39 and inserting:

~~"[(c) Upon the Commission's own motion regarding the propriety of conduct by a public officer or employee. The Commission shall not initiate proceedings pursuant to this paragraph based solely upon an anonymous complain.]"~~

Amend sec. 12, page 13, line 1, by deleting "Commission" and inserting "Commission ,".

Amend sec. 12, page 13, by deleting line 2 and inserting: "~~for upon the motion of the Commission pursuant to subsection 2,]~~ the".

Amend sec. 12, page 13, by deleting lines 10 and 11 and inserting: "sufficient cause to the panel within 45 days after the receipt of ~~for the motion of the Commission for]~~ the request, unless the public officer".

Amend sec. 12, page 14, line 14, by deleting: "or initiated by" and inserting: "~~for initiated by]~~"

Amend sec. 12, page 14, line 20, by deleting "or initiated" and inserting "~~for initiated]~~".

Amend the title of the bill to read as follows:

"AN ACT relating to ethics in government; revising the restrictions upon the association of a former Commissioner of the Public Utilities Commission of Nevada with a public utility; prohibiting the Executive Director of the

Commission on Ethics from providing legal advice; revising the date for submission of a disclosure of representation or counseling of a private person for compensation before a state agency; requiring the Commission on Ethics to adopt certain regulations; revising provisions governing abstention from voting for members of a county or city planning commission in larger counties; providing a time limitation for the submission of certain requests for opinions by the Commission on Ethics; revising the penalty for the acceptance or receipt of an honorarium; revising the requirements relating to the filing of statements of financial disclosure; and providing other matters properly relating thereto."

Senator Cegavske moved the adoption of the amendment.

Remarks by Senator Cegavske.

Amendment adopted.

Reprinting dispensed with. Bill ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 485.

Bill read third time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1095.

Amend sec. 7, page 7, line 26, by deleting: "on the effective date of this act".

Senator Care moved the adoption of the amendment.

Conflict of interest declared by Senator Raggio.

Conflict of interest declared by Senator Coffin.

Remarks by Senators Care, Schneider and Carlton.

Motion carried on a division of the house.

Amendment adopted.

The following amendment was proposed by Senator Heck.

Amendment No. 1106.

Amend the bill as a whole by renumbering section 1 of the bill as sec. 1.7 and adding new sections designated sections 1 through 1.5, following the enacting clause, to read as follows:

"Section 1. Chapter 463 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.3 and 1.5 of this act.

Sec. 1.3. *1. After a county, city or town makes a decision on a petition filed pursuant to NRS 463.3086:*

(a) The petitioner may appeal to the arbitrator if the petition is denied; or
(b) An aggrieved party may appeal to the arbitrator if the petition is granted.

2. A notice of appeal must be filed with the arbitrator not later than 10 days after the date of the decision on the petition.

3. The arbitrator may hear only one appeal from the decision on the petition.

4. *The arbitrator shall determine whether a person who files a notice of appeal is an aggrieved party. If more than one person files a notice of appeal, the arbitrator shall consolidate the appeals of all persons who the arbitrator determines are aggrieved parties.*

5. *If the petitioner files a notice of appeal, the county, city or town that denied the petition shall be deemed to be the opposing party, and the county, city or town may elect to defend its decision before the arbitrator.*

6. *If a notice of appeal is filed by the petitioner or an aggrieved party, the petitioner shall request the court reporter to prepare a transcript of the report of the hearing on the petition, and the petitioner shall pay the costs of preparing the transcript.*

7. *The arbitrator shall consider the appeal not later than 30 days after the date the notice of appeal is filed. The arbitrator may accept written briefs or hear oral arguments, or both. The arbitrator shall not receive additional evidence and shall confine his review to the record. In reviewing the record, the arbitrator shall not substitute his judgment for that of the county, city or town. The arbitrator may reverse the decision of the county, city or town only if:*

(a) The county, city or town failed to comply with the requirements pertaining to notice and hearing of the petition in accordance with the provisions of subsections 3, 4 and 5 of NRS 463.3086;

(b) The county, city or town granted the petition without complying with the provisions of subsection 7, 8 or 9 of NRS 463.3086; or

(c) There is no evidence in the record to support the decision of the county, city or town.

8. *The arbitrator shall issue his decision and written findings not later than 30 days after the appeal is heard or is submitted for consideration without oral argument. The arbitrator shall affirm or reverse the decision of the county, city or town and shall grant or deny the petition in accordance with the affirmance or reversal.*

9. *Any party to the appeal before the arbitrator may appeal the decision of the arbitrator to grant or deny the petition to the district court. A party must file such an appeal not later than 20 days after the date of the decision of the arbitrator.*

10. *The arbitrator may take any action that is necessary to carry out the provisions of this section.*

11. *As used in this section, "arbitrator" means an arbitrator appointed by the arbitration commissioner in accordance with the provisions of the Nevada Arbitration Rules.*

Sec. 1.5. 1. *If a county, city or town decides to authorize an increase in the height or size of a proposed establishment, an aggrieved party may appeal the decision to the arbitrator.*

2. *A notice of appeal must be filed with the arbitrator not later than 10 days after the date of the decision.*

3. *The arbitrator may hear only one appeal from the decision.*

4. *The arbitrator shall determine whether a person who files a notice of appeal is an aggrieved party. If more than one person files a notice of appeal, the arbitrator shall consolidate the appeals of all persons who the arbitrator determines are aggrieved parties.*

5. *If an aggrieved party files a notice of appeal, the proposed establishment and the county, city or town that authorized the increase in the height or size of the proposed establishment shall be deemed to be the opposing parties, and the proposed establishment and the county, city or town may elect to defend the decision before the arbitrator.*

6. *If a notice of appeal is filed by an aggrieved party, the proposed establishment shall request the court reporter to prepare a transcript of the report of the hearing on the decision, and the proposed establishment shall pay the costs of preparing the transcript.*

7. *The arbitrator shall consider the appeal not later than 30 days after the date the notice of appeal is filed. The arbitrator may accept written briefs or hear oral arguments, or both. The arbitrator shall not receive additional evidence and shall confine his review to the record. In reviewing the record, the arbitrator shall not substitute his judgment for that of the county, city or town. The arbitrator may reverse the decision of the county, city or town only if there is not substantial evidence in the record to support the decision of the county, city or town.*

8. *The arbitrator shall issue his decision and written findings not later than 30 days after the appeal is heard or is submitted for consideration without oral argument. The arbitrator shall affirm or reverse the decision of the county, city or town.*

9. *Any party to the appeal before the arbitrator may appeal the decision of the arbitrator to the district court. A party must file such an appeal not later than 20 days after the date of the decision of the arbitrator.*

10. *The arbitrator may take any action that is necessary to carry out the provisions of this section.*

11. *As used in this section, "arbitrator" means an arbitrator appointed by the arbitration commissioner in accordance with the provisions of the Nevada Arbitration Rules."*

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

"Sec. 3.5. NRS 463.3074 is hereby amended to read as follows:

463.3074 The provisions of NRS 463.3072 to 463.3094, inclusive, and sections 1.3 and 1.5 of this act apply to establishments and gaming enterprise districts that are located in a county whose population is 400,000 or more."

Amend sec. 7, pages 7 and 8, by deleting lines 35 through 44 on page 7 and lines 1 through 36 on page 8, and inserting:

"(a) If the petition is denied, the petitioner may appeal the decision of the county, city or town in accordance with the provisions of section 1.3 of this act; or

(b) If the petition is granted, an aggrieved party may appeal the decision of the county, city or town in accordance with the provisions of section 1.3 of this act."

Senator Heck moved the adoption of the amendment.

Remarks by Senators Heck, Horsford and Tiffany.

Conflict of interest declared by Senator Raggio.

Conflict of interest declared by Senator Coffin.

Senators Nolan, Beers and Heck moved the previous question.

Motion carried on a division of the house.

The question being on the adoption of Amendment No. 1106 to Assembly Bill No. 485.

Motion carried on a division of the house.

Amendment adopted.

The following amendment was proposed by Senator Schneider.

Amendment No. 1099.

Amend sec. 2, pages 2 and 3, by deleting lines 25 through 45 on page 2 and lines 1 and 2 on page 3, and inserting:

"463.1605 1. Except as otherwise provided in ~~subsection 3,~~ subsections 3 and 4, the Commission ~~shall~~ :

(a) *Shall not approve a nonrestricted license, other than for the operation of a race book or sports pool at an establishment which holds a nonrestricted license to operate both gaming devices and a gambling game, for an establishment in a county whose population is 100,000 or more unless the establishment is a resort hotel ~~[-]~~ ; and*

(b) *In a county whose population is 400,000 or more, shall not approve a nonrestricted license, other than for the operation of a race book or sports pool at an establishment which holds a nonrestricted license to operate both gaming devices and a gambling game, for an establishment that is a resort hotel unless the establishment is located within the Las Vegas Boulevard gaming corridor or the rural Clark County gaming zone.*

2. A county, city or town may require resort hotels *and neighborhood casinos* to meet standards in addition to those required by this chapter as a condition of issuance of a gaming license by the county, city or town.

3. The Commission may approve a nonrestricted license for an establishment which is not a resort hotel at a new location if ~~the~~ :

(a) *The establishment was acquired or displaced pursuant to a redevelopment project undertaken by an agency created pursuant to NRS 279.382 to 279.685, inclusive ~~[-]~~ , in accordance with a final order of condemnation entered before the effective date of this act; or*

(b) *The establishment was acquired or displaced pursuant to a redevelopment project undertaken by an agency created pursuant to NRS 279.382 to 279.685, inclusive, in accordance with a final order of condemnation entered on or after the effective date of this act, and the new location of the establishment is within the same redevelopment area as the former location of the establishment.*

4. *In a county whose population is 400,000 or more, the Commission may approve a nonrestricted license for an establishment which is not a resort hotel if:*

- (a) The establishment is a neighborhood casino; and*
- (b) The establishment is not located within the Las Vegas Boulevard gaming corridor or the rural Clark County gaming zone.*

5. *As used in this section:*

(a) "Las Vegas Boulevard gaming corridor" means the area described in NRS 463.3076.

(b) "Neighborhood casino" means an establishment that:

- (1) Is not more than 40 feet in height;*
- (2) Has a gaming area that is not larger than 35,000 square feet;*
- (3) Has no rooms or fewer than 200 rooms available for sleeping accommodations;*
- (4) Has at least one bar with permanent seating capacity for more than 30 patrons which serves alcoholic beverages sold by the drink for consumption on the premises and which is open to the public 24 hours each day and 7 days each week; and*

(5) Has at least one restaurant with permanent seating capacity for more than 40 patrons that is open to the public 24 hours each day and 7 days each week.

(c) "Rural Clark County gaming zone" means the area described in NRS 463.3078."

Amend the bill as a whole by adding a new section designated sec. 7.5, following sec. 7, to read as follows:

"Sec. 7.5. The provisions of paragraph (b) of subsection 1 and subsections 2, 4 and 5 of NRS 463.1605, as amended by this act, do not apply to:

1. The operation or licensing of an existing establishment that holds a nonrestricted license on the effective date of this act; or

2. The licensing of a proposed establishment that is issued a building permit before July 31, 2005."

Senator Schneider moved the adoption of the amendment.

Conflict of interest declared by Senator Raggio.

Conflict of interest declared by Senator Coffin.

Motion failed.

Reprinting dispensed with. Bill ordered to third reading.

Senate Bill No. 391.

Bill read third time.

Roll call on Senate Bill No. 391:

YEAS—13.

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

Senate Bill No. 391 having received a constitutional majority,
Mr. President pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 31.

Bill read third time.

Remarks by Senator Care.

Roll call on Assembly Bill No. 31:

YEAS—18.

NAYS—Amodei, Beers, Care—3.

Assembly Bill No. 31 having received a constitutional majority,
Mr. President pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 42.

Bill read third time.

Roll call on Assembly Bill No. 42:

YEAS—21.

NAYS—None.

Assembly Bill No. 42 having received a constitutional majority,
Mr. President pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Assembly.

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

Motion carried.

Senate in recess at 10:52 p.m.

SENATE IN SESSION

At 10:54 p.m.

President pro Tempore Amodei presiding.

Quorum present.

Assembly Bill No. 44.

Bill read third time.

Roll call on Assembly Bill No. 44:

YEAS—12.

NAYS—Care, Carlton, Coffin, Horsford, Lee, Mathews, Schneider, Titus, Wiener—9.

Assembly Bill No. 44 having received a constitutional majority,
Mr. President pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 52.

Bill read third time.

Roll call on Assembly Bill No. 52:

YEAS—20.

NAYS—Carlton.

Assembly Bill No. 52 having received a constitutional majority,
Mr. President pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 128.

Bill read third time.

Roll call on Assembly Bill No. 128:

YEAS—21.

NAYS—None.

Assembly Bill No. 128 having received a constitutional majority,
Mr. President pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 162.

Bill read third time.

Roll call on Assembly Bill No. 162:

YEAS—21.

NAYS—None.

Assembly Bill No. 162 having received a constitutional majority,
Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 169.

Bill read third time.

Roll call on Assembly Bill No. 169:

YEAS—21.

NAYS—None.

Assembly Bill No. 169 having received a constitutional majority,
Mr. President pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 180.

Bill read third time.

Roll call on Assembly Bill No. 180:

YEAS—21.

NAYS—None.

Assembly Bill No. 180 having received a constitutional majority,
Mr. President pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 208.

Bill read third time.

Roll call on Assembly Bill No. 208:

YEAS—21.

NAYS—None.

Assembly Bill No. 208 having received a constitutional majority,
Mr. President pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 239.

Bill read third time.

Roll call on Assembly Bill No. 239:

YEAS—21.

NAYS—None.

Assembly Bill No. 239 having received a constitutional majority,
Mr. President pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 240.

Bill read third time.

Roll call on Assembly Bill No. 240:

YEAS—21.

NAYS—None.

Assembly Bill No. 240 having received a constitutional majority,
Mr. President pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 250.

Bill read third time.

Roll call on Assembly Bill No. 250:

YEAS—21.

NAYS—None.

Assembly Bill No. 250 having received a two-thirds majority,
Mr. President pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 260.

Bill read third time.

Remarks by Senator Carlton.

Roll call on Assembly Bill No. 260:

YEAS—21.

NAYS—None.

Assembly Bill No. 260 having received a two-thirds majority,
Mr. President pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Assembly.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Carlton moved that Assembly Bill No. 280 be taken from the
General File and placed on the bottom of the General File.

Remarks by Senator Carlton.

Motion carried.

Senator Hardy moved that the Senate recess subject to the call of the Chair.
Motion carried.

Senate in recess at 11:03 p.m.

SENATE IN SESSION

At 11:07 p.m.

President pro Tempore Amodei presiding.

Quorum present.

Senator Beers moved that Assembly Bill No. 290 be taken from its position on the General File and placed on the bottom of the General File.

Remarks by Senator Beers.

Motion carried.

Senator Hardy moved that Assembly Bill No. 296 be taken from the General File and placed on the General File on the sixth agenda.

Remarks by Senators Hardy, Care and Horsford.

Senators Horsford, Carlton and Wiener requested a roll call vote on Senator Hardy's motion.

Roll call on Senator Hardy's motion:

YEAS—14.

NAYS—Care, Carlton, Horsford, Lee, Schneider, Titus, Wiener—7.

The motion having received a majority, Mr. President pro Tempore declared it carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 327.

Bill read third time.

Roll call on Assembly Bill No. 327:

YEAS—21.

NAYS—None.

Assembly Bill No. 327 having received a constitutional majority, Mr. President pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 334.

Bill read third time.

Roll call on Assembly Bill No. 334:

YEAS—21.

NAYS—None.

Assembly Bill No. 334 having received a constitutional majority, Mr. President pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 345.

Bill read third time.

Roll call on Assembly Bill No. 345:

YEAS—21.

NAYS—None.

Assembly Bill No. 345 having received a constitutional majority,
Mr. President pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 371.

Bill read third time.

Senator Townsend withdrew Amendment No. 1081 from Assembly Bill
No. 371.

Roll call on Assembly Bill No. 371:

YEAS—21.

NAYS—None.

Assembly Bill No. 371 having received a two-thirds majority,
Mr. President pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 415.

Bill read third time.

Roll call on Assembly Bill No. 415:

YEAS—21.

NAYS—None.

Assembly Bill No. 415 having received a constitutional majority,
Mr. President pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 418.

Bill read third time.

Remarks by Senators Cegavske, Beers, Care, Schneider and Carlton.

Roll call on Assembly Bill No. 418:

YEAS—16.

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

Assembly Bill No. 418 having received a constitutional majority,
Mr. President pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 425.

Bill read third time.

Roll call on Assembly Bill No. 425:

YEAS—21.

NAYS—None.

Assembly Bill No. 425 having received a constitutional majority,
Mr. President pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Assembly.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Raggio moved that Joint Standing Rule No. 14.3.4 be suspended until 3 a.m., Saturday, May 28, to allow completion of all agendas.

Remarks by Senators Horsford and Raggio.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 455.

Bill read third time.

Roll call on Assembly Bill No. 455:

YEAS—21.

NAYS—None.

Assembly Bill No. 455 having received a constitutional majority, Mr. President pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 495.

Bill read third time.

Roll call on Assembly Bill No. 495:

YEAS—21.

NAYS—None.

Assembly Bill No. 495 having received a constitutional majority, Mr. President pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 497.

Bill read third time.

Roll call on Assembly Bill No. 497:

YEAS—21.

NAYS—None.

Assembly Bill No. 497 having received a constitutional majority, Mr. President pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 540.

Bill read third time.

Roll call on Assembly Bill No. 540:

YEAS—21.

NAYS—None.

Assembly Bill No. 540 having received a constitutional majority, Mr. President pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 550.

Bill read third time.

The following amendment was proposed by Senator Nolan:

Amendment No. 1063.

Amend the bill as a whole by renumbering section 1 as sec. 26 and adding new sections designated sections 1 through 25, following the enacting clause, to read as follows:

"Section 1. NRS 482.31555 is hereby amended to read as follows:

482.31555 A short-term lessor may provide in a lease of a passenger car that a waiver of damages does not apply in the following circumstances:

1. Damage or loss resulting from an authorized driver's:
 - (a) Intentional, willful, wanton or reckless conduct.
 - (b) Operation of the car in violation of NRS 484.379 ~~[-]~~ *or section 14 of this act.*
 - (c) Towing or pushing with the car.
 - (d) Operation of the car on an unpaved road if the damage or loss is a direct result of the road or driving conditions.
2. Damage or loss occurring when the passenger car is:
 - (a) Used for hire.
 - (b) Used in connection with conduct that constitutes a felony.
 - (c) Involved in a speed test or contest or in driver training activity.
 - (d) Operated by a person other than an authorized driver.
 - (e) Operated in a foreign country or outside of the States of Nevada, Arizona, California, Idaho, Oregon and Utah, unless the lease expressly provides that the passenger car may be operated in other locations.
3. An authorized driver providing:
 - (a) Fraudulent information to the short-term lessor.
 - (b) False information to the lessor and the lessor would not have leased the passenger car if he had received true information.

Sec. 2. NRS 482.456 is hereby amended to read as follows:

482.456 1. A person who has had the registration of his motor vehicle suspended pursuant to NRS 482.451 and who drives the motor vehicle for which the registration has been suspended on a highway is guilty of a misdemeanor and shall be:

- (a) Punished by imprisonment in the county jail for not less than 30 days nor more than 6 months; or
- (b) Sentenced to a term of not less than 60 days nor more than 6 months in residential confinement, and by a fine of not less than \$500 and not more than \$1,000.

➤ The provisions of this subsection do not apply if the period of suspension has expired but the person has not reinstated his registration.

2. A person who has had the registration of his motor vehicle suspended pursuant to NRS 482.451 and who knowingly allows the motor vehicle for which the registration has been suspended to be operated by another person upon a highway is guilty of a misdemeanor.

3. A person who willfully fails to return a certificate of registration or the license plates as required pursuant to NRS 482.451 is guilty of a misdemeanor.

4. A term of imprisonment imposed pursuant to the provisions of this section may be served intermittently at the discretion of the judge or justice of the peace, except that the full term of imprisonment must be served within 6 months after the date of conviction, and any segment of time the person is imprisoned must not consist of less than 24 hours. This discretion must be exercised after considering all the circumstances surrounding the offense, and the family and employment of the person convicted.

5. Jail sentences simultaneously imposed pursuant to this section and NRS 484.3792, 484.37937 or 484.3794 *or section 15 of this act* must run consecutively.

Sec. 3. NRS 483.330 is hereby amended to read as follows:

483.330 1. The Department may require every applicant for a driver's license, including a commercial driver's license issued pursuant to NRS 483.900 to 483.940, inclusive, to submit to an examination. The examination may include:

(a) A test of the applicant's ability to understand official devices used to control traffic;

(b) A test of his knowledge of practices for safe driving and the traffic laws of this State;

(c) Except as otherwise provided in subsection 2, a test of his eyesight; and

(d) Except as otherwise provided in subsection 3, an actual demonstration of his ability to exercise ordinary and reasonable control in the operation of a motor vehicle of the type or class of vehicle for which he is to be licensed.

↪ The examination may also include such further physical and mental examination as the Department finds necessary to determine the applicant's fitness to drive a motor vehicle safely upon the highways.

2. The Department may provide by regulation for the acceptance of a report from an ophthalmologist, optician or optometrist in lieu of an eye test by a driver's license examiner.

3. If the Department establishes a type or classification of driver's license to operate a motor vehicle of a type which is not normally available to examine an applicant's ability to exercise ordinary and reasonable control of such a vehicle, the Department may, by regulation, provide for the acceptance of an affidavit from a:

(a) Past, present or prospective employer of the applicant; or

(b) Local joint apprenticeship committee which had jurisdiction over the training or testing, or both, of the applicant,

↪ in lieu of an actual demonstration.

4. The Department may waive an examination pursuant to subsection 1 for a person applying for a Nevada driver's license who possesses a valid driver's license of the same type or class issued by another jurisdiction unless that person:

(a) Has not attained 25 years of age;

(b) Has had his license or privilege to drive a motor vehicle suspended, revoked or cancelled or has been otherwise disqualified from driving during the immediately preceding 4 years;

(c) Has been convicted, during the immediately preceding 7 years, of a violation of NRS 484.379 or 484.3795 *or section 14 of this act* or a law of any other jurisdiction that prohibits the same or similar conduct;

(d) Has restrictions to his driver's license which the Department must reevaluate to ensure the safe driving of a motor vehicle by that person;

(e) Has had three or more convictions of moving traffic violations on his driving record during the immediately preceding 4 years; or

(f) Has been convicted of any of the offenses related to the use or operation of a motor vehicle which must be reported pursuant to the provisions of ~~[Parts 1325 and]~~ *Part 1327* of Title 23 of the Code of Federal Regulations relating to the National Driver Register Problem Driver Pointer System during the immediately preceding 4 years.

Sec. 4. NRS 483.410 is hereby amended to read as follows:

483.410 1. Except as otherwise provided in subsection 6, for every driver's license, including a motorcycle driver's license, issued and service performed, the following fees must be charged:

A license issued to a person 65 years of age or older	\$14
An original license issued to any other person	19
A renewal license issued to any other person	19
Reinstatement of a license after suspension, revocation or cancellation, except a revocation for a violation of NRS 484.379 or 484.3795 <i>or section 14 of this act</i> or pursuant to NRS 484.384 and 484.385	40
Reinstatement of a license after revocation for a violation of NRS 484.379 or 484.3795 <i>or section 14 of this act</i> or pursuant to NRS 484.384 and 484.385	65
A new photograph, change of name, change of other information, except address, or any combination	5
A duplicate license	14

2. For every motorcycle endorsement to a driver's license, a fee of \$5 must be charged.

3. If no other change is requested or required, the Department shall not charge a fee to convert the number of a license from the licensee's social security number, or a number that was formulated by using the licensee's social security number as a basis for the number, to a unique number that is not based on the licensee's social security number.

4. The increase in fees authorized by NRS 483.347 and the fees charged pursuant to NRS 483.383 and 483.415 must be paid in addition to the fees charged pursuant to subsections 1 and 2.

5. A penalty of \$10 must be paid by each person renewing his license after it has expired for a period of 30 days or more as provided in NRS 483.386 unless he is exempt pursuant to that section.

6. The Department may not charge a fee for the reinstatement of a driver's license that has been:

- (a) Voluntarily surrendered for medical reasons; or
- (b) Cancelled pursuant to NRS 483.310.

7. All fees and penalties are payable to the Administrator at the time a license or a renewal license is issued.

8. Except as otherwise provided in NRS 483.340, 483.415 and 483.840, all money collected by the Department pursuant to this chapter must be deposited in the State Treasury for credit to the Motor Vehicle Fund.

Sec. 5. NRS 483.460 is hereby amended to read as follows:

483.460 1. Except as otherwise provided by specific statute, the Department shall revoke the license, permit or privilege of any driver upon receiving a record of his conviction of any of the following offenses, when that conviction has become final, and the driver is not eligible for a license, permit or privilege to drive for the period indicated:

- (a) For a period of 3 years if the offense is:

- (1) A violation of subsection 2 of NRS 484.377.

- (2) A third or subsequent violation within 7 years of NRS 484.379 ~~or~~ *section 14 of this act.*

- (3) A violation of NRS 484.3795 or a homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484.379 or 484.3795 ~~or~~ *section 14 of this act.*

➡ The period during which such a driver is not eligible for a license, permit or privilege to drive must be set aside during any period of imprisonment and the period of revocation must resume upon completion of the period of imprisonment or when the person is placed on residential confinement.

- (b) For a period of 1 year if the offense is:

- (1) Any other manslaughter resulting from the driving of a motor vehicle or felony in the commission of which a motor vehicle is used, including the unlawful taking of a motor vehicle.

- (2) Failure to stop and render aid as required pursuant to the laws of this State in the event of a motor vehicle accident resulting in the death or bodily injury of another.

- (3) Perjury or the making of a false affidavit or statement under oath to the Department pursuant to NRS 483.010 to 483.630, inclusive, or pursuant to any other law relating to the ownership or driving of motor vehicles.

- (4) Conviction, or forfeiture of bail not vacated, upon three charges of reckless driving committed within a period of 12 months.

- (5) A second violation within 7 years of NRS 484.379 *or section 14 of this act* and the driver is not eligible for a restricted license during any of that period.

- (6) A violation of NRS 484.348.

- (c) For a period of 90 days, if the offense is a first violation within 7 years of NRS 484.379 ~~or~~ *section 14 of this act.*

2. The Department shall revoke the license, permit or privilege of a driver convicted of violating NRS 484.379 who fails to complete the educational course on the use of alcohol and controlled substances within the time ordered by the court and shall add a period of 90 days during which the driver is not eligible for a license, permit or privilege to drive.

3. When the Department is notified by a court that a person who has been convicted of a first violation within 7 years of NRS 484.379 has been permitted to enter a program of treatment pursuant to NRS 484.37937, the Department shall reduce by one-half the period during which he is not eligible for a license, permit or privilege to drive, but shall restore that reduction in time if notified that he was not accepted for or failed to complete the treatment.

4. The Department shall revoke the license, permit or privilege to drive of a person who is required to install a device pursuant to NRS 484.3943 but who operates a motor vehicle without such a device:

(a) For 3 years, if it is his first such offense during the period of required use of the device.

(b) For 5 years, if it is his second such offense during the period of required use of the device.

5. A driver whose license, permit or privilege is revoked pursuant to subsection 4 is not eligible for a restricted license during the period set forth in paragraph (a) or (b) of that subsection, whichever applies.

6. In addition to any other requirements set forth by specific statute, if the Department is notified that a court has ordered the revocation, suspension or delay in the issuance of a license pursuant to title 5 of NRS, NRS 176.064 or 206.330, chapter 484 of NRS or any other provision of law, the Department shall take such actions as are necessary to carry out the court's order.

7. As used in this section, "device" has the meaning ascribed to it in NRS 484.3941.

Sec. 6. NRS 483.461 is hereby amended to read as follows:

483.461 1. If the result of a test given pursuant to NRS 484.382 or 484.383 shows that a person less than 21 years of age had a concentration of alcohol of 0.02 or more but less than 0.08 in his blood or breath at the time of the test, his license, permit or privilege to drive must be suspended for a period of 90 days.

2. If a revocation or suspension of a person's license, permit or privilege to drive for a violation of NRS 62E.640, 484.379 or 484.3795 *or section 14 of this act* follows a suspension ordered pursuant to subsection 1, the Department shall:

(a) Cancel the suspension ordered pursuant to subsection 1; and

(b) Give the person credit toward the period of revocation or suspension ordered pursuant to NRS 62E.640, 484.379 or 484.3795, *or section 14 of this act*, whichever is applicable, for any period during which the person's license, permit or privilege to drive was suspended pursuant to subsection 1.

3. This section does not preclude:

(a) The prosecution of a person for a violation of any other provision of law; or

(b) The suspension or revocation of a person's license, permit or privilege to drive pursuant to any other provision of law.

Sec. 7. NRS 483.461 is hereby amended to read as follows:

483.461 1. If the result of a test given pursuant to NRS 484.382 or 484.383 shows that a person less than 21 years of age had a concentration of alcohol of 0.02 or more but less than 0.10 in his blood or breath at the time of the test, his license, permit or privilege to drive must be suspended for a period of 90 days.

2. If a revocation or suspension of a person's license, permit or privilege to drive for a violation of NRS 62E.640, 484.379 or 484.3795 *or section 14 of this act* follows a suspension ordered pursuant to subsection 1, the Department shall:

(a) Cancel the suspension ordered pursuant to subsection 1; and

(b) Give the person credit toward the period of revocation or suspension ordered pursuant to NRS 62E.640, 484.379 or 484.3795, *or section 14 of this act*, whichever is applicable, for any period during which the person's license, permit or privilege to drive was suspended pursuant to subsection 1.

3. This section does not preclude:

(a) The prosecution of a person for a violation of any other provision of law; or

(b) The suspension or revocation of a person's license, permit or privilege to drive pursuant to any other provision of law.

Sec. 8. NRS 483.490 is hereby amended to read as follows:

483.490 1. Except as otherwise provided in this section, after a driver's license has been suspended or revoked for an offense other than a second violation within 7 years of NRS 484.379 *or section 14 of this act* and one-half of the period during which the driver is not eligible for a license has expired, the Department may, unless the statute authorizing the suspension prohibits the issuance of a restricted license, issue a restricted driver's license to an applicant permitting the applicant to drive a motor vehicle:

(a) To and from work or in the course of his work, or both; or

(b) To acquire supplies of medicine or food or receive regularly scheduled medical care for himself or a member of his immediate family.

➡ Before a restricted license may be issued, the applicant must submit sufficient documentary evidence to satisfy the Department that a severe hardship exists because the applicant has no alternative means of transportation and that the severe hardship outweighs the risk to the public if he is issued a restricted license.

2. A person who has been ordered to install a device in a motor vehicle pursuant to NRS 484.3943:

(a) Shall install the device not later than 21 days after the date on which the order was issued; and

(b) May not receive a restricted license pursuant to this section until:

(1) After at least 1 year of the period during which he is not eligible for a license, if he was convicted of:

(I) A violation of NRS 484.3795 or a homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484.379 or 484.3795 ~~[-]~~ *or section 14 of this act*;
or

(II) A third or subsequent violation within 7 years of NRS 484.379 ~~[-]~~ *or section 14 of this act*;

(2) After at least 180 days of the period during which he is not eligible for a license, if he was convicted of a violation of subsection 2 of NRS 484.377; or

(3) After at least 45 days of the period during which he is not eligible for a license, if he was convicted of a first violation within 7 years of NRS 484.379 ~~[-]~~ *or section 14 of this act*.

3. If the Department has received a copy of an order requiring a person to install a device in a motor vehicle pursuant to NRS 484.3943, the Department shall not issue a restricted driver's license to such a person pursuant to this section unless the applicant has submitted proof of compliance with the order and subsection 2.

4. After a driver's license has been revoked or suspended pursuant to title 5 of NRS, the Department may issue a restricted driver's license to an applicant permitting the applicant to drive a motor vehicle:

(a) If applicable, to and from work or in the course of his work, or both;
and

(b) If applicable, to and from school.

5. After a driver's license has been suspended pursuant to NRS 483.443, the Department may issue a restricted driver's license to an applicant permitting the applicant to drive a motor vehicle:

(a) If applicable, to and from work or in the course of his work, or both;

(b) To receive regularly scheduled medical care for himself or a member of his immediate family; and

(c) If applicable, as necessary to exercise a court-ordered right to visit a child.

6. A driver who violates a condition of a restricted license issued pursuant to subsection 1 or by another jurisdiction is guilty of a misdemeanor and, if the license of the driver was suspended or revoked for:

(a) A violation of NRS 484.379, 484.3795 or 484.384 ~~[-]~~ *or section 14 of this act*;

(b) A homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484.379 or 484.3795 ~~[-]~~ *or section 14 of this act*; or

(c) A violation of a law of any other jurisdiction that prohibits the same or similar conduct as set forth in paragraph (a) or (b),

↪ the driver shall be punished in the manner provided pursuant to subsection 2 of NRS 483.560.

7. The periods of suspensions and revocations required pursuant to this chapter and NRS 484.384 must run consecutively, except as otherwise provided in NRS 483.465 and 483.475, when the suspensions must run concurrently.

8. Whenever the Department suspends or revokes a license, the period of suspension, or of ineligibility for a license after the revocation, begins upon the effective date of the revocation or suspension as contained in the notice thereof.

Sec. 9. NRS 483.560 is hereby amended to read as follows:

483.560 1. Except as otherwise provided in subsection 2, any person who drives a motor vehicle on a highway or on premises to which the public has access at a time when his driver's license has been cancelled, revoked or suspended is guilty of a misdemeanor.

2. Except as otherwise provided in this subsection, if the license of the person was suspended, revoked or restricted because of:

(a) A violation of NRS 484.379, 484.3795 or 484.384 ~~or~~ *or section 14 of this act;*

(b) A homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484.379 or 484.3795 ~~or~~ *or section 14 of this act;* or

(c) A violation of a law of any other jurisdiction that prohibits the same or similar conduct as set forth in paragraph (a) or (b),

↪ the person shall be punished by imprisonment in jail for not less than 30 days nor more than 6 months or by serving a term of residential confinement for not less than 60 days nor more than 6 months, and shall be further punished by a fine of not less than \$500 nor more than \$1,000. A person who is punished pursuant to this subsection may not be granted probation, and a sentence imposed for such a violation may not be suspended. A prosecutor may not dismiss a charge of such a violation in exchange for a plea of guilty or of nolo contendere to a lesser charge or for any other reason, unless in his judgment the charge is not supported by probable cause or cannot be proved at trial. The provisions of this subsection do not apply if the period of revocation has expired but the person has not reinstated his license.

3. A term of imprisonment imposed pursuant to the provisions of this section may be served intermittently at the discretion of the judge or justice of the peace. This discretion must be exercised after considering all the circumstances surrounding the offense, and the family and employment of the person convicted. However, the full term of imprisonment must be served

within 6 months after the date of conviction, and any segment of time the person is imprisoned must not consist of less than 24 hours.

4. Jail sentences simultaneously imposed pursuant to this section and NRS 484.3792, 484.37937 or 484.3794 *or section 15 of this act* must run consecutively.

5. If the Department receives a record of the conviction or punishment of any person pursuant to this section upon a charge of driving a vehicle while his license was:

(a) Suspended, the Department shall extend the period of the suspension for an additional like period.

(b) Revoked, the Department shall extend the period of ineligibility for a license, permit or privilege to drive for an additional 1 year.

(c) Restricted, the Department shall revoke his restricted license and extend the period of ineligibility for a license, permit or privilege to drive for an additional 1 year.

(d) Suspended or cancelled for an indefinite period, the Department shall suspend his license for an additional 6 months for the first violation and an additional 1 year for each subsequent violation.

6. Suspensions and revocations imposed pursuant to this section must run consecutively.

Sec. 10. NRS 483.910 is hereby amended to read as follows:

483.910 1. The Department shall charge and collect the following fees:

For an original commercial driver's license which requires the Department to administer a driving skills test \$84

For an original commercial driver's license which does not require the Department to administer a driving skills test 54

For renewal of a commercial driver's license which requires the Department to administer a driving skills test 84

For renewal of a commercial driver's license which does not require the Department to administer a driving skills test 54

For reinstatement of a commercial driver's license after suspension or revocation of the license for a violation of NRS 484.379 or 484.3795, *or section 14 of this act* or pursuant to NRS 484.384 and 484.385, or pursuant to 49 C.F.R. § 383.51(b)(2)(i) or (ii)..... 84

For reinstatement of a commercial driver's license after suspension, revocation, cancellation or disqualification of the license, except a suspension or revocation for a violation of NRS 484.379 or 484.3795, *or section 14 of this act* or pursuant to NRS 484.384 and 484.385, or pursuant to 49 C.F.R. § 383.51(b)(2)(i) or (ii)..... 54

For the transfer of a commercial driver's license from another jurisdiction, which requires the Department to administer a driving skills test..... 84

For the transfer of a commercial driver's license from another jurisdiction, which does not require the Department to administer a driving skills test 54

For a duplicate commercial driver's license.....	19
For any change of information on a commercial driver's license.....	9
For each endorsement added after the issuance of an original commercial driver's license	14
For the administration of a driving skills test to change any information on, or add an endorsement to, an existing commercial driver's license	30

2. The Department shall charge and collect an annual fee of \$555 from each person who is authorized by the Department to administer a driving skills test pursuant to NRS 483.912.

3. An additional charge of \$3 must be charged for each knowledge test administered to a person who has twice failed the test.

4. An additional charge of \$25 must be charged for each driving skills test administered to a person who has twice failed the test.

5. The increase in fees authorized in NRS 483.347 must be paid in addition to the fees charged pursuant to this section.

6. The Department shall charge an applicant for a hazardous materials endorsement an additional fee for the processing of fingerprints. The Department shall establish the additional fee by regulation, except that the amount of the additional fee must not exceed the sum of the amount charged by the Central Repository for Nevada Records of Criminal History and each applicable federal agency to process the fingerprints for a background check of the applicant in accordance with Section 1012 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (USA PATRIOT ACT) of 2001, 49 U.S.C. § 5103a.

Sec. 11. NRS 483.922 is hereby amended to read as follows:

483.922 1. Except as otherwise provided in NRS 484.383, a person who drives, operates or is in actual physical control of a commercial motor vehicle within this State shall be deemed to have given consent to an evidentiary test of his blood, urine, breath or other bodily substance for the purpose of determining the concentration of alcohol in his blood or breath or to detect the presence of a controlled substance, chemical, poison, organic solvent or another prohibited substance.

2. The tests must be administered pursuant to NRS 484.383 at the direction of a police officer who, after stopping or detaining such a person, has reasonable grounds to believe that the person was:

(a) Driving, ~~operation~~ *operating* or in actual physical control of a commercial motor vehicle while under the influence of intoxicating liquor or a controlled substance; or

(b) Engaging in any other conduct prohibited by NRS 484.379 or 484.3795 ~~or~~ *or section 14 of this act.*

3. As used in this section, "prohibited substance" has the meaning ascribed to it in NRS 484.1245.

Sec. 12. Chapter 484 of NRS is hereby amended by adding thereto the provisions set forth as sections 13 to 21, inclusive, of this act.

Sec. 13. *"Concentration of alcohol of 0.18 or more in his blood or breath" means 0.18 gram or more of alcohol per 100 milliliters of the blood of a person or per 210 liters of his breath.*

Sec. 14. 1. *It is unlawful for any person who:*

(a) Is under the extreme influence of intoxicating liquor;

(b) Has a concentration of alcohol of 0.18 or more in his blood or breath;

or

(c) Is found by measurement within 2 hours after driving or being in actual physical control of a vehicle to have a concentration of alcohol of 0.18 or more in his blood or breath,

↳ to drive or be in actual physical control of a vehicle on a highway or on premises to which the public has access.

2. *If consumption is proven by a preponderance of the evidence, it is an affirmative defense under paragraph (c) of subsection 1 that the defendant consumed a sufficient quantity of alcohol after driving or being in actual physical control of the vehicle, and before his blood or breath was tested, to cause him to have a concentration of alcohol of 0.18 or more in his blood or breath. A defendant who intends to offer this defense at a trial or preliminary hearing must, not less than 14 days before the trial or hearing or at such other time as the court may direct, file and serve on the prosecuting attorney a written notice of that intent.*

3. *A person who violates any provision of this section may be subject to the additional penalty set forth in NRS 484.3667.*

Sec. 15. 1. *Unless a greater penalty is provided pursuant to NRS 484.3795, a person who violates the provisions of section 14 of this act:*

(a) For the first offense within 7 years, is guilty of a misdemeanor. The court shall:

(1) Sentence him to imprisonment for not less than 6 days nor more than 6 months in jail, or to perform not less than 72 hours, but not more than 144 hours, of community service while dressed in distinctive garb that identifies him as having violated the provisions of section 14 of this act;

(2) Fine him not less than \$400 nor more than \$1,000; and

(3) Order him to attend a program of treatment for the abuse of alcohol pursuant to the provisions of NRS 484.37945.

(b) For a second offense within 7 years, is guilty of a misdemeanor. Unless the sentence is reduced pursuant to NRS 484.3794, the court shall:

(1) Sentence him to:

(I) Imprisonment for not less than 14 days nor more than 6 months in jail; or

(II) Residential confinement for not less than 14 days nor more than 6 months, in the manner provided in NRS 4.376 to 4.3766, inclusive, or 5.0755 to 5.078, inclusive;

(2) Fine him not less than \$750 nor more than \$1,000, or order him to perform an equivalent number of hours of community service while dressed in distinctive garb that identifies him as having violated the provisions of section 14 of this act; and

(3) Order him to attend a program of treatment for the abuse of alcohol pursuant to the provisions of NRS 484.37945.

(c) For a third offense within 7 years, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and shall be further punished by a fine of not less than \$4,000 nor more than \$5,000. An offender so imprisoned must, insofar as practicable, be segregated from offenders whose crimes were violent and, insofar as practicable, be assigned to an institution or facility of minimum security.

(d) For a fourth or subsequent offense, regardless of the length of time that has passed since the prior offenses, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years, and shall be further punished by a fine of not less than \$4,000 nor more than \$5,000. An offender so imprisoned must, insofar as practicable, be segregated from offenders whose crimes were violent and, insofar as practicable, be assigned to an institution or facility of minimum security.

2. Except as otherwise provided in this subsection, an offense that occurred within 7 years immediately preceding the date of the principal offense or after the principal offense constitutes a prior offense for the purposes of this section when evidenced by a conviction, without regard to the sequence of the offenses and convictions. For the purposes of paragraph (d) of subsection 1, an offense that occurred on any date preceding the date of the principal offense or after the principal offense constitutes a prior offense for the purposes of this section when evidenced by a conviction, without regard for the sequence of the offenses and convictions. The facts concerning a prior offense must be alleged in the complaint, indictment or information, must not be read to the jury or proved at trial but must be proved at the time of sentencing and, if the principal offense is alleged to be a felony, must also be shown at the preliminary examination or presented to the grand jury.

3. A person convicted of violating the provisions of section 14 of this act must not be released on probation, and a sentence imposed for violating those provisions must not be suspended except, as provided in NRS 4.373, 5.055 and 484.3794, that portion of the sentence imposed that exceeds the mandatory minimum. A prosecuting attorney shall not dismiss a charge of violating the provisions of section 14 of this act in exchange for a plea of guilty or nolo contendere to a lesser charge or for any other reason unless he knows or it is obvious that the charge is not supported by probable cause or cannot be proved at the time of trial.

4. *A term of confinement imposed pursuant to the provisions of this section may be served intermittently at the discretion of the judge or justice of the peace, except that a person who is convicted of a second or subsequent offense within 7 years must be confined for at least one segment of not less than 48 consecutive hours. This discretion must be exercised after considering all the circumstances surrounding the offense, and the family and employment of the offender, but any sentence of 30 days or less must be served within 6 months after the date of conviction or, if the offender was sentenced pursuant to NRS 484.3794 and the suspension of his sentence was revoked, within 6 months after the date of revocation. Any time for which the offender is confined must consist of not less than 24 consecutive hours.*

5. *Jail sentences simultaneously imposed pursuant to this section and NRS 482.456, 483.560 or 485.330 must run consecutively.*

6. *If the defendant was transporting a person who is less than 15 years of age in the motor vehicle at the time of the violation, the court shall consider that fact as an aggravating factor in determining the sentence of the defendant.*

7. *For the purpose of determining whether one offense occurs within 7 years of another offense, any period of time between the two offenses during which, for any such offense, the offender is imprisoned, serving a term of residential confinement, confined in a treatment facility, on parole or on probation must be excluded.*

8. *As used in this section, unless the context otherwise requires:*

(a) *"Offense" means:*

(1) *A violation of NRS 484.379, 484.3795 or section 14 of this act;*

(2) *A homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484.379, 484.3795 or section 14 of this act; or*

(3) *A violation of a law of any other jurisdiction that prohibits the same or similar conduct as set forth in subparagraph (1) or (2).*

(b) *"Treatment facility" has the meaning ascribed to it in NRS 484.3793.*

Sec. 16. *As used in sections 16 to 21, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 17 and 18 of this act have the meanings ascribed to them in those sections.*

Sec. 17. *"Automated enforcement system" means a contrivance, device, mechanism or any combination thereof that is used to obtain evidence of a moving traffic violation without the need for contemporaneous manipulation or operation by a human being. The term includes a red-light camera.*

Sec. 18. *"Red-light camera" means a camera that:*

1. *Is adapted for use or placed at an intersection or crosswalk in which the movement of vehicles or pedestrians, or both, is controlled by an official traffic-control device that is operated electrically, electronically or mechanically; and*

2. *Is capable of photographing or otherwise capturing one or more images or representations of all the following in a simultaneous or approximately simultaneous manner:*

- (a) The license plate number of a vehicle;*
- (b) An accurate likeness of the driver or operator of the vehicle;*
- (c) The signal displayed by or upon the official traffic-control device as the vehicle enters or exits, or both, the intersection or crosswalk controlled by the official traffic-control device;*
- (d) The position of the vehicle within the intersection or crosswalk relative to the signal displayed by or upon the official traffic-control device; and*
- (e) The date and time of day.*

Sec. 19. *The Department of Transportation shall adopt regulations establishing a pilot program pursuant to which a county, city or other local government may acquire and use an automated enforcement system to gather evidence to be used for the issuance of a traffic citation for:*

- 1. A violation of this chapter; or*
- 2. A violation of an ordinance, rule or regulation of the county, city or local government which has the force of law.*

Sec. 20. *The regulations adopted by the Department of Transportation pursuant to section 19 of this act must set forth, without limitation:*

- 1. That a citation issued through the use of an automated enforcement system imposes the same penalties as a citation issued by a peace officer for the same or substantially similar violation;*
- 2. That a citation may not be issued through the use of an automated enforcement system unless the evidence gathered by the system with respect to a particular alleged violation provides reasonable proof that the person driving or operating the vehicle at the time of the alleged violation was the registered owner of the vehicle;*
- 3. That a citation issued through the use of an automated enforcement system must:*
 - (a) Insofar as practicable, comply with the applicable provisions of NRS 484.799; and*
 - (b) Afford the person cited an opportunity to appeal or otherwise challenge the citation by appearance before a magistrate, justice or judge, as appropriate; and*
- 4. Criteria detailing the information that must be included in the report that a county, city or local government is required to provide to the Department of Transportation pursuant to subsection 2 of section 21 of this act.*

Sec. 21. *The Department of Transportation shall:*

- 1. Establish a clearinghouse of information relating to the use of automated enforcement systems;*
- 2. Require a county, city or local government that acquires and uses an automated enforcement system to report to the Department of Transportation, on or before October 1, 2006, and on or before October 1 of*

each even-numbered year thereafter, the information required to be reported by regulation of the Department of Transportation adopted pursuant to subsection 4 of section 20 of this act; and

3. *Submit a comprehensive report on the use of automated enforcement systems to the Director of the Legislative Counsel Bureau for distribution to each regular session of the Legislature on or before April 1 of each odd-numbered year.*

Sec. 22. NRS 484.013 is hereby amended to read as follows:

484.013 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 484.014 to 484.217, inclusive, *and section 13 of this act* have the meanings ascribed to them in those sections.

Sec. 23. NRS 484.259 is hereby amended to read as follows:

484.259 1. Except for the provisions of NRS 484.379 to 484.3947, inclusive, *and sections 14 and 15 of this act*, and any provisions made applicable by specific statute, the provisions of this chapter do not apply to persons, teams, motor vehicles and other equipment while actually engaged in work upon the surface of a highway.

2. The provisions of this chapter apply to the persons, teams, motor vehicles and other equipment described in subsection 1 when traveling to or from such work.

Sec. 24. NRS 484.3667 is hereby amended to read as follows:

484.3667 1. Except as otherwise provided in subsection 2, a person who is convicted of a violation of a speed limit, or of NRS 484.254, 484.278, 484.289, 484.291 to 484.301, inclusive, 484.305, 484.309, 484.311, 484.335, 484.337, 484.361, 484.363, 484.3765, 484.377, 484.379, 484.448, 484.453 or 484.479, *or section 14 of this act*, that occurred:

(a) In an area designated as a temporary traffic control zone in which construction, maintenance or repair of a highway is conducted; and

(b) At a time when the workers who are performing the construction, maintenance or repair of the highway are present, or when the effects of the act may be aggravated because of the condition of the highway caused by construction, maintenance or repair, including, without limitation, reduction in lane width, reduction in the number of lanes, shifting of lanes from the designated alignment and uneven or temporary surfaces, including, without limitation, modifications to road beds, cement-treated bases, chip seals and other similar conditions,

↪ shall be punished by imprisonment or by a fine, or both, for a term or an amount equal to and in addition to the term of imprisonment or amount of the fine, or both, that the court imposes for the primary offense. Any term of imprisonment imposed pursuant to this subsection runs consecutively with the sentence prescribed by the court for the crime. This subsection does not create a separate offense, but provides an additional penalty for the primary offense, whose imposition is contingent upon the finding of the prescribed fact.

2. The additional penalty imposed pursuant to subsection 1 must not exceed a total of \$1,000, 6 months of imprisonment or 120 hours of community service.

3. A governmental entity that designates an area as a temporary traffic control zone in which construction, maintenance or repair of a highway is conducted, or the person with whom the governmental entity contracts to provide such service shall cause to be erected:

(a) A sign located before the beginning of such an area stating "DOUBLE PENALTIES IN WORK ZONES" to indicate a double penalty may be imposed pursuant to this section;

(b) A sign to mark the beginning of the temporary traffic control zone; and

(c) A sign to mark the end of the temporary traffic control zone.

4. A person who otherwise would be subject to an additional penalty pursuant to this section is not relieved of any criminal liability because signs are not erected as required by subsection 3 if the violation results in injury to any person performing highway construction or maintenance in the temporary traffic control zone or in damage to property in an amount equal to \$1,000 or more.

Sec. 25. NRS 484.3791 is hereby amended to read as follows:

484.3791 1. In addition to any other penalty provided by law, a person convicted of a violation of NRS 484.379 *or section 14 of this act* is liable to the State for a civil penalty of \$35, payable to the Department.

2. The Department shall not issue any license to drive a motor vehicle to a person convicted of a violation of NRS 484.379 *or section 14 of this act* until the civil penalty is paid.

3. Any money received by the Department pursuant to subsection 1 must be deposited with the State Treasurer for credit to the Fund for the Compensation of Victims of Crime."

Amend section 1, page 1, line 4, by deleting "484.3795," and inserting: "484.3795 ~~]~~ *or section 15 of this act,*".

Amend section 1, page 2, line 4, by deleting: "subparagraph (4) or" and inserting: "~~subparagraph (4) or~~".

Amend section 1, page 2, by deleting lines 15 through 20 and inserting: "of NRS 484.379; *and*

(3) Fine him not less than \$400 nor more than \$1,000 . ~~]~~ *and*

(4) ~~If he is found to have a concentration of alcohol of 0.18 or more in his blood or breath, order him to attend a program of treatment for the abuse of alcohol or drugs pursuant to the provisions of NRS 484.37945.]~~".

Amend section 1, page 4, by deleting lines 20 through 24 and inserting:

"(a) ~~["Concentration of alcohol of 0.18 or more in his blood or breath" means 0.18 gram or more of alcohol per 100 milliliters of the blood of a person or per 210 liters of his breath.~~

~~(b)]~~ "Offense" means:

(1) A violation of NRS 484.379 or 484.3795 ~~]~~ *or section 14 of this act,*".

Amend section 1, page 4, line 28, by deleting "484.3795; or" and inserting: "484.3795 ~~[-]~~ or *section 14 of this act; or*".

Amend section 1, page 4, line 32, by deleting "(c)" and inserting "(b)".

Amend the bill as a whole by renumbering sections 2 and 3 as sections 39 and 40 and adding new sections designated sections 27 through 38, following section 1, to read as follows:

"Sec. 27. NRS 484.37937 is hereby amended to read as follows:

484.37937 1. Except as otherwise provided in subsection 2, a person who is found guilty of a first violation of NRS 484.379 ~~[-, other than a person who is found to have a concentration of alcohol of 0.18 or more in his blood or breath,]~~ may, at that time or any time before he is sentenced, apply to the court to undergo a program of treatment for alcoholism or drug abuse which is certified by the Health Division of the Department of Human Resources for at least 6 months. The court shall authorize that treatment if:

(a) The person is diagnosed as an alcoholic or abuser of drugs by:

(1) An alcohol and drug abuse counselor who is licensed or certified pursuant to chapter 641C of NRS to make that diagnosis; or

(2) A physician who is certified to make that diagnosis by the Board of Medical Examiners;

(b) He agrees to pay the cost of the treatment to the extent of his financial resources; and

(c) He has served or will serve a term of imprisonment in jail of 1 day, or has performed or will perform 24 hours of community service.

2. A person may not apply to the court to undergo a program of treatment pursuant to subsection 1 if, within the immediately preceding 7 years, he has been found guilty of:

(a) A violation of NRS 484.3795 ~~[-]~~ or *section 14 of this act;*

(b) A homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484.379 or 484.3795 ~~[-]~~ or *section 14 of this act; or*

(c) A violation of a law of any other jurisdiction that prohibits the same or similar conduct as set forth in paragraph (a) or (b).

3. For the purposes of subsection 1, a violation of a law of any other jurisdiction that prohibits the same or similar conduct as NRS 484.379 or *section 14 of this act* constitutes a violation of NRS 484.379 ~~[-]~~ or *section 14 of this act, respectively.*

4. A prosecuting attorney may, within 10 days after receiving notice of an application for treatment pursuant to this section, request a hearing on the question of whether the offender is eligible to undergo a program of treatment for alcoholism or drug abuse. The court shall order a hearing on the application upon the request of the prosecuting attorney or may order a hearing on its own motion. The hearing must be limited to the question of whether the offender is eligible to undergo such a program of treatment.

5. At the hearing on the application for treatment, the prosecuting attorney may present the court with any relevant evidence on the matter. If a hearing is not held, the court shall decide the matter upon affidavits and other information before the court.

6. If the court grants an application for treatment, the court shall:

- (a) Immediately sentence the offender and enter judgment accordingly.
- (b) Suspend the sentence of the offender for not more than 3 years upon the condition that the offender be accepted for treatment by a treatment facility, that he complete the treatment satisfactorily and that he comply with any other condition ordered by the court.
- (c) Advise the offender that:

(1) If he is accepted for treatment by such a facility, he may be placed under the supervision of the facility for a period not to exceed 3 years and during treatment he may be confined in an institution or, at the discretion of the facility, released for treatment or supervised aftercare in the community.

(2) If he is not accepted for treatment by such a facility or he fails to complete the treatment satisfactorily, he shall serve the sentence imposed by the court. Any sentence of imprisonment must be reduced by a time equal to that which he served before beginning treatment.

(3) If he completes the treatment satisfactorily, his sentence will be reduced to a term of imprisonment which is no longer than that provided for the offense in paragraph (c) of subsection 1 and a fine of not more than the minimum fine provided for the offense in NRS 484.3792, but the conviction must remain on his record of criminal history.

7. The court shall administer the program of treatment pursuant to the procedures provided in NRS 458.320 and 458.330, except that the court:

(a) Shall not defer the sentence, set aside the conviction or impose conditions upon the election of treatment except as otherwise provided in this section.

(b) May immediately revoke the suspension of sentence for a violation of any condition of the suspension.

8. The court shall notify the Department, on a form approved by the Department, upon granting the application of the offender for treatment and his failure to be accepted for or complete treatment.

Sec. 28. NRS 484.3794 is hereby amended to read as follows:

484.3794 1. Except as otherwise provided in subsection 2, a person who is found guilty of a second violation of NRS 484.379 or *section 14 of this act* within 7 years may, at that time or any time before he is sentenced, apply to the court to undergo a program of treatment for alcoholism or drug abuse which is certified by the Health Division of the Department of Human Resources for at least 1 year if:

(a) He is diagnosed as an alcoholic or abuser of drugs by:

(1) An alcohol and drug abuse counselor who is licensed or certified pursuant to chapter 641C of NRS to make that diagnosis; or

(2) A physician who is certified to make that diagnosis by the Board of Medical Examiners;

(b) He agrees to pay the costs of the treatment to the extent of his financial resources; and

(c) He has served or will serve a term of imprisonment in jail of 5 days, and if required pursuant to NRS 484.3792 ~~+~~ *or section 15 of this act*, has performed or will perform not less than one-half of the hours of community service.

2. A person may not apply to the court to undergo a program of treatment pursuant to subsection 1 if, within the immediately preceding 7 years, he has been found guilty of:

(a) A violation of NRS 484.3795;

(b) A homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484.379 or 484.3795 ~~+~~ *or section 14 of this act*; or

(c) A violation of a law of any other jurisdiction that prohibits the same or similar conduct as set forth in paragraph (a) or (b).

3. For the purposes of subsection 1, a violation of a law of any other jurisdiction that prohibits the same or similar conduct as NRS 484.379 *or section 14 of this act* constitutes a violation of NRS 484.379 ~~+~~ *or section 14 of this act, respectively*.

4. A prosecuting attorney may, within 10 days after receiving notice of an application for treatment pursuant to this section, request a hearing on the matter. The court shall order a hearing on the application upon the request of the prosecuting attorney or may order a hearing on its own motion.

5. At the hearing on the application for treatment, the prosecuting attorney may present the court with any relevant evidence on the matter. If a hearing is not held, the court shall decide the matter upon affidavits and other information before the court.

6. If the court determines that an application for treatment should be granted, the court shall:

(a) Immediately sentence the offender and enter judgment accordingly.

(b) Suspend the sentence of the offender for not more than 3 years upon the condition that the offender be accepted for treatment by a treatment facility, that he complete the treatment satisfactorily and that he comply with any other condition ordered by the court.

(c) Advise the offender that:

(1) If he is accepted for treatment by such a facility, he may be placed under the supervision of the facility for a period not to exceed 3 years and during treatment he may be confined in an institution or, at the discretion of the facility, released for treatment or supervised aftercare in the community.

(2) If he is not accepted for treatment by such a facility or he fails to complete the treatment satisfactorily, he shall serve the sentence imposed by

the court. Any sentence of imprisonment must be reduced by a time equal to that which he served before beginning treatment.

(3) If he completes the treatment satisfactorily, his sentence will be reduced to a term of imprisonment which is no longer than that provided for the offense in paragraph (c) of subsection 1 and a fine of not more than the minimum provided for the offense in NRS 484.3792 ~~[]~~ *or section 15 of this act*, but the conviction must remain on his record of criminal history.

7. The court shall administer the program of treatment pursuant to the procedures provided in NRS 458.320 and 458.330, except that the court:

(a) Shall not defer the sentence, set aside the conviction or impose conditions upon the election of treatment except as otherwise provided in this section.

(b) May immediately revoke the suspension of sentence for a violation of a condition of the suspension.

8. The court shall notify the Department, on a form approved by the Department, upon granting the application of the offender for treatment and his failure to be accepted for or complete treatment.

Sec. 29. NRS 484.37943 is hereby amended to read as follows:

484.37943 1. If a person is found guilty of a ~~[first violation, if the concentration of alcohol in the defendant's blood or breath at the time of the offense was 0.18 or more,]~~ *violation of section 14 of this act*, or any second violation of NRS 484.379 within 7 years, the court shall, before sentencing the offender, require an evaluation of the offender pursuant to subsection 3, 4 or 5 to determine whether he is an abuser of alcohol or other drugs.

2. If a person is convicted of a first violation of NRS 484.379 *or section 14 of this act* and he is under 21 years of age at the time of the violation, the court shall, before sentencing the offender, require an evaluation of the offender pursuant to subsection 3, 4 or 5 to determine whether he is an abuser of alcohol or other drugs.

3. Except as otherwise provided in subsection 4 or 5, the evaluation of an offender pursuant to this section must be conducted at an evaluation center by:

(a) An alcohol and drug abuse counselor who is licensed or certified pursuant to chapter 641C of NRS to make that evaluation; or

(b) A physician who is certified to make that evaluation by the Board of Medical Examiners,

➡ who shall report to the court the results of the evaluation and make a recommendation to the court concerning the length and type of treatment required for the offender.

4. The evaluation of an offender who resides more than 30 miles from an evaluation center may be conducted outside an evaluation center by a person who has the qualifications set forth in subsection 3. The person who conducts the evaluation shall report to the court the results of the evaluation and make a recommendation to the court concerning the length and type of treatment required for the offender.

5. The evaluation of an offender who resides in another state may, upon approval of the court, be conducted in the state where the offender resides by a physician or other person who is authorized by the appropriate governmental agency in that state to conduct such an evaluation. The offender shall ensure that the results of the evaluation and the recommendation concerning the length and type of treatment for the offender are reported to the court.

6. An offender who is evaluated pursuant to this section shall pay the cost of the evaluation. An evaluation center or a person who conducts an evaluation in this State outside an evaluation center shall not charge an offender more than \$100 for the evaluation.

Sec. 30. NRS 484.37945 is hereby amended to read as follows:

484.37945 1. When a program of treatment is ordered pursuant to paragraph (a) or (b) of subsection 1 of NRS 484.3792 ~~[-]~~ *or paragraph (a) or (b) of subsection 1 of section 15 of this act*, the court shall place the offender under the clinical supervision of a treatment facility for treatment for a period not to exceed 1 year, in accordance with the report submitted to the court pursuant to subsection 3, 4 or 5 of NRS 484.37943. The court shall:

(a) Order the offender confined in a treatment facility, then release the offender for supervised aftercare in the community; or

(b) Release the offender for treatment in the community,

➤ for the period of supervision ordered by the court.

2. The court shall:

(a) Require the treatment facility to submit monthly progress reports on the treatment of an offender pursuant to this section; and

(b) Order the offender, to the extent of his financial resources, to pay any charges for his treatment pursuant to this section. If the offender does not have the financial resources to pay all those charges, the court shall, to the extent possible, arrange for the offender to obtain his treatment from a treatment facility that receives a sufficient amount of federal or state money to offset the remainder of the charges.

3. A treatment facility is not liable for any damages to person or property caused by a person who:

(a) Drives, operates or is in actual physical control of a vehicle or a vessel under power or sail while under the influence of intoxicating liquor or a controlled substance; or

(b) Engages in any other conduct prohibited by NRS 484.379, 484.3795, subsection 2 of NRS 488.400, NRS 488.410 or 488.420 , *or section 14 or 48 of this act* or a law of any other jurisdiction that prohibits the same or similar conduct,

➤ after the treatment facility has certified to his successful completion of a program of treatment ordered pursuant to paragraph (a) or (b) of subsection 1 of NRS 484.3792 ~~[-]~~ *or paragraph (a) or (b) of subsection 1 of section 15 of this act*.

Sec. 31. NRS 484.3796 is hereby amended to read as follows:

484.3796 1. Before sentencing an offender pursuant to NRS 484.3795 or paragraph (c) of subsection 1 of NRS 484.3792 ~~or~~ *or paragraph (c) or (d) of subsection 1 of section 15 of this act*, the court shall require that the offender be evaluated to determine whether he is an abuser of alcohol or drugs and whether he can be treated successfully for his condition.

2. The evaluation must be conducted by:

(a) An alcohol and drug abuse counselor who is licensed or certified pursuant to chapter 641C of NRS to make such an evaluation;

(b) A physician who is certified to make such an evaluation by the Board of Medical Examiners; or

(c) A psychologist who is certified to make such an evaluation by the Board of Psychological Examiners.

3. The alcohol and drug abuse counselor, physician or psychologist who conducts the evaluation shall immediately forward the results of the evaluation to the Director of the Department of Corrections.

Sec. 32. NRS 484.3797 is hereby amended to read as follows:

484.3797 1. The judge or judges in each judicial district shall cause the preparation and maintenance of a list of the panels of persons who:

(a) Have been injured or had members of their families or close friends injured or killed by a person who was driving or in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or who was engaging in any other conduct prohibited by NRS 484.379 or 484.3795 *or section 14 of this act* or a law of any other jurisdiction that prohibits the same or similar conduct; and

(b) Have, by contacting the judge or judges in the district, expressed their willingness to discuss collectively the personal effect of those crimes.

↪ The list must include the name and telephone number of the person to be contacted regarding each such panel and a schedule of times and locations of the meetings of each such panel. The judge or judges shall establish, in cooperation with representatives of the members of the panels, a fee, if any, to be paid by defendants who are ordered to attend a meeting of the panel. The amount of the fee, if any, must be reasonable. The panel may not be operated for profit.

2. Except as otherwise provided in this subsection, if a defendant pleads guilty to or is found guilty of any violation of NRS 484.379 or 484.3795, *or section 14 of this act*, the court shall, in addition to imposing any other penalties provided by law, order the defendant to:

(a) Attend, at the defendant's expense, a meeting of a panel of persons who have been injured or had members of their families or close friends injured or killed by a person who was driving or in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or who was engaging in any other conduct prohibited by NRS 484.379 or 484.3795 *or section 14 of this act* or a law of any other jurisdiction that prohibits the same or similar conduct, in order to have the defendant understand the effect such a crime has on other persons; and

(b) Pay the fee, if any, established by the court pursuant to subsection 1.

➡The court may, but is not required to, order the defendant to attend such a meeting if one is not available within 60 miles of the defendant's residence.

3. A person ordered to attend a meeting pursuant to subsection 2 shall, after attending the meeting, present evidence or other documentation satisfactory to the court that he attended the meeting and remained for its entirety.

Sec. 33. NRS 484.37975 is hereby amended to read as follows:

484.37975 1. If a person is convicted of a second or subsequent violation of NRS 484.379 or 484.3795 or *section 14 of this act* within 7 years, the court shall issue an order directing the Department to suspend the registration of each motor vehicle that is registered to or owned by the person for 5 days.

2. If a court issues an order directing the Department to suspend the registration of a motor vehicle pursuant to subsection 1, the court shall forward a copy of the order to the Department within 5 days after issuing the order. The order must include, without limitation, information concerning each motor vehicle that is registered to or owned by the person, including, without limitation, the registration number of the motor vehicle, if such information is available.

3. A court shall provide for limited exceptions to the provisions of subsection 1 on an individual basis to avoid undue hardship to a person other than the person to whom that provision applies. Such an exception must be provided if the court determines that:

(a) A member of the immediate family of the person whose registration is suspended needs to use the motor vehicle:

(1) To travel to or from work or in the course and scope of his employment;

(2) To obtain medicine, food or other necessities or to obtain health care services for himself or another member of his immediate family; or

(3) To transport himself or another member of his immediate family to or from school; or

(b) An alternative means of transportation is not available to a member of the immediate family of the person whose registration is suspended.

Sec. 34. NRS 484.3798 is hereby amended to read as follows:

484.3798 1. If a defendant pleads guilty to or is found guilty of any violation of NRS 484.379 or 484.3795 or *section 14 of this act* and a chemical analysis of his blood, urine, breath or other bodily substance was conducted, the court shall, in addition to any penalty provided by law, order the defendant to pay the sum of \$60 as a fee for the chemical analysis. Except as otherwise provided in this subsection, any money collected for the chemical analysis must not be deducted from, and is in addition to, any fine otherwise imposed by the court and must be:

(a) Collected from the defendant before or at the same time that the fine is collected.

(b) Stated separately in the judgment of the court or on the court's docket.

2. All money collected pursuant to subsection 1 must be paid by the clerk of the court to the county or city treasurer, as appropriate, on or before the fifth day of each month for the preceding month.

3. The treasurer shall deposit all money received by him pursuant to subsection 2 in the county or city treasury, as appropriate, for credit to the fund for forensic services created pursuant to NRS 453.575. The money must be accounted for separately within the fund.

4. Except as otherwise provided in subsection 5, each month the treasurer shall, from the money credited to the fund pursuant to subsection 3, pay any amount owed for forensic services and deposit any remaining money in the county or city general fund, as appropriate.

5. In counties that do not receive forensic services under a contract with the State, the money credited to the fund pursuant to subsection 3:

(a) Except as otherwise provided in paragraph (b), must be:

(1) Expended to pay for the chemical analyses performed within the county;

(2) Expended to purchase and maintain equipment to conduct such analyses;

(3) Expended for the training and continuing education of the employees who conduct such analyses; and

(4) Paid to law enforcement agencies which conduct such analyses to be used by those agencies in the manner provided in this subsection.

(b) May only be expended to cover the costs of chemical analyses conducted by, equipment used by, or training for employees of an analytical laboratory that is approved by the Committee on Testing for Intoxication created ~~in~~ by NRS 484.388.

Sec. 35. NRS 484.382 is hereby amended to read as follows:

484.382 1. Any person who drives or is in actual physical control of a vehicle on a highway or on premises to which the public has access shall be deemed to have given his consent to a preliminary test of his breath to determine the concentration of alcohol in his breath when the test is administered at the direction of a police officer at the scene of a vehicle accident or collision or where he stops a vehicle, if the officer has reasonable grounds to believe that the person to be tested was:

(a) Driving or in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance; or

(b) Engaging in any other conduct prohibited by NRS 484.379 or 484.3795 ~~+~~ or section 14 of this act.

2. If the person fails to submit to the test, the officer shall seize his license or permit to drive as provided in NRS 484.385 and arrest him and take him to a convenient place for the administration of a reasonably available evidentiary test under NRS 484.383.

3. The result of the preliminary test must not be used in any criminal action, except to show there were reasonable grounds to make an arrest.

Sec. 36. NRS 484.383 is hereby amended to read as follows:

484.383 1. Except as otherwise provided in subsections 3 and 4, any person who drives or is in actual physical control of a vehicle on a highway or on premises to which the public has access shall be deemed to have given his consent to an evidentiary test of his blood, urine, breath or other bodily substance to determine the concentration of alcohol in ~~his~~ his blood or breath or to determine whether a controlled substance, chemical, poison, organic solvent or another prohibited substance is present, if such a test is administered at the direction of a police officer having reasonable grounds to believe that the person to be tested was:

(a) Driving or in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance; or

(b) Engaging in any other conduct prohibited by NRS 484.379 or 484.3795 ~~or~~ *or section 14 of this act*.

2. If the person to be tested pursuant to subsection 1 is dead or unconscious, the officer shall direct that samples of blood from the person be tested.

3. Any person who is afflicted with hemophilia or with a heart condition requiring the use of an anticoagulant as determined by a physician is exempt from any blood test which may be required pursuant to this section but must, when appropriate pursuant to the provisions of this section, be required to submit to a breath or urine test.

4. If the concentration of alcohol in the blood or breath of the person to be tested is in issue:

(a) Except as otherwise provided in this section, the person may refuse to submit to a blood test if means are reasonably available to perform a breath test.

(b) The person may request a blood test, but if means are reasonably available to perform a breath test when the blood test is requested, and the person is subsequently convicted, he must pay for the cost of the blood test, including the fees and expenses of witnesses in court.

(c) A police officer may direct the person to submit to a blood test if the officer has reasonable grounds to believe that the person:

(1) Caused death or substantial bodily harm to another person as a result of driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or as a result of engaging in any other conduct prohibited by NRS 484.379 or 484.3795 ~~or~~ *or section 14 of this act*; or

(2) Has been convicted within the previous 7 years of:

(I) A violation of NRS 484.379, 484.3795, subsection 2 of NRS 488.400, NRS 488.410 or 488.420 *or section 14 or 48 of this act* or a law of another jurisdiction that prohibits the same or similar conduct; or

(II) Any other offense in this State or another jurisdiction in which death or substantial bodily harm to another person resulted from conduct prohibited by a law set forth in sub-subparagraph (I).

5. If the presence of a controlled substance, chemical, poison, organic solvent or another prohibited substance in the blood or urine of the person is in issue, the officer may direct him to submit to a blood or urine test, or both, in addition to the breath test.

6. Except as otherwise provided in subsections 3 and 5, a police officer shall not direct a person to submit to a urine test.

7. If a person to be tested fails to submit to a required test as directed by a police officer pursuant to this section and the officer has reasonable grounds to believe that the person to be tested was:

(a) Driving or in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance; or

(b) Engaging in any other conduct prohibited by NRS 484.379 or 484.3795 ~~or~~ *or section 14 of this act*,

the officer may direct that reasonable force be used to the extent necessary to obtain samples of blood from the person to be tested. Not more than three such samples may be taken during the 5-hour period immediately following the time of the initial arrest. In such a circumstance, the officer is not required to provide the person with a choice of tests for determining the concentration of alcohol or presence of a controlled substance or another prohibited substance in his blood.

8. If a person who is less than 18 years of age is directed to submit to an evidentiary test pursuant to this section, the officer shall, before testing the person, make a reasonable attempt to notify the parent, guardian or custodian of the person, if known.

Sec. 37. NRS 484.389 is hereby amended to read as follows:

484.389 1. If a person refuses to submit to a required chemical test provided for in NRS 484.382 or 484.383, evidence of that refusal is admissible in any criminal or administrative action arising out of acts alleged to have been committed while the person was:

(a) Driving or in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance; or

(b) Engaging in any other conduct prohibited by NRS 484.379 or 484.3795 ~~or~~ *or section 14 of this act*.

2. Except as otherwise provided in subsection 3 of NRS 484.382, a court or hearing officer may not exclude evidence of a required test or failure to submit to such a test if the police officer or other person substantially complied with the provisions of NRS 484.382 to 484.393, inclusive.

3. If a person submits to a chemical test provided for in NRS 484.382 or 484.383, full information concerning that test must be made available, upon his request, to him or his attorney.

4. Evidence of a required test is not admissible in a criminal or administrative proceeding unless it is shown by documentary or other evidence that the law enforcement agency calibrated the breath-testing device and otherwise maintained it as required by the regulations of the Committee on Testing for Intoxication.

Sec. 38. NRS 484.391 is hereby amended to read as follows:

484.391 1. A person who is arrested for driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or for engaging in any other conduct prohibited by NRS 484.379 or 484.3795 *or section 14 of this act* must be permitted, upon his request and at his expense, reasonable opportunity to have a qualified person of his own choosing administer a chemical test or tests to determine:

- (a) The concentration of alcohol in his blood or breath; or
- (b) Whether a controlled substance, chemical, poison, organic solvent or another prohibited substance is present in his blood or urine.

2. The failure or inability to obtain such a test or tests by such a person does not preclude the admission of evidence relating to the refusal to submit to a test or relating to a test taken upon the request of a police officer.

3. A test obtained under the provisions of this section may not be substituted for or stand in lieu of the test required by NRS 484.383."

Amend sec. 2, page 4, line 41, after "484.3795" by inserting: "*or section 14 of this act*".

Amend sec. 3, page 5, by deleting lines 33 through 38 and inserting:

"(1) A third or subsequent violation of NRS 484.379 ~~for a~~ ;

(2) A violation of NRS 484.3795 ~~for~~ ; or

(3) A violation of *section 14 of this act*,".

Amend sec. 3, page 6, by deleting line 19 and inserting: "subsection 1 : ~~for~~
~~2-1~~".

Amend sec. 3, page 7, line 20, by deleting "484.3795," and inserting: "*484.3795 or section 14 of this act*,".

Amend sec. 3, page 7, by deleting lines 23 through 25.

Amend sec. 3, page 7, line 26, by deleting "(b)" and inserting "(a)".

Amend sec. 3, page 7, line 29, by deleting "(c)" and inserting "(b)".

Amend the bill as a whole by renumbering sec. 4 as sec. 58 and adding new sections designated sections 41 through 57, following sec. 3, to read as follows:

"Sec. 41. NRS 484.778 is hereby amended to read as follows:

484.778 The governing body of each city may enact an ordinance adopting the penalties set forth for misdemeanors in NRS 484.3792 *and section 15 of this act* for similar offenses under city ordinance.

Sec. 42. NRS 484.791 is hereby amended to read as follows:

484.791 1. Any peace officer may, without a warrant, arrest a person if the officer has reasonable cause for believing that the person has committed any of the following offenses:

- (a) Homicide by vehicle;
- (b) A violation of NRS 484.379;
- (c) A violation of NRS 484.3795;
- (d) *A violation of section 14 of this act*;

(e) Failure to stop, give information or render reasonable assistance in the event of an accident resulting in death or personal injuries in violation of NRS 484.219 or 484.223;

~~[(e)]~~ (f) Failure to stop or give information in the event of an accident resulting in damage to a vehicle or to other property legally upon or adjacent to a highway in violation of NRS 484.221 or 484.225;

~~[(f)]~~ (g) Reckless driving;

~~[(g)]~~ (h) Driving a motor vehicle on a highway or on premises to which the public has access at a time when his driver's license has been cancelled, revoked or suspended; or

~~[(h)]~~ (i) Driving a motor vehicle in any manner in violation of the restrictions imposed in a restricted license issued to him pursuant to NRS 483.490.

2. Whenever any person is arrested as authorized in this section, he must be taken without unnecessary delay before the proper magistrate as specified in NRS 484.803, except that in the case of either of the offenses designated in paragraphs ~~[(e) and]~~ (f) and (g) of subsection 1 a peace officer has the same discretion as is provided in other cases in NRS 484.795.

Sec. 43. NRS 484.795 is hereby amended to read as follows:

484.795 Whenever any person is halted by a peace officer for any violation of this chapter and is not required to be taken before a magistrate, the person may, in the discretion of the peace officer, either be given a traffic citation, or be taken without unnecessary delay before the proper magistrate. He must be taken before the magistrate in any of the following cases:

1. When the person does not furnish satisfactory evidence of identity or when the peace officer has reasonable and probable grounds to believe the person will disregard a written promise to appear in court;

2. When the person is charged with a violation of NRS 484.701, relating to the refusal of a driver of a vehicle to submit the vehicle to an inspection and test;

3. When the person is charged with a violation of NRS 484.755, relating to the failure or refusal of a driver of a vehicle to submit the vehicle and load to a weighing or to remove excess weight therefrom; or

4. When the person is charged with a violation of NRS 484.379 ~~[(1)]~~ or section 14 of this act, unless he is incapacitated and is being treated for injuries at the time the peace officer would otherwise be taking him before the magistrate.

Sec. 44. NRS 484.801 is hereby amended to read as follows:

484.801 Except for felonies and those offenses set forth in paragraphs (a) to ~~[(d)]~~ (e), inclusive, of subsection 1 of NRS 484.791, a peace officer at the scene of a traffic accident may issue a traffic citation, as provided in NRS 484.799, or a misdemeanor citation, as provided in NRS 171.1773, to any person involved in the accident when, based upon personal investigation, the peace officer has reasonable and probable grounds to believe that the person has committed any offense pursuant to the provisions of this chapter

or of chapter 482, 483, 485, 486 or 706 of NRS in connection with the accident.

Sec. 45. NRS 484.805 is hereby amended to read as follows:

484.805 Whenever any person is taken into custody by a peace officer for the purpose of taking him before a magistrate or court as authorized or required in this chapter upon any charge other than a felony or the offenses enumerated in paragraphs (a) to ~~[(d),]~~ (e), inclusive, of subsection 1 of NRS 484.791, and no magistrate is available at the time of arrest, and there is no bail schedule established by the magistrate or court and no lawfully designated court clerk or other public officer who is available and authorized to accept bail upon behalf of the magistrate or court, the person must be released from custody upon the issuance to him of a misdemeanor citation or traffic citation and his signing a promise to appear, as provided in NRS 171.1773 or 484.799, respectively.

Sec. 46. NRS 484.910 is hereby amended to read as follows:

484.910 ~~[(A)]~~ Except as otherwise provided in sections 16 to 21, inclusive, of this act, a governmental entity and any agent thereof shall not use photographic, video or digital equipment for gathering evidence to be used for the issuance of a traffic citation for a violation of this chapter unless the equipment is held in the hand or installed temporarily or permanently within a vehicle or facility of a law enforcement agency.

Sec. 47. Chapter 488 of NRS is hereby amended by adding thereto the provisions set forth as sections 48 and 49 of this act.

Sec. 48. 1. It is unlawful for any person who:

(a) Is under the extreme influence of intoxicating liquor;

(b) Has a concentration of alcohol of 0.18 or more in his blood or breath;

or

(c) Is found by measurement within 2 hours after operating or being in actual physical control of a vessel to have a concentration of alcohol of 0.18 or more in his blood or breath,

➡ to operate or be in actual physical control of a vessel under power or sail on the waters of this State.

2. If consumption is proven by a preponderance of the evidence, it is an affirmative defense under paragraph (c) of subsection 1 that the defendant consumed a sufficient quantity of alcohol after operating or being in actual physical control of the vessel, and before his blood was tested, to cause him to have a concentration of 0.18 or more of alcohol in his blood or breath. A defendant who intends to offer this defense at a trial or preliminary hearing must, not less than 14 days before the trial or hearing or at such other time as the court may direct, file and serve on the prosecuting attorney a written notice of that intent.

Sec. 49. Unless a greater penalty is provided pursuant to NRS 488.420, a person who violates the provisions of section 48 of this act is guilty of a misdemeanor. The court shall:

1. Sentence him to imprisonment for not less than 6 days nor more than 6 months in jail, or to perform not less than 72 hours, but not more than 144 hours, of community service; and

2. Fine him not less than \$400 nor more than \$1,000.

Sec. 50. NRS 488.405 is hereby amended to read as follows:

488.405 As used in NRS ~~[488.410 and 488.420, the phrase "concentration"]~~ 488.400 to 488.520, inclusive, and sections 48 and 49 of this act:

1. "Concentration of alcohol of 0.08 or more in his blood or breath" means 0.08 gram or more per 100 milliliters of the blood of a person or per 210 liters of his breath.

2. "Concentration of alcohol of 0.18 or more in his blood or breath" means 0.18 gram or more of alcohol per 100 milliliters of the blood of a person or per 210 liters of his breath.

Sec. 51. NRS 488.405 is hereby amended to read as follows:

488.405 As used in NRS ~~[488.410 and 488.420, the phrase "concentration"]~~ 488.400 to 488.520, inclusive, and sections 48 and 49 of this act:

1. "Concentration of alcohol of 0.10 or more in his blood or breath" means 0.10 gram or more per 100 milliliters of the blood of a person or per 210 liters of his breath.

2. "Concentration of alcohol of 0.18 or more in his blood or breath" means 0.18 gram or more of alcohol per 100 milliliters of the blood of a person or per 210 liters of his breath.

Sec. 52. NRS 488.430 is hereby amended to read as follows:

488.430 1. Before sentencing a defendant pursuant to NRS 488.420 ~~[]~~ or section 49 of this act, the court shall require that the defendant be evaluated to determine whether he is an abuser of alcohol or drugs and whether he can be treated successfully for his condition.

2. The evaluation must be conducted by:

(a) An alcohol and drug abuse counselor who is licensed or certified pursuant to chapter 641C of NRS to make such an evaluation;

(b) A physician who is certified to make such an evaluation by the Board of Medical Examiners; or

(c) A psychologist who is certified to make such an evaluation by the Board of Psychological Examiners.

3. The alcohol and drug abuse counselor, physician or psychologist who conducts the evaluation shall immediately forward the results of the evaluation to the Director of the Department of Corrections.

Sec. 53. NRS 488.440 is hereby amended to read as follows:

488.440 1. If a defendant pleads guilty to or is found guilty of, a violation of NRS 488.410 or 488.420 or section 48 of this act and a chemical analysis of his blood, urine, breath or other bodily substance was conducted, the court shall, in addition to any penalty provided by law, order the defendant to pay the sum of \$60 as a fee for the chemical analysis. Except as

otherwise provided in this subsection, any money collected for the chemical analysis must not be deducted from, and is in addition to, any fine otherwise imposed by the court and must be:

(a) Collected from the defendant before or at the same time that the fine is collected.

(b) Stated separately in the judgment of the court or on the court's docket.

2. All money collected pursuant to subsection 1 must be paid by the clerk of the court to the county or city treasurer, as appropriate, on or before the fifth day of each month for the preceding month.

3. The treasurer shall deposit all money received by him pursuant to subsection 2 in the county or city treasury, as appropriate, for credit to the fund for forensic services created pursuant to NRS 453.575. The money must be accounted for separately within the fund.

4. Except as otherwise provided in subsection 5, each month the treasurer shall, from the money credited to the fund pursuant to subsection 3, pay any amount owed for forensic services and deposit any remaining money in the county or city general fund, as appropriate.

5. In counties that do not receive forensic services under a contract with the State, the money credited to the fund pursuant to subsection 3:

(a) Except as otherwise provided in paragraph (b), must be:

(1) Expended to pay for the chemical analyses performed within the county;

(2) Expended to purchase and maintain equipment to conduct such analyses;

(3) Expended for the training and continuing education of the employees who conduct such analyses; and

(4) Paid to law enforcement agencies which conduct such analyses to be used by those agencies in the manner provided in this subsection.

(b) May only be expended to cover the costs of chemical analyses conducted by, equipment used by or training for employees of an analytical laboratory that is approved by the Committee on Testing for Intoxication created ~~in~~ by NRS 484.388.

Sec. 54. NRS 488.450 is hereby amended to read as follows:

488.450 1. Any person who operates or is in actual physical control of a vessel under power or sail on the waters of this State shall be deemed to have given his consent to a preliminary test of his breath to determine the concentration of alcohol in his breath when the test is administered at the direction of a peace officer after a vessel accident or collision or where an officer stops a vessel, if the officer has reasonable grounds to believe that the person to be tested was:

(a) Operating or in actual physical control of a vessel under power or sail while under the influence of intoxicating liquor or a controlled substance; or

(b) Engaging in any other conduct prohibited by NRS 488.410 or 488.420 ~~or section 48 of this act.~~

2. If the person fails to submit to the test, the officer shall arrest him and take him to a convenient place for the administration of a reasonably available evidentiary test under NRS 488.460.

3. The result of the preliminary test must not be used in any criminal action, except to show there were reasonable grounds to make an arrest.

Sec. 55. NRS 488.460 is hereby amended to read as follows:

488.460 1. Except as otherwise provided in subsections 3 and 4, a person who operates or is in actual physical control of a vessel under power or sail on the waters of this State shall be deemed to have given his consent to an evidentiary test of his blood, urine, breath or other bodily substance to determine the concentration of alcohol in his blood or breath or to determine whether a controlled substance, chemical, poison, organic solvent or another prohibited substance is present, if such a test is administered at the direction of a peace officer having reasonable grounds to believe that the person to be tested was:

(a) Operating or in actual physical control of a vessel under power or sail while under the influence of intoxicating liquor or a controlled substance; or

(b) Engaging in any other conduct prohibited by NRS 488.410 or 488.420 ~~or section 48 of this act.~~

2. If the person to be tested pursuant to subsection 1 is dead or unconscious, the officer shall direct that samples of blood from the person be tested.

3. Any person who is afflicted with hemophilia or with a heart condition requiring the use of an anticoagulant as determined by a physician is exempt from any blood test which may be required pursuant to this section, but must, when appropriate pursuant to the provisions of this section, be required to submit to a breath or urine test.

4. If the concentration of alcohol of the blood or breath of the person to be tested is in issue:

(a) Except as otherwise provided in this section, the person may refuse to submit to a blood test if means are reasonably available to perform a breath test.

(b) The person may request a blood test, but if means are reasonably available to perform a breath test when the blood test is requested, and the person is subsequently convicted, he must pay for the cost of the blood test, including the fees and expenses of witnesses in court.

(c) A peace officer may direct the person to submit to a blood test if the officer has reasonable grounds to believe that the person:

(1) Caused death or substantial bodily harm to another person as a result of operating or being in actual physical control of a vessel under power or sail while under the influence of intoxicating liquor or a controlled substance or as a result of engaging in any other conduct prohibited by NRS 488.410 or 488.420 ~~or section 48 of this act;~~ or

(2) Has been convicted within the previous 7 years of:

(I) A violation of NRS 484.379, 484.3795, subsection 2 of NRS 488.400, NRS 488.410 or 488.420 *or section 14 or 48 of this act* or a law of another jurisdiction that prohibits the same or similar conduct; or

(II) Any other offense in this State or another jurisdiction in which death or substantial bodily harm to another person resulted from conduct prohibited by a law set forth in sub-subparagraph (I).

5. If the presence of a controlled substance, chemical, poison, organic solvent or another prohibited substance in the blood or urine of the person is in issue, the officer may direct him to submit to a blood or urine test, or both, in addition to the breath test.

6. Except as otherwise provided in subsections 3 and 5, a peace officer shall not direct a person to submit to a urine test.

7. If a person to be tested fails to submit to a required test as directed by a peace officer pursuant to this section and the officer has reasonable grounds to believe that the person to be tested was:

(a) Operating or in actual physical control of a vessel under power or sail while under the influence of intoxicating liquor or a controlled substance; or

(b) Engaging in any other conduct prohibited by NRS 488.410 or 488.420 ~~or section 48 of this act,~~

→ the officer may direct that reasonable force be used to the extent necessary to obtain samples of blood from the person to be tested. Not more than three such samples may be taken during the 5-hour period immediately following the time of the initial arrest. In such a circumstance, the officer is not required to provide the person with a choice of tests for determining the alcoholic content or presence of a controlled substance or another prohibited substance in his blood.

Sec. 56. NRS 488.480 is hereby amended to read as follows:

488.480 1. If a person refuses to submit to a required chemical test provided for in NRS 488.450 or 488.460, evidence of that refusal is admissible in any criminal action arising out of acts alleged to have been committed while the person was:

(a) Operating or in actual physical control of a vessel under power or sail while under the influence of intoxicating liquor or a controlled substance; or

(b) Engaging in any other conduct prohibited by NRS 488.410 or 488.420 ~~or section 48 of this act.~~

2. Except as otherwise provided in subsection 3 of NRS 488.450, a court may not exclude evidence of a required test or failure to submit to such a test if the peace officer or other person substantially complied with the provisions of NRS 488.450 to 488.500, inclusive.

3. If a person submits to a chemical test provided for in NRS 488.450 or 488.460, full information concerning that test must be made available, upon his request, to him or his attorney.

4. Evidence of a required test is not admissible in a criminal proceeding unless it is shown by documentary or other evidence that the device for testing breath was certified pursuant to NRS 484.3882 and was calibrated,

maintained and operated as provided by the regulations of the Committee on Testing for Intoxication adopted pursuant to NRS 484.3884, 484.3886 or 484.3888.

5. If the device for testing breath has been certified by the Committee on Testing for Intoxication to be accurate and reliable pursuant to NRS 484.3882, it is presumed that, as designed and manufactured, the device is accurate and reliable for the purpose of testing a person's breath to determine the concentration of alcohol in the person's breath.

6. A court shall take judicial notice of the certification by the Director of a person to operate testing devices of one of the certified types. If a test to determine the amount of alcohol in a person's breath has been performed with a certified type of device by a person who is certified pursuant to NRS 484.3886 or 484.3888, it is presumed that the person operated the device properly.

7. This section does not preclude the admission of evidence of a test of a person's breath where the:

(a) Information is obtained through the use of a device other than one of a type certified by the Committee on Testing for Intoxication.

(b) Test has been performed by a person other than one who is certified by the Director.

Sec. 57. NRS 488.490 is hereby amended to read as follows:

488.490 1. A person who is arrested for operating or being in actual physical control of a vessel under power or sail while under the influence of intoxicating liquor or a controlled substance or for engaging in any other conduct prohibited by NRS 488.410 or 488.420 *or section 48 of this act* must be permitted, upon his request and at his expense, reasonable opportunity to have a qualified person of his own choosing administer a chemical test to determine:

(a) The concentration of alcohol in his blood or breath; or

(b) Whether a controlled substance, chemical, poison, organic solvent or another prohibited substance is present in his blood or urine.

2. The failure or inability to obtain such a test does not preclude the admission of evidence relating to the refusal to submit to a test or relating to a test taken upon the request of a peace officer.

3. A test obtained under the provisions of this section may not be substituted for or stand in lieu of the test required by NRS 488.460."

Amend sec. 4, page 7, line 38, after "488.420" by inserting: "*or section 48 of this act*".

Amend the bill as a whole by renumbering sections 5 through 7 as sections 63 through 65 and adding new sections designated sections 59 through 62, following sec. 4, to read as follows:

"Sec. 59. NRS 4.355 is hereby amended to read as follows:

4.355 1. A justice of the peace in a township whose population is 40,000 or more may appoint a referee to take testimony and recommend orders and a judgment:

(a) In any action filed pursuant to NRS 73.010;
(b) In any action filed pursuant to NRS 33.200 to 33.360, inclusive;
(c) In any action for a misdemeanor constituting a violation of chapter 484 of NRS, except NRS 484.379 ~~[and 484.3795]~~ or 484.3795 or section 14 of this act; or

(d) In any action for a misdemeanor constituting a violation of a county traffic ordinance.

2. The referee must meet the qualifications of a justice of the peace as set forth in subsections 1 and 2 of NRS 4.010.

3. The referee:

(a) Shall take testimony;
(b) Shall make findings of fact, conclusions of law and recommendations for an order or judgment;

(c) May, subject to confirmation by the justice of the peace, enter an order or judgment; and

(d) Has any other power or duty contained in the order of reference issued by the justice of the peace.

4. The findings of fact, conclusions of law and recommendations of the referee must be furnished to each party or his attorney at the conclusion of the proceeding or as soon thereafter as possible. Within 5 days after receipt of the findings of fact, conclusions of law and recommendations, a party may file a written objection. If no objection is filed, the court shall accept the findings, unless clearly erroneous, and the judgment may be entered thereon. If an objection is filed within the 5-day period, the justice of the peace shall review the matter by trial de novo, except that if all of the parties so stipulate, the review must be confined to the record.

5. A referee must be paid one-half of the hourly compensation of a justice of the peace.

Sec. 60. NRS 4.3762 is hereby amended to read as follows:

4.3762 1. Except as otherwise provided in subsection 7, in lieu of imposing any punishment other than a minimum sentence required by statute, a justice of the peace may sentence a person convicted of a misdemeanor to a term of residential confinement. In making this determination, the justice of the peace shall consider the criminal record of the convicted person and the seriousness of the crime committed.

2. In sentencing a convicted person to a term of residential confinement, the justice of the peace shall:

(a) Require the convicted person to be confined to his residence during the time he is away from his employment, public service or other activity authorized by the justice of the peace; and

(b) Require intensive supervision of the convicted person, including, without limitation, electronic surveillance and unannounced visits to his residence or other locations where he is expected to be to determine whether he is complying with the terms of his sentence.

3. In sentencing a convicted person to a term of residential confinement, the justice of the peace may, when the circumstances warrant, require the convicted person to submit to:

(a) A search and seizure by the chief of a department of alternative sentencing, an assistant alternative sentencing officer or any other law enforcement officer at any time of the day or night without a search warrant; and

(b) Periodic tests to determine whether the offender is using a controlled substance or consuming alcohol.

4. Except as otherwise provided in subsection 5, an electronic device may be used to supervise a convicted person sentenced to a term of residential confinement. The device must be minimally intrusive and limited in capability to recording or transmitting information concerning the presence of the person at his residence, including, but not limited to, the transmission of still visual images which do not concern the activities of the person while inside his residence. A device which is capable of recording or transmitting:

(a) Oral or wire communications or any auditory sound; or

(b) Information concerning the activities of the person while inside his residence,

↪ must not be used.

5. An electronic device must be used in the manner set forth in subsection 4 to supervise a person who is sentenced pursuant to paragraph (b) of subsection 1 of NRS 484.3792 *or paragraph (b) of subsection 1 of section 15 of this act* for a second violation within 7 years of driving under the influence of intoxicating liquor or a controlled substance.

6. A term of residential confinement, together with the term of any minimum sentence required by statute, may not exceed the maximum sentence which otherwise could have been imposed for the offense.

7. The justice of the peace shall not sentence a person convicted of committing a battery which constitutes domestic violence pursuant to NRS 33.018 to a term of residential confinement in lieu of imprisonment unless the justice of the peace makes a finding that the person is not likely to pose a threat to the victim of the battery.

8. The justice of the peace may issue a warrant for the arrest of a convicted person who violates or fails to fulfill a condition of residential confinement.

Sec. 61. NRS 5.076 is hereby amended to read as follows:

5.076 1. Except as otherwise provided in subsection 7, in lieu of imposing any punishment other than a minimum sentence required by statute, a municipal judge may sentence a person convicted of a misdemeanor to a term of residential confinement. In making this determination, the municipal judge shall consider the criminal record of the convicted person and the seriousness of the crime committed.

2. In sentencing a convicted person to a term of residential confinement, the municipal judge shall:

(a) Require the convicted person to be confined to his residence during the time he is away from his employment, public service or other activity authorized by the municipal judge; and

(b) Require intensive supervision of the convicted person, including, without limitation, electronic surveillance and unannounced visits to his residence or other locations where he is expected to be in order to determine whether he is complying with the terms of his sentence.

3. In sentencing a convicted person to a term of residential confinement, the municipal judge may, when the circumstances warrant, require the convicted person to submit to:

(a) A search and seizure by the chief of a department of alternative sentencing, an assistant alternative sentencing officer or any other law enforcement officer at any time of the day or night without a search warrant; and

(b) Periodic tests to determine whether the offender is using a controlled substance or consuming alcohol.

4. Except as otherwise provided in subsection 5, an electronic device may be used to supervise a convicted person sentenced to a term of residential confinement. The device must be minimally intrusive and limited in capability to recording or transmitting information concerning the presence of the person at his residence, including, but not limited to, the transmission of still visual images which do not concern the activities of the person while inside his residence. A device which is capable of recording or transmitting:

(a) Oral or wire communications or any auditory sound; or

(b) Information concerning the activities of the person while inside his residence,

➡ must not be used.

5. An electronic device must be used in the manner set forth in subsection 4 to supervise a person who is sentenced pursuant to paragraph (b) of subsection 1 of NRS 484.3792 or *paragraph (b) of subsection 1 of section 15 of this act* for a second violation within 7 years of driving under the influence of intoxicating liquor or a controlled substance.

6. A term of residential confinement, together with the term of any minimum sentence required by statute, may not exceed the maximum sentence which otherwise could have been imposed for the offense.

7. The municipal judge shall not sentence a person convicted of committing a battery which constitutes domestic violence pursuant to NRS 33.018 to a term of residential confinement in lieu of imprisonment unless the municipal judge makes a finding that the person is not likely to pose a threat to the victim of the battery.

8. The municipal judge may issue a warrant for the arrest of a convicted person who violates or fails to fulfill a condition of residential confinement.

Sec. 62. NRS 42.010 is hereby amended to read as follows:

42.010 1. In an action for the breach of an obligation, where the defendant caused an injury by the operation of a motor vehicle in violation of NRS 484.379 or 484.3795 *or section 14 of this act* after willfully consuming or using alcohol or another substance, knowing that he would thereafter operate the motor vehicle, the plaintiff, in addition to the compensatory damages, may recover damages for the sake of example and by way of punishing the defendant.

2. The provisions of NRS 42.005 do not apply to any cause of action brought pursuant to this section."

Amend sec. 7, page 11, by deleting line 35 and inserting: "488.420 ~~[-]~~ *or section 14 or 48 of this act.*".

Amend the bill as a whole by adding new sections designated sections 66 through 84, following sec. 7, to read as follows:

"Sec. 66. NRS 62A.220 is hereby amended to read as follows:

62A.220 "Minor traffic offense" means a violation of any state or local law or ordinance governing the operation of a motor vehicle upon any highway within this State other than:

1. A violation of chapter 484 or 706 of NRS that causes the death of a person;

2. A violation of NRS 484.379 ~~[-]~~ *or section 14 of this act*; or

3. A violation declared to be a felony.

Sec. 67. NRS 62E.620 is hereby amended to read as follows:

62E.620 1. The juvenile court shall order a delinquent child to undergo an evaluation to determine whether the child is an abuser of alcohol or other drugs if the child committed:

(a) An unlawful act in violation of NRS 484.379 or 484.3795 ~~[-]~~ *or section 14 of this act*;

(b) The unlawful act of using, possessing, selling or distributing a controlled substance; or

(c) The unlawful act of purchasing, consuming or possessing an alcoholic beverage in violation of NRS 202.020.

2. The evaluation of the child must be conducted by:

(a) An alcohol and drug abuse counselor who is licensed or certified or an alcohol and drug abuse counselor intern who is certified pursuant to chapter 641C of NRS to make that classification; or

(b) A physician who is certified to make that classification by the Board of Medical Examiners.

3. The evaluation of the child may be conducted at an evaluation center.

4. The person who conducts the evaluation of the child shall report to the juvenile court the results of the evaluation and make a recommendation to the juvenile court concerning the length and type of treatment required for the child.

5. The juvenile court shall:

(a) Order the child to undergo a program of treatment as recommended by the person who conducts the evaluation of the child.

(b) Require the treatment facility to submit monthly reports on the treatment of the child pursuant to this section.

(c) Order the child or the parent or guardian of the child, or both, to the extent of their financial ability, to pay any charges relating to the evaluation and treatment of the child pursuant to this section. If the child or the parent or guardian of the child, or both, do not have the financial resources to pay all those charges:

(1) The juvenile court shall, to the extent possible, arrange for the child to receive treatment from a treatment facility which receives a sufficient amount of federal or state money to offset the remainder of the costs; and

(2) The juvenile court may order the child, in lieu of paying the charges relating to his evaluation and treatment, to perform community service.

6. After a treatment facility has certified a child's successful completion of a program of treatment ordered pursuant to this section, the treatment facility is not liable for any damages to person or property caused by a child who:

(a) Drives, operates or is in actual physical control of a vehicle or a vessel under power or sail while under the influence of intoxicating liquor or a controlled substance; or

(b) Engages in any other conduct prohibited by NRS 484.379, 484.3795, subsection 2 of NRS 488.400, NRS 488.410 or 488.420 *or section 14 or 48 of this act* or a law of any other jurisdiction that prohibits the same or similar conduct.

7. The provisions of this section do not prohibit the juvenile court from:

(a) Requiring an evaluation to be conducted by a person who is employed by a private company if the company meets the standards of the Health Division of the Department of Human Resources. The evaluation may be conducted at an evaluation center.

(b) Ordering the child to attend a program of treatment which is administered by a private company.

8. All information relating to the evaluation or treatment of a child pursuant to this section is confidential and, except as otherwise authorized by the provisions of this title or the juvenile court, must not be disclosed to any person other than:

(a) The juvenile court;

(b) The child;

(c) The attorney for the child, if any;

(d) The parents or guardian of the child;

(e) The district attorney; and

(f) Any other person for whom the communication of that information is necessary to effectuate the evaluation or treatment of the child.

9. A record of any finding that a child has violated the provisions of NRS 484.379 or 484.3795 *or section 14 of this act* must be included in the driver's record of that child for 7 years after the date of the offense.

Sec. 68. NRS 62E.640 is hereby amended to read as follows:

62E.640 1. If a child is adjudicated delinquent for an unlawful act in violation of NRS 484.379 or 484.3795 ~~or section 14 of this act~~, the juvenile court shall, if the child possesses a driver's license:

(a) Issue an order revoking the driver's license of the child for 90 days and requiring the child to surrender his driver's license to the juvenile court; and

(b) Not later than 5 days after issuing the order, forward to the Department of Motor Vehicles a copy of the order and the driver's license of the child.

2. The Department of Motor Vehicles shall order the child to submit to the tests and other requirements which are adopted by regulation pursuant to subsection 1 of NRS 483.495 as a condition of reinstatement of the driver's license of the child.

3. If the child is adjudicated delinquent for a subsequent unlawful act in violation of NRS 484.379 or 484.3795 ~~or section 14 of this act~~, the juvenile court shall order an additional period of revocation to apply consecutively with the previous order.

4. The juvenile court may authorize the Department of Motor Vehicles to issue a restricted driver's license pursuant to NRS 483.490 to a child whose driver's license is revoked pursuant to this section.

Sec. 69. NRS 179.245 is hereby amended to read as follows:

179.245 1. Except as otherwise provided in subsection 5 and NRS 176A.265, 179.259 and 453.3365, a person may petition the court in which he was convicted for the sealing of all records relating to a conviction of:

(a) A category A or B felony after 15 years from the date of his release from actual custody or discharge from parole or probation, whichever occurs later;

(b) A category C or D felony after 12 years from the date of his release from actual custody or discharge from parole or probation, whichever occurs later;

(c) A category E felony after 10 years from the date of his release from actual custody or discharge from parole or probation, whichever occurs later;

(d) Any gross misdemeanor after 7 years from the date of his release from actual custody or discharge from probation, whichever occurs later;

(e) A violation of NRS 484.379 other than a felony, or a battery which constitutes domestic violence pursuant to NRS 33.018 other than a felony, after 7 years from the date of his release from actual custody or from the date when he is no longer under a suspended sentence, whichever occurs later; or

(f) Any other misdemeanor after 3 years from the date of his release from actual custody or from the date when he is no longer under a suspended sentence, whichever occurs later.

2. A petition filed pursuant to subsection 1 must:

(a) Be accompanied by current, verified records of the petitioner's criminal history received from:

(1) The Central Repository for Nevada Records of Criminal History; and

(2) The local law enforcement agency of the city or county in which the conviction was entered;

(b) Include a list of any other public or private agency, company, official or other custodian of records that is reasonably known to the petitioner to have possession of records of the conviction and to whom the order to seal records, if issued, will be directed; and

(c) Include information that, to the best knowledge and belief of the petitioner, accurately and completely identifies the records to be sealed.

3. Upon receiving a petition pursuant to this section, the court shall notify the law enforcement agency that arrested the petitioner for the crime and:

(a) If the person was convicted in a district court or justice's court, the prosecuting attorney for the county; or

(b) If the person was convicted in a municipal court, the prosecuting attorney for the city.

➡ The prosecuting attorney and any person having relevant evidence may testify and present evidence at the hearing on the petition.

4. If, after the hearing, the court finds that, in the period prescribed in subsection 1, the petitioner has not been charged with any offense for which the charges are pending or convicted of any offense, except for minor moving or standing traffic violations, the court may order sealed all records of the conviction which are in the custody of the court, of another court in the State of Nevada or of a public or private agency, company or official in the State of Nevada, and may also order all such criminal identification records of the petitioner returned to the file of the court where the proceeding was commenced from, including, but not limited to, the Federal Bureau of Investigation, the California Bureau of Identification and Information, sheriffs' offices and all other law enforcement agencies reasonably known by either the petitioner or the court to have possession of such records.

5. A person may not petition the court to seal records relating to a *violation of section 14 of this act* or a conviction of a crime against a child or a sexual offense.

6. If the court grants a petition for the sealing of records pursuant to this section, upon the request of the person whose records are sealed, the court may order sealed all records of the civil proceeding in which the records were sealed.

7. As used in this section:

(a) "Crime against a child" has the meaning ascribed to it in NRS 179D.210.

(b) "Sexual offense" means:

(1) Murder of the first degree committed in the perpetration or attempted perpetration of sexual assault or of sexual abuse or sexual molestation of a child less than 14 years of age pursuant to paragraph (b) of subsection 1 of NRS 200.030.

(2) Sexual assault pursuant to NRS 200.366.

(3) Statutory sexual seduction pursuant to NRS 200.368, if punishable as a felony.

(4) Battery with intent to commit sexual assault pursuant to NRS 200.400.

(5) An offense involving the administration of a drug to another person with the intent to enable or assist the commission of a felony pursuant to NRS 200.405, if the felony is an offense listed in this paragraph.

(6) An offense involving the administration of a controlled substance to another person with the intent to enable or assist the commission of a crime of violence pursuant to NRS 200.408, if the crime of violence is an offense listed in this paragraph.

(7) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation.

(8) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive.

(9) Incest pursuant to NRS 201.180.

(10) Solicitation of a minor to engage in acts constituting the infamous crime against nature pursuant to NRS 201.195.

(11) Open or gross lewdness pursuant to NRS 201.210, if punishable as a felony.

(12) Indecent or obscene exposure pursuant to NRS 201.220, if punishable as a felony.

(13) Lewdness with a child pursuant to NRS 201.230.

(14) Sexual penetration of a dead human body pursuant to NRS 201.450.

(15) Luring a child or mentally ill person pursuant to NRS 201.560, if punishable as a felony.

(16) An attempt to commit an offense listed in subparagraphs (1) to (15), inclusive.

Sec. 70. NRS 179A.070 is hereby amended to read as follows:

179A.070 1. "Record of criminal history" means information contained in records collected and maintained by agencies of criminal justice, the subject of which is a natural person, consisting of descriptions which identify the subject and notations of summons in a criminal action, warrants, arrests, citations for misdemeanors issued pursuant to NRS 171.1773, citations issued for violations of NRS 484.379 ~~and 484.375,~~ or 484.3795 or *section 14 of this act*, detentions, decisions of a district attorney or the Attorney General not to prosecute the subject, indictments, informations or other formal criminal charges and dispositions of charges, including, without limitation, dismissals, acquittals, convictions, sentences, information set forth

in NRS 209.353 concerning an offender in prison, any postconviction relief, correctional supervision occurring in Nevada, information concerning the status of an offender on parole or probation, and information concerning a convicted person who has registered as such pursuant to chapter 179C of NRS. The term includes only information contained in a record, maintained in written or electronic form, of a formal transaction between a person and an agency of criminal justice in this State, including, without limitation, the fingerprints of a person who is arrested and taken into custody and of a person who is placed on parole or probation and supervised by the Division of Parole and Probation of the Department.

2. "Record of criminal history" does not include:

(a) Investigative or intelligence information, reports of crime or other information concerning specific persons collected in the course of the enforcement of criminal laws;

(b) Information concerning juveniles;

(c) Posters, announcements or lists intended to identify fugitives or wanted persons and aid in their apprehension;

(d) Original records of entry maintained by agencies of criminal justice if the records are chronological and not cross-indexed;

(e) Records of application for and issuance, suspension, revocation or renewal of occupational licenses, including, without limitation, permits to work in the gaming industry;

(f) Except as otherwise provided in subsection 1, court indexes and records of public judicial proceedings, court decisions and opinions, and information disclosed during public judicial proceedings;

(g) Except as otherwise provided in subsection 1, records of traffic violations constituting misdemeanors;

(h) Records of traffic offenses maintained by the Department to regulate the issuance, suspension, revocation or renewal of drivers' or other operators' licenses;

(i) Announcements of actions by the State Board of Pardons Commissioners and the State Board of Parole Commissioners, except information concerning the status of an offender on parole or probation; or

(j) Records which originated in an agency other than an agency of criminal justice in this State.

Sec. 71. NRS 202.3657 is hereby amended to read as follows:

202.3657 1. Any person who is a resident of this State may apply to the sheriff of the county in which he resides for a permit on a form prescribed by regulation of the Department. Any person who is not a resident of this State may apply to the sheriff of any county in this State for a permit on a form prescribed by regulation of the Department. Application forms for permits must be furnished by the sheriff of each county upon request.

2. Except as otherwise provided in this section, the sheriff shall issue a permit for one or more specific firearms to any person who is qualified to

possess each firearm under state and federal law, who submits an application in accordance with the provisions of this section and who:

- (a) Is 21 years of age or older;
- (b) Is not prohibited from possessing a firearm pursuant to NRS 202.360; and
- (c) Demonstrates competence with each firearm by presenting a certificate or other documentation to the sheriff which shows that he:

(1) Successfully completed a course in firearm safety approved by a sheriff in this State; or

(2) Successfully completed a course in firearm safety offered by a federal, state or local law enforcement agency, community college, university or national organization that certifies instructors in firearm safety.

↪ Such a course must include instruction in the use of each firearm to which the application pertains and in the laws of this State relating to the use of a firearm. A sheriff may not approve a course in firearm safety pursuant to subparagraph (1) unless he determines that the course meets any standards that are established by the Nevada Sheriffs' and Chiefs' Association or, if the Nevada Sheriffs' and Chiefs' Association ceases to exist, its legal successor.

3. The sheriff shall deny an application or revoke a permit if he determines that the applicant or permittee:

- (a) Has an outstanding warrant for his arrest.
- (b) Has been judicially declared incompetent or insane.
- (c) Has been voluntarily or involuntarily admitted to a mental health facility during the immediately preceding 5 years.
- (d) Has habitually used intoxicating liquor or a controlled substance to the extent that his normal faculties are impaired. For the purposes of this paragraph, it is presumed that a person has so used intoxicating liquor or a controlled substance if, during the immediately preceding 5 years, he has been:

(1) Convicted of violating the provisions of NRS 484.379 ~~[-]~~ or *section 14 of this act*; or

(2) Committed for treatment pursuant to NRS 458.290 to 458.350, inclusive.

(e) Has been convicted of a crime involving the use or threatened use of force or violence punishable as a misdemeanor under the laws of this or any other state, or a territory or possession of the United States at any time during the immediately preceding 3 years.

(f) Has been convicted of a felony in this State or under the laws of any state, territory or possession of the United States.

(g) Has been convicted of a crime involving domestic violence or stalking, or is currently subject to a restraining order, injunction or other order for protection against domestic violence.

(h) Is currently on parole or probation from a conviction obtained in this State or in any other state or territory or possession of the United States.

(i) Has, within the immediately preceding 5 years, been subject to any requirements imposed by a court of this State or of any other state or territory or possession of the United States, as a condition to the court's:

(1) Withholding of the entry of judgment for his conviction of a felony;
or

(2) Suspension of his sentence for the conviction of a felony.

(j) Has made a false statement on any application for a permit or for the renewal of a permit.

4. The sheriff may deny an application or revoke a permit if he receives a sworn affidavit stating articulable facts based upon personal knowledge from any natural person who is 18 years of age or older that the applicant or permittee has or may have committed an offense or engaged in any other activity specified in subsection 3 which would preclude the issuance of a permit to the applicant or require the revocation of a permit pursuant to this section.

5. If the sheriff receives notification submitted by a court or law enforcement agency of this or any other state, the United States or a territory or possession of the United States that a permittee or an applicant for a permit has been charged with a crime involving the use or threatened use of force or violence, the conviction for which would require the revocation of a permit or preclude the issuance of a permit to the applicant pursuant to this section, the sheriff shall suspend the person's permit or the processing of his application until the final disposition of the charges against him. If a permittee is acquitted of the charges against him, or if the charges are dropped, the sheriff shall restore his permit without imposing a fee.

6. An application submitted pursuant to this section must be completed and signed under oath by the applicant. The applicant's signature must be witnessed by an employee of the sheriff or notarized by a notary public. The application must include:

(a) The name, address, place and date of birth, social security number, occupation and employer of the applicant and any other names used by the applicant;

(b) A complete set of the applicant's fingerprints taken by the sheriff or his agent;

(c) A front-view colored photograph of the applicant taken by the sheriff or his agent;

(d) If the applicant is a resident of this State, the driver's license number or identification card number of the applicant issued by the Department of Motor Vehicles;

(e) If the applicant is not a resident of this State, the driver's license number or identification card number of the applicant issued by another state or jurisdiction;

(f) The make, model and caliber of each firearm to which the application pertains;

(g) A nonrefundable fee in the amount necessary to obtain the report required pursuant to subsection 1 of NRS 202.366; and

(h) A nonrefundable fee set by the sheriff not to exceed \$60.

Sec. 72. NRS 209.392 is hereby amended to read as follows:

209.392 1. Except as otherwise provided in NRS 209.3925 and 209.429, the Director may, at the request of an offender who is eligible for residential confinement pursuant to the standards adopted by the Director pursuant to subsection 3 and who has:

(a) Established a position of employment in the community;
(b) Enrolled in a program for education or rehabilitation; or
(c) Demonstrated an ability to pay for all or part of the costs of his confinement and to meet any existing obligation for restitution to any victim of his crime,

➤ assign the offender to the custody of the Division of Parole and Probation of the Department of Public Safety to serve a term of residential confinement, pursuant to NRS 213.380, for not longer than the remainder of his sentence.

2. Upon receiving a request to serve a term of residential confinement from an eligible offender, the Director shall notify the Division of Parole and Probation. If any victim of a crime committed by the offender has, pursuant to subsection 4 of NRS 213.130, requested to be notified of the consideration of a prisoner for parole and has provided a current address, the Division of Parole and Probation shall notify the victim of the offender's request and advise the victim that he may submit documents regarding the request to the Division of Parole and Probation. If a current address has not been provided as required by subsection 4 of NRS 213.130, the Division of Parole and Probation must not be held responsible if such notification is not received by the victim. All personal information, including, but not limited to, a current or former address, which pertains to a victim and which is received by the Division of Parole and Probation pursuant to this subsection is confidential.

3. The Director, after consulting with the Division of Parole and Probation, shall adopt, by regulation, standards providing which offenders are eligible for residential confinement. The standards adopted by the Director must provide that an offender who:

(a) Is not eligible for parole or release from prison within a reasonable period;

(b) Has recently committed a serious infraction of the rules of an institution or facility of the Department;

(c) Has not performed the duties assigned to him in a faithful and orderly manner;

(d) Has ever been convicted of:

(1) Any crime involving the use or threatened use of force or violence against the victim; or

(2) A sexual offense;

(e) Has more than one prior conviction for any felony in this State or any offense in another state that would be a felony if committed in this State, not including a violation of NRS 484.379 or 484.3795 ~~or~~ *or section 14 of this act*;

(f) Has escaped or attempted to escape from any jail or correctional institution for adults; or

(g) Has not made an effort in good faith to participate in or to complete any educational or vocational program or any program of treatment, as ordered by the Director,

➡ is not eligible for assignment to the custody of the Division of Parole and Probation to serve a term of residential confinement pursuant to this section.

4. If an offender assigned to the custody of the Division of Parole and Probation pursuant to this section escapes or violates any of the terms or conditions of his residential confinement:

(a) The Division of Parole and Probation may, pursuant to the procedure set forth in NRS 213.410, return the offender to the custody of the Department.

(b) The offender forfeits all or part of the credits for good behavior earned by him before the escape or violation, as determined by the Director. The Director may provide for a forfeiture of credits pursuant to this paragraph only after proof of the offense and notice to the offender and may restore credits forfeited for such reasons as he considers proper. The decision of the Director regarding such a forfeiture is final.

5. The assignment of an offender to the custody of the Division of Parole and Probation pursuant to this section shall be deemed:

(a) A continuation of his imprisonment and not a release on parole; and

(b) For the purposes of NRS 209.341, an assignment to a facility of the Department,

➡ except that the offender is not entitled to obtain any benefits or to participate in any programs provided to offenders in the custody of the Department.

6. An offender does not have a right to be assigned to the custody of the Division of Parole and Probation pursuant to this section, or to remain in that custody after such an assignment, and it is not intended that the provisions of this section or of NRS 213.371 to 213.410, inclusive, create any right or interest in liberty or property or establish a basis for any cause of action against the State, its political subdivisions, agencies, boards, commissions, departments, officers or employees.

Sec. 73. NRS 209.425 is hereby amended to read as follows:

209.425 1. The Director shall, with the approval of the Board, establish a program for the treatment of an abuser of alcohol or drugs who is imprisoned pursuant to paragraph (c) of subsection 1 of NRS 484.3792 or NRS 484.3795 ~~or~~ *or paragraph (c) or (d) of subsection 1 of section 15 of this act*. The program must include an initial period of intensive mental and physical rehabilitation in a facility of the Department, followed by regular

sessions of education, counseling and any other necessary or desirable treatment.

2. The Director may, upon the request of the offender after the initial period of rehabilitation, allow the offender to earn wages under any other program established by the Department if the offender assigns to the Department any wages he earns under such a program. The Director may deduct from the wages of the offender an amount determined by the Director, with the approval of the Board, to:

(a) Offset the costs, as reflected in the budget of the Department, to maintain the offender in a facility or institution of the Department and in the program of treatment established pursuant to this section; and

(b) Meet any existing obligation of the offender for the support of his family or restitution to any victim of his crime.

Sec. 74. NRS 209.481 is hereby amended to read as follows:

209.481 1. The Director shall not assign any prisoner to an institution or facility of minimum security if the prisoner:

(a) Except as otherwise provided in NRS 484.3792 and 484.3795, *and section 15 of this act*, is not eligible for parole or release from prison within a reasonable period;

(b) Has recently committed a serious infraction of the rules of an institution or facility of the Department;

(c) Has not performed the duties assigned to him in a faithful and orderly manner;

(d) Has been convicted of a sexual offense;

(e) Has committed an act of serious violence during the previous year; or

(f) Has attempted to escape or has escaped from an institution of the Department.

2. The Director shall, by regulation, establish procedures for classifying and selecting qualified prisoners.

Sec. 75. NRS 217.070 is hereby amended to read as follows:

217.070 "Victim" means:

1. A person who is physically injured or killed as the direct result of a criminal act;

2. A minor who was involved in the production of pornography in violation of NRS 200.710, 200.720, 200.725 or 200.730;

3. A minor who was sexually abused, as "sexual abuse" is defined in NRS 432B.100;

4. A person who is physically injured or killed as the direct result of a violation of NRS 484.379 *or section 14 of this act* or any act or neglect of duty punishable pursuant to NRS 484.3795;

5. A pedestrian who is physically injured or killed as the direct result of a driver of a motor vehicle who failed to stop at the scene of an accident involving the driver and the pedestrian in violation of NRS 484.219; or

6. A resident who is physically injured or killed as the direct result of an act of international terrorism as defined in 18 U.S.C. § 2331(1).

↪ The term includes a person who was harmed by any of these acts whether the act was committed by an adult or a minor.

Sec. 76. NRS 217.220 is hereby amended to read as follows:

217.220 1. Except as otherwise provided in subsections 2 and 3, compensation must not be awarded if the victim:

(a) Was injured or killed as a result of the operation of a motor vehicle, boat or airplane unless the vehicle, boat or airplane was used as a weapon in a deliberate attempt to harm the victim or unless the driver of the vehicle injured a pedestrian, violated any of the provisions of NRS 484.379 *or section 14 of this act* or the use of the vehicle was punishable pursuant to NRS 484.3795;

(b) Was not a citizen of the United States or was not lawfully entitled to reside in the United States at the time the incident upon which the claim is based occurred or he is unable to provide proof that he was a citizen of the United States or was lawfully entitled to reside in the United States at that time;

(c) Was a coconspirator, codefendant, accomplice or adult passenger of the offender whose crime caused the victim's injuries;

(d) Was injured or killed while serving a sentence of imprisonment in a prison or jail;

(e) Was injured or killed while living in a facility for the commitment or detention of children who are adjudicated delinquent pursuant to title 5 of NRS; or

(f) Fails to cooperate with law enforcement agencies. Such cooperation does not require prosecution of the offender.

2. Paragraph (a) of subsection 1 does not apply to a minor who was physically injured or killed while being a passenger in the vehicle of an offender who violated NRS 484.379 *or section 14 of this act* or is punishable pursuant to NRS 484.3795.

3. A victim who is a relative of the offender or who, at the time of the personal injury or death of the victim, was living with the offender in a continuing relationship may be awarded compensation if the offender would not profit by the compensation of the victim.

4. The compensation officer may deny an award if he determines that the applicant will not suffer serious financial hardship. In determining whether an applicant will suffer serious financial hardship, the compensation officer shall not consider:

(a) The value of the victim's dwelling;

(b) The value of one motor vehicle owned by the victim; or

(c) The savings and investments of the victim up to an amount equal to the victim's annual salary.

Sec. 77. NRS 453A.300 is hereby amended to read as follows:

453A.300 1. A person who holds a registry identification card issued to him pursuant to NRS 453A.220 or 453A.250 is not exempt from state

prosecution for, nor may he establish an affirmative defense to charges arising from, any of the following acts:

(a) Driving, operating or being in actual physical control of a vehicle or a vessel under power or sail while under the influence of marijuana.

(b) Engaging in any other conduct prohibited by NRS 484.379, 484.3795, subsection 2 of NRS 488.400, NRS 488.410, 488.420 or 493.130 ~~[-]~~ *or section 14 or 48 of this act.*

(c) Possessing a firearm in violation of paragraph (b) of subsection 1 of NRS 202.257.

(d) Possessing marijuana in violation of NRS 453.336 or possessing drug paraphernalia in violation of NRS 453.560 or 453.566, if the possession of the marijuana or drug paraphernalia is discovered because the person engaged or assisted in the medical use of marijuana in:

(1) Any public place or in any place open to the public or exposed to public view; or

(2) Any local detention facility, county jail, state prison, reformatory or other correctional facility, including, without limitation, any facility for the detention of juvenile offenders.

(e) Delivering marijuana to another person who he knows does not lawfully hold a registry identification card issued by the Department or its designee pursuant to NRS 453A.220 or 453A.250.

(f) Delivering marijuana for consideration to any person, regardless of whether the recipient lawfully holds a registry identification card issued by the Department or its designee pursuant to NRS 453A.220 or 453A.250.

2. In addition to any other penalty provided by law, if the Department determines that a person has willfully violated a provision of this chapter or any regulation adopted by the Department or Division to carry out the provisions of this chapter, the Department may, at its own discretion, prohibit the person from obtaining or using a registry identification card for a period of up to 6 months.

Sec. 78. NRS 458.260 is hereby amended to read as follows:

458.260 1. Except as otherwise provided in subsection 2, the use of alcohol, the status of drunkard and the fact of being found in an intoxicated condition are not:

(a) Public offenses and shall not be so treated in any ordinance or resolution of a county, city or town.

(b) Elements of an offense giving rise to a criminal penalty or civil sanction.

2. The provisions of subsection 1 do not apply to:

(a) A civil or administrative violation for which intoxication is an element of the violation pursuant to the provisions of a specific statute or regulation;

(b) A criminal offense for which intoxication is an element of the offense pursuant to the provisions of a specific statute or regulation;

(c) A homicide resulting from driving, operating or being in actual physical control of a vehicle or a vessel under power or sail while under the

influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484.379, 484.3795, subsection 2 of NRS 488.400, NRS 488.410 or 488.420 ~~or section 14 or 48 of this act~~; and

(d) Any offense or violation which is similar to an offense or violation described in paragraph (a), (b) or (c) and which is set forth in an ordinance or resolution of a county, city or town.

3. This section does not make intoxication an excuse or defense for any criminal act.

Sec. 79. NRS 458.270 is hereby amended to read as follows:

458.270 1. Except as otherwise provided in subsection 7, a person who is found in any public place under the influence of alcohol, in such a condition that he is unable to exercise care for his health or safety or the health or safety of other persons, must be placed under civil protective custody by a peace officer.

2. A peace officer may use upon such a person the kind and degree of force which would be lawful if he were effecting an arrest for a misdemeanor with a warrant.

3. If a licensed facility for the treatment of persons who abuse alcohol exists in the community where the person is found, he must be delivered to the facility for observation and care. If no such facility exists in the community, the person so found may be placed in a county or city jail or detention facility for shelter or supervision for his health and safety until he is no longer under the influence of alcohol. He may not be required against his will to remain in a licensed facility, jail or detention facility longer than 48 hours.

4. An intoxicated person taken into custody by a peace officer for a public offense must immediately be taken to a secure detoxification unit or other appropriate medical facility if his condition appears to require emergency medical treatment. Upon release from the detoxification unit or medical facility, the person must immediately be remanded to the custody of the apprehending peace officer and the criminal proceedings proceed as prescribed by law.

5. The placement of a person found under the influence of alcohol in civil protective custody must be:

(a) Recorded at the facility, jail or detention facility to which he is delivered; and

(b) Communicated at the earliest practical time to his family or next of kin if they can be located.

6. Every peace officer and other public employee or agency acting pursuant to this section is performing a discretionary function or duty.

7. The provisions of this section do not apply to a person who is apprehended or arrested for:

(a) A civil or administrative violation for which intoxication is an element of the violation pursuant to the provisions of a specific statute or regulation;

(b) A criminal offense for which intoxication is an element of the offense pursuant to the provisions of a specific statute or regulation;

(c) A homicide resulting from driving, operating or being in actual physical control of a vehicle or a vessel under power or sail while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484.379, 484.3795, subsection 2 of NRS 488.400, NRS 488.410 or 488.420 ~~[-]~~ *or section 14 or 48 of this act*; and

(d) Any offense or violation which is similar to an offense or violation described in paragraph (a), (b) or (c) and which is set forth in an ordinance or resolution of a county, city or town.

Sec. 80. NRS 458.300 is hereby amended to read as follows:

458.300 Subject to the provisions of NRS 458.290 to 458.350, inclusive, an alcoholic or a drug addict who has been convicted of a crime is eligible to elect to be assigned by the court to a program of treatment for the abuse of alcohol or drugs pursuant to NRS 453.580 before he is sentenced unless:

1. The crime is a crime against the person punishable as a felony or gross misdemeanor as provided in chapter 200 of NRS or the crime is an act which constitutes domestic violence as set forth in NRS 33.018;

2. The crime is that of trafficking of a controlled substance;

3. The crime is a violation of NRS 484.379 or 484.3795 ~~[-]~~ *or section 14 of this act*;

4. The alcoholic or drug addict has a record of two or more convictions of a crime described in subsection 1 or 2, a similar crime in violation of the laws of another state, or of three or more convictions of any felony;

5. Other criminal proceedings alleging commission of a felony are pending against the alcoholic or drug addict;

6. The alcoholic or drug addict is on probation or parole and the appropriate parole or probation authority does not consent to the election; or

7. The alcoholic or drug addict elected and was admitted, pursuant to NRS 458.290 to 458.350, inclusive, to a program of treatment not more than twice within the preceding 5 years.

Sec. 81. NRS 629.065 is hereby amended to read as follows:

629.065 1. Each provider of health care shall, upon request, make available to a law enforcement agent or district attorney the health care records of a patient which relate to a test of his blood, breath or urine if:

(a) The patient is suspected of having violated NRS 484.379, 484.3795, subsection 2 of NRS 488.400, NRS 488.410 or 488.420 ~~[-]~~ *or section 14 or 48 of this act*; and

(b) The records would aid in the related investigation.

➡ To the extent possible, the provider of health care shall limit the inspection to the portions of the records which pertain to the presence of alcohol or a controlled substance, chemical, poison, organic solvent or another prohibited substance in the blood, breath or urine of the patient.

2. The records must be made available at a place within the depository convenient for physical inspection. Inspection must be permitted at all reasonable office hours and for a reasonable length of time. The provider of health care shall also furnish a copy of the records to each law enforcement agent or district attorney described in subsection 1 who requests the copy and pays the costs of reproducing the copy.

3. Records made available pursuant to this section may be presented as evidence during a related administrative or criminal proceeding against the patient.

4. A provider of health care and his agents and employees are immune from any civil action for any disclosures made in accordance with the provisions of this section or any consequential damages.

5. As used in this section, "prohibited substance" has the meaning ascribed to it in NRS 484.1245.

Sec. 82. NRS 690B.029 is hereby amended to read as follows:

690B.029 1. A policy of insurance against liability arising out of the ownership, maintenance or use of a motor vehicle delivered or issued for delivery in this State to a person who is 55 years of age or older must contain a provision for the reduction in the premiums for 3-year periods if the insured:

(a) Successfully completes, after attaining 55 years of age and every 3 years thereafter, a course of traffic safety approved by the Department of Motor Vehicles; and

(b) For the 3-year period before completing the course of traffic safety and each 3-year period thereafter:

(1) Is not involved in an accident involving a motor vehicle for which the insured is at fault;

(2) Maintains a driving record free of violations; and

(3) Has not been convicted of or entered a plea of guilty or nolo contendere to a moving traffic violation or an offense involving:

(I) The operation of a motor vehicle while under the influence of intoxicating liquor or a controlled substance; or

(II) Any other conduct prohibited by NRS 484.379 or 484.3795 *or section 14 of this act* or a law of any other jurisdiction that prohibits the same or similar conduct.

2. The reduction in the premiums provided for in subsection 1 must be based on the actuarial and loss experience data available to each insurer and must be approved by the Commissioner. Each reduction must be calculated based on the amount of the premium before any reduction in that premium is made pursuant to this section, and not on the amount of the premium once it has been reduced.

3. A course of traffic safety that an insured is required to complete as the result of moving traffic violations must not be used as the basis for a reduction in premiums pursuant to this section.

4. The organization that offers a course of traffic safety approved by the Department of Motor Vehicles shall issue a certificate to each person who successfully completes the course. A person must use the certificate to qualify for the reduction in the premiums pursuant to this section.

5. The Commissioner shall review and approve or disapprove a policy of insurance that offers a reduction in the premiums pursuant to subsection 1. An insurer must receive written approval from the Commissioner before delivering or issuing a policy with a provision containing such a reduction.

Sec. 83. NRS 706.8841 is hereby amended to read as follows:

706.8841 1. The Administrator shall issue a driver's permit to qualified persons who wish to be employed by certificate holders as taxicab drivers. Before issuing a driver's permit, the Administrator shall:

(a) Require the applicant to submit a complete set of his fingerprints which the Administrator may forward to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation to ascertain whether the applicant has a criminal record and the nature of any such record, and shall further investigate the applicant's background; and

(b) Require proof that the applicant:

(1) Has been a resident of the State for 30 days before his application for a permit;

(2) Can read and orally communicate in the English language; and

(3) Has a valid license issued under NRS 483.325 which authorizes him to drive a taxicab in this State.

2. The Administrator may refuse to issue a driver's permit if the applicant has been convicted of:

(a) A felony relating to the practice of taxicab drivers in this State or any other jurisdiction at any time before the date of the application;

(b) A felony involving any sexual offense in this State or any other jurisdiction at any time before the date of the application; or

(c) A violation of NRS 484.379 or 484.3795 or *section 14 of this act* or a law of any other jurisdiction that prohibits the same or similar conduct within 3 years before the date of the application.

3. The Administrator may refuse to issue a driver's permit if the Administrator, after the background investigation of the applicant, determines that the applicant is morally unfit or if the issuance of the driver's permit would be detrimental to public health, welfare or safety.

4. A taxicab driver shall pay to the Administrator, in advance, \$40 for an original driver's permit and \$10 for a renewal.

Sec. 84. 1. This section and sections 16 to 21, inclusive, and 46 of this act become effective upon passage and approval.

2. Sections 1 to 6, inclusive, 8 to 15, inclusive, 22 to 45, inclusive, 47 to 50, inclusive, and 52 to 83, inclusive, of this act become effective on October 1, 2005.

3. Sections 16 to 21, inclusive, and 46 of this act expire by limitation on June 10, 2007.

4. Sections 6 and 50 of this act expire by limitation on the date of the repeal of the federal law requiring each state to make it unlawful for a person to operate a motor vehicle with a blood alcohol concentration of 0.08 percent or greater as a condition to receiving federal funding for the construction of highways in this State.

5. Sections 7 and 51 of this act become effective on the date of the repeal of the federal law requiring each state to make it unlawful for a person to operate a motor vehicle with a blood alcohol concentration of 0.08 percent or greater as a condition to receiving federal funding for the construction of highways in this State."

Amend the title of the bill to read as follows:

"AN ACT relating to crimes; establishing the crime of driving under the extreme influence of alcohol for a person who drives a motor vehicle or operates a vessel with a concentration of alcohol of 0.18 or more in his blood or breath; revising the provisions governing when one offense involving the use of intoxicating liquor and controlled substances occurs within 7 years of another offense; requiring the Department of Transportation to establish by regulation a pilot program pursuant to which a county, city or other local government may acquire and use an automated enforcement system to gather evidence to be used for citations for moving traffic violations; making admissible in certain criminal proceedings the results of blood tests administered by phlebotomists or persons with special knowledge, skill, training and education in withdrawing blood in a medically acceptable manner; making mandatory the use of ignition interlock devices by persons convicted of certain offenses; limiting the admissibility of certain affidavits or declarations in certain criminal proceedings; providing that a person may not petition the court for sealing the records relating to a conviction of driving under the extreme influence of alcohol; providing penalties; and providing other matters properly relating thereto."

Amend the summary of the bill to read as follows:

"SUMMARY—Makes various changes concerning offenses involving use of intoxicating liquor and controlled substances and establishes pilot program involving use of automated systems for enforcement of traffic laws. (BDR 43-832)".

Senator Nolan moved the adoption of the amendment.

Remarks by Senators Nolan and Carlton.

Amendment adopted.

Reprinting dispensed with. Bill ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Titus moved that Assembly Joint Resolution 11 be taken from the General File and placed on the Secretary's desk.

Remarks by Senator Titus.

Motion carried.

Senator Tiffany moved that Assembly Bill No. 120 be taken from the General File and placed on the Secretary's desk.

Remarks by Senator Tiffany.

Motion carried.

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

Motion carried.

Senate in recess at 11:35 p.m.

SENATE IN SESSION

At 11:41 p.m.

President pro Tempore Amodei presiding.

Quorum present.

Senator Raggio moved that Assembly Bills Nos. 195, 280, 290 be placed on the General File on the next agenda.

Remarks by Senator Raggio.

Motion carried.

Senator Raggio moved that Senate Bills Nos. 269, 290 be taken from the Unfinished Business File and placed on the Unfinished Business File the next agenda.

Remarks by Senator Raggio.

Motion carried.

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

Motion carried.

Senate in recess at 11:42 p.m.

SENATE IN SESSION

At 12:27 a.m.

President pro Tempore Amodei presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Raggio moved that discussion on all remaining bills be limited to ten minutes per bill for the remainder of floor session.

Remarks by Senators Raggio, Care, Titus, Coffin, Horsford and Carlton.

Motion carried by a division of the house.

Senator Townsend moved that Assembly Bill No. 195 be taken from the General File and placed on the bottom of the General File on the sixth agenda.

Remarks by Senator Townsend.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 210.

Bill read third time.

Remarks by Senator Horsford.

Roll call on Assembly Bill No. 210:

YEAS—21.

NAYS—None.

Assembly Bill No. 210 having received a constitutional majority,
Mr. President pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Assembly.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Raggio moved that Assembly Bill No. 280 be taken from the
General File and placed on the bottom of the General File on the sixth
agenda.

Remarks by Senator Raggio.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 290.

Bill read third time.

Roll call on Assembly Bill No. 290:

YEAS—20.

NAYS—Beers.

Assembly Bill No. 290 having received a constitutional majority,
Mr. President pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 485.

Bill read third time.

Remarks by Senators Care, Titus, Beers and Horsford.

Roll call on Assembly Bill No. 485:

YEAS—11.

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

NOT VOTING—Coffin, Raggio—2.

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

Bill ordered transmitted to the Assembly.

Assembly Bill No. 538.

Bill read third time.

Roll call on Assembly Bill No. 538:

YEAS—21.

NAYS—None.

Assembly Bill No. 538 having received a constitutional majority,
Mr. President pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 550.

Bill read third time.

Roll call on Assembly Bill No. 550:

YEAS—20.

NAYS—Carlton.

Assembly Bill No. 550 having received a constitutional majority,
Mr. President pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 296.

Bill read third time.

Remarks by Senator Care.

Roll call on Assembly Bill No. 296:

YEAS—13.

NAYS—Beers, Cegavske, Coffin, Mathews, McGinness, Rhoads, Tiffany—7.

NOT VOTING—Raggio.

Assembly Bill No. 296 having received a constitutional majority,
Mr. President pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 195.

Bill read third time.

The following amendment was proposed by Senators Townsend and
Tiffany:

Amendment No. 1094.

Amend sec. 9, page 8, line 40, by deleting: "July 1, 2005." and inserting:
"the date on which the State of Nevada receives any waiver or other form of
approval from the Federal Government that is necessary to operate the
Internet website.".

Senator Townsend moved the adoption of the amendment.

Remarks by Senators Townsend and Carlton.

Motion carried by a division of the house.

Reprinting dispensed with. Bill ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Raggio moved to consider Unfinished Business next.

Motion carried.

UNFINISHED BUSINESS

CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 269.

The following Assembly amendment was read:

Amendment No. 757.

Amend the bill as a whole by deleting sections 3 through 5 and renumbering sections 6 and 7 as sections 3 and 4.

Amend sec. 7, page 10, line 8, by deleting: "sections 1 and 6" and inserting "section 3".

Amend sec. 7, page 10, line 10, by deleting: "2 to 5, inclusive," and inserting: "1 and 2".

Amend the title of the bill by deleting the tenth through thirteenth lines and inserting "handicapped parking,".

Senator Nolan moved that the Senate concur in the Assembly amendment to Senate Bill No. 269.

Remarks by Senator Nolan.

Motion carried by a two-thirds majority.

Bill ordered enrolled.

Senate Bill No. 290.

The following Assembly amendment was read:

Amendment No. 712.

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

"Section 1. NRS 482.3763 is hereby amended to read as follows:

482.3763 1. The Director shall order the preparation of special license plates in support of veterans' homes, and establish procedures for the application for and issuance of the plates.

2. The Department shall, upon application therefor and payment of the prescribed fees, issue special license plates in support of veterans' homes to ~~[any]~~ :

(a) *A veteran of the ~~[Armed Forces]~~ Army, Navy, Air Force, Marine Corps or Coast Guard of the United States , a reserve component thereof or ~~[his]~~ the National Guard; or*

(b) *The spouse, parent or child ~~[]~~ of a person described in paragraph (a).*

➡ The plates must be inscribed with the word "VETERAN" ~~[and four consecutive numbers.]~~ and with the seal of the branch of the Armed Forces of the United States *or the seal of the National Guard, as applicable*, requested by the applicant. *A person may request that personalized prestige license plates issued pursuant to NRS 482.3667 be combined with special license plates in support of veterans' homes if that person pays the fees for the personalized prestige license plates in addition to the fees for the special license plates in support of veterans' homes pursuant to subsection 4.*

3. If , during a registration year, the holder of special plates issued pursuant to this section disposes of the vehicle to which the plates are affixed, ~~[he shall retain]~~ *the holder shall:*

(a) *Retain the plates and ~~[]~~*

~~(a) Affix~~ *affix them to another vehicle which meets the requirements of this section ~~[and report the change to the Department in accordance with the~~*

~~procedure set forth for other transfers,] if the holder pays the fee for the transfer of the registration and any registration fee or governmental services tax due pursuant to NRS 482.399; or~~

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

4. In addition to all other applicable registration and license fees and governmental services taxes, and to the special fee for veterans' homes, the fee for:

(a) The initial issuance of the special license plates is \$35.

(b) The annual renewal sticker is \$10.

5. If the special plates issued pursuant to this section are lost, stolen or mutilated, the owner of the vehicle may secure a set of replacement license plates from the Department for a fee of \$10."

Amend sec. 3, page 4, line 6, by deleting "section 1" and inserting: "sections 1 and 2".

Amend sec. 3, page 4, line 8, by deleting "Section 2" and inserting "Section 3".

Amend the title of the bill, first line, after "vehicles;" by inserting: "revising certain provisions governing special license plates in support of veterans' homes;"

Amend the summary of the bill to read as follows:

"SUMMARY—Makes various changes concerning issuance of certain special license plates. (BDR 43-223)".

Senator Nolan moved that the Senate do not concur in the Assembly amendment to Senate Bill No. 290.

Remarks by Senator Nolan.

Motion carried.

Bill ordered transmitted to the Assembly.

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

Motion carried.

Senate in recess at 12:59 a.m.

SENATE IN SESSION

At 2:34 a.m.

President pro Tempore Amodei presiding.

Quorum present.

GENERAL FILE AND THIRD READING

Assembly Bill No. 280.

Bill read third time.

The following amendment was proposed by Senator Raggio:

Amendment No. 1114.

Amend the bill as a whole by deleting sec. 4 and adding:

"Sec. 4. (Deleted by amendment.)".

Amend the title of the bill by deleting the fifth through seventh lines and inserting: "school pupils; requiring access to library facilities for".

Senator Raggio moved the adoption of the amendment.

Remarks by Senator Raggio.

Amendment adopted.

Reprinting dispensed with. Bill ordered to third reading.

Assembly Bill No. 195.

Bill read third time.

Roll call on Assembly Bill No. 195:

YEAS—21.

NAYS—None.

Assembly Bill No. 195 having received a constitutional majority, Mr. President pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 280.

Bill read third time.

Roll call on Assembly Bill No. 280:

YEAS—21.

NAYS—None.

Assembly Bill No. 280 having received a constitutional majority, Mr. President pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Assembly.

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

Motion carried.

Senate in recess at 2:39 a.m.

SENATE IN SESSION

At 2:54 a.m.

President pro Tempore Amodei presiding.

Quorum present.

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the President and Secretary signed Senate Bills Nos. 36, 71, 78, 93, 112, 133, 193, 201, 225, 229, 255, 295, 315, 318, 331, 354; Assembly Bills Nos. 15, 59, 114, 145, 156, 215, 232, 259, 323, 379, 395, 421.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

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

On request of Senator Cegavske, the privilege of the floor of the Senate Chamber for this day was extended to Avery James.

On request of Senator Mathews, the privilege of the floor of the Senate Chamber for this day was extended to the following students, chaperones and teachers from the High Desert Montessori School: Graham Baird, Cortney Kennedy, Sarena Shaver-Sheridan, Martin Boren, Sarah Dover, David Friberg, Graham Gearhart, Briana Husoen, Kristof Janvary, Danielle Lane, Zia Mars, Lindsey Christianson, Eric Eckert, Cady Fine, Thomas Friberg, Ryan Kennedy, Quinten Perkins, Allie Albiniano, Shion Galata, Alex Gearhart, Stephanie Huseon, Adam Janvary, Kai Mars, Tiffany Yang, Tho-minh Bradley, Jim Dunn, John Ewing, Erica Hicks, Madelyn Macias, Samantha Edge, Johnny Botelho, Karl Freitag, Miranda Johnson, Yuki Nakamura, Francisco Rodarte, Emilia Trujillo, Natalie Velarde, Deliah Walker-Jones, Jennie Wilson, Logan Beers, Aaron Dundon, Nathan Navarro-Griffin, Samantha Martinez, Zoya Miller, Zach Pepper, Drew Wheeler; teachers and chaperones: Brigitte Frost, Kathie Stille, Linda Aaquist and Bernie Hamm.

On request of Senator Raggio, the privilege of the floor of the Senate Chamber for this day was extended to Mike Roos.

On request of Senator Townsend, the privilege of the floor of the Senate Chamber for this day was extended to students and teachers from the Mountain View Montessori School and to the following students, chaperones and teachers from the Damonte Ranch High School: Alexa Bowers, Shanda Crain, Breanna Cuesta, Molly Dugan, Nicholas Hassert, Elise Heberger, Tasi Hogan, Justin Holmes, Kaitlyn Holstine, Mikaela Humphreys, Jamie Jackson, Shang Lin, Brenda Martinez, Kelte McCreary, Nicole McGlone, Salina Parigini, Hailey Pitts, Amanda Prasad, Taylor Quinalty, Megan Rainey, Katie Rands, Britney Ricketts, Kelly Souto, Geoffrey Sperle, Jacob Stiteler, Karen Torrisi, Samantha Ybarra; teachers: Jeffrey Thiede, Angela Orr and Noelle Mackey.

Senator Raggio moved that the Senate adjourn until Monday, May 30, 2005, at 11 a.m.

Motion carried.

Senate adjourned at 2:55 a.m.

Approved:

MARK E. AMODEI
President pro Tempore of the Senate

Attest: CLAIRE J. CLIFT
Secretary of the Senate