

**THE ONE HUNDRED AND FOURTEENTH DAY**

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CARSON CITY (Tuesday), May 31, 2005

Senate called to order at 11:37 a.m.

President Hunt presiding.

Roll called.

All present except Senator Horsford, who was excused.

Prayer by the Chaplain, Reverend Elaine Morgan.

Almighty God, our heavenly Father,

Give to those who hold office in our State Senate the spirit of wisdom, charity and justice so they may faithfully serve to promote the well-being of all people in the State of Nevada.

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 Finance, to which was rereferred Senate Bill No. 165, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

WILLIAM J. RAGGIO, *Chair*

## MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, May 30, 2005

*To the Honorable the Senate:*

I have the honor to inform your honorable body that the Assembly on this day passed Assembly Bills Nos. 561, 566; Senate Bills Nos. 4, 26, 99, 102, 104, 303.

Also, I have the honor to inform your honorable body that the Assembly on this day respectfully refused to concur in the Senate Amendments Nos. 847, 1040 to Assembly Bill No. 42; Senate Amendment No. 859 to Assembly Bill No. 44; Senate Amendments Nos. 1037, 1082 to Assembly Bill No. 52; Senate Amendment No. 846 to Assembly Bill No. 143; Senate Amendment No. 888 to Assembly Bill No. 221; Senate Amendment No. 697 to Assembly Bill No. 267; Senate Amendment No. 947 to Assembly Bill No. 314; Senate Amendment No. 1072 to Assembly Bill No. 327; Senate Amendment No. 735 to Assembly Bill No. 337.

DIANE KEETCH

*Assistant Chief Clerk of the Assembly*

## MOTIONS, RESOLUTIONS AND NOTICES

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

Munford, Ocegüera, Ohrenschall, Parks, Parnell, Perkins, Pierce, Seale, Sherer, Sibley and Smith:

Senate Concurrent Resolution No. 44—Recognizing the Southern Nevada Area Health Education Center for its contributions towards the prevention of child abuse.

WHEREAS, Child abuse and neglect are critical and continuing problems among Nevada's families, with more than 13,000 reported cases each year; and

WHEREAS, A child in Nevada is abused or neglected every 2 hours, and half of these victims of abuse and neglect are 5 years old or younger; and

WHEREAS, Child abuse is more common in families that face risk factors such as poverty, insufficient or no access to social services, limited parenting skills, substance abuse and parents who were raised with abuse themselves; and

WHEREAS, Research has shown that the risk of child abuse can be lessened through such preventive strategies as strengthening parenting skills, providing support for families in crisis, facilitating children's social and emotional development, and linking families to services and opportunities; and

WHEREAS, The Southern Nevada Area Health Education Center is a nonprofit organization dedicated to improving Nevada's health status through educational services and community outreach; and

WHEREAS, The mission of the Center's Child Abuse Prevention Program is to prevent child abuse and neglect in Nevada through early intervention, awareness and education; and

WHEREAS, Early this year, the Center was awarded full chapter status as the Nevada Chapter of Prevent Child Abuse America, a nationally recognized initiative for the prevention of child abuse; and

WHEREAS, The Center offers a statewide resource for prevention services, information sharing, learning and program development for children, parents, professionals and communities; and

WHEREAS, The Center partners with providers of children's services, community organizations and other persons and entities throughout the State to address the needs of both rural and urban communities; now, therefore, be it

RESOLVED BY THE SENATE OF THE STATE OF NEVADA, THE ASSEMBLY CONCURRING, That the members of the 73rd Session of the Nevada Legislature hereby recognize the outstanding contributions of the Southern Nevada Area Health Education Center to child abuse prevention, education and intervention for communities in Nevada; and be it further

RESOLVED, That the Legislature hereby congratulates the Center on becoming an official chapter of Prevent Child Abuse America; and be it further

RESOLVED, That the Legislature recognizes the ongoing need to support viable efforts to prevent child abuse and neglect in this State; and be it further

RESOLVED, That the Secretary of the Senate prepare and transmit a copy of this resolution to Debbie Barter, Child Abuse Prevention Program Manager of the Southern Nevada Area Health Education Center, Frank Lassus, Chairman of the Board of Trustees of the Southern Nevada Area Health Education Center, and Rose Yuhos, Executive Director of the Southern Nevada Area Health Education Center.

Senator Cegavske moved the adoption of the resolution.

Remarks by Senator Cegavske.

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

Thank you, Madam President.

The Southern Nevada Area Health Education Center has made many contributions to women in the State of Nevada. On a regular basis, they work with Nevada's First Lady to do the First Lady's Health Conference every two years.

This resolution is to inform everyone about what they are doing and have been doing to make certain that people are aware of the child abuse and the neglect that is so critical and is happening in Nevada. The Center sends out reports. They give us the statistics and information

needed by the Legislators of this State and the citizens of Nevada so that they may understand what is going on with this issue. They have not only helped with women's issues, but also with all of the children's issues. They are a resource for us and I encourage you to visit the Southern Nevada Area Health Education Center and learn more about what they are doing for us. I urge your support. Thank you.

Resolution adopted.

Senator Cegavske moved that all rules be suspended and that Senate Concurrent Resolution No. 44 be immediately transmitted to the Assembly.

Motion carried unanimously.

Senator Raggio moved that the following persons be accepted as accredited press representatives, and that they be assigned space at the press table and allowed the use of appropriate media facilities: KAZR-TV: Anya Arechiga, Adolfo Segura; KLAS-TV: Adam White; KOLO-TV: Danelle Juline; KRNV-TV News 4: M. Colin Hackman; NEVADA APPEAL: Kirk Caraway; THE REBEL YELL: Marek Biernacinski, Melissa Rothermel; RENO GAZETTE-JOURNAL: Bill O'Driscoll; UNIVERSITY OF NEVADA, RENO: Jean Dixon; WINNEMUCCA PUBLISHING CO.: Forrest Newton.

Motion carried.

Senator Raggio moved that Senate Standing Rule No. 50 be suspended which requires a one-day notice to withdraw Assembly Bills Nos. 36, 289 from the Committee on Human Resources and Education.

Remarks by Senator Raggio.

Motion carried.

Senator Raggio moved that Assembly Bills Nos. 36, 289 be withdrawn from the Committee on Human Resources and Education and referred to the Committee on Finance.

Remarks by Senator Raggio.

Motion carried.

Senator Raggio moved that Senate Standing Rule No. 50 be suspended which requires a one-day notice to withdraw Assembly Bill No. 35 from the Committee on Transportation and Homeland Security.

Remarks by Senator Raggio.

Motion carried.

Senator Raggio moved that Assembly Bill No. 35 be withdrawn from the Committee on Transportation and Homeland Security and referred to the Committee on Finance.

Remarks by Senator Raggio.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Assembly Bill No. 561.

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

Motion carried.

Assembly Bill No. 566.

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

Motion carried.

#### GENERAL FILE AND THIRD READING

Senate Bill No. 390.

Bill read third time.

Roll call on Senate Bill No. 390:

YEAS—20.

NAYS—None.

EXCUSED—Horsford.

Senate Bill No. 390 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 526.

Bill read third time.

Roll call on Assembly Bill No. 526:

YEAS—20.

NAYS—None.

EXCUSED—Horsford.

Assembly Bill No. 526 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. 41.

The following Assembly amendment was read:

Amendment No. 886.

Amend section 1, page 1, line 7, by deleting "lien; and" and inserting: "lien . ~~and~~".

Amend section 1, page 1, line 8, after "(b)" by inserting: "*In the case of a lien on a motor vehicle for charges for towing, storing and any related administrative fees:*

(1) *For the first 30 days of the lien:*

(I) *If the amount of the lien does not exceed \$1,000, is a first lien.*

(II) *If the amount of the lien is \$1,000 or more, is a second lien.*

(2) *After the first 30 days of the lien:*

(I) *If the amount of the lien does not exceed \$2,500, is a first lien.*

(II) *If the amount is \$2,500 or more, is a second lien.*

(c)".

Amend section 1, page 1, line 9, by deleting "~~[\$1,000,] \$2,500,~~" and inserting "\$1,000,".

Amend section 1, page 2, line 1, by deleting "~~[\$1,000,] \$2,500,~~" and inserting "\$1,000,".

Amend the title of the bill, second line, after "lien" by inserting: "on motor vehicles".

Senator Amodei moved that the Senate concur in the Assembly amendment to Senate Bill No. 41.

Remarks by Senator Amodei.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 64.

The following Assembly amendment was read:

Amendment No. 816.

Amend sec. 2, page 5, line 26, by deleting "consanguinity." and inserting: "consanguinity ~~[ ]~~ or affinity.".

Amendment No. 1020

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

"Section 1. NRS 111.1031 is hereby amended to read as follows:

111.1031 1. A nonvested property interest is invalid unless:

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

(b) The interest either vests or terminates within ~~[150]~~ 365 years after its creation.

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

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

(b) The condition precedent either is satisfied or becomes impossible to satisfy within ~~[150]~~ 365 years after its creation.

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

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

(b) The power is irrevocably exercised or otherwise terminates within ~~[150]~~ 365 years after its creation.

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

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

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

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

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

Sec. 2. NRS 111.1035 is hereby amended to read as follows:

111.1035 Upon the petition of an interested person, a court shall reform a disposition in the manner that most closely approximates the transferor's manifested plan of distribution and is within the ~~{150}~~ 365 years allowed by paragraph (b) of subsection 1, paragraph (b) of subsection 2 or paragraph (b) of subsection 3 of NRS 111.1031 if:

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

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

3. A nonvested property interest that is not validated by paragraph (a) of subsection 1 of NRS 111.1031 can vest but not within ~~{150}~~ 365 years after its creation."

Amend sec. 5, page 7, by deleting line 13 and inserting:

"Sec. 5. 1. This section and sections 3 to 6, inclusive, of this act become effective on July 1, 2005.

2. Sections 1 and 2 of this act become effective at 12:01 a.m. on October 1, 2005."

Amend the title of the bill, eleventh line, after "grantor;" by inserting: "extending the time within which a nonvested property interest must vest or terminate;"

Amend the summary of the bill to read as follows:

"SUMMARY—Makes various changes concerning conveyances of property. (BDR 10-539)".

Senator Amodei moved that the Senate concur in the Assembly amendments to Senate Bill No. 64.

Remarks by Senator Amodei.

Conflict of interest declared by Senator Raggio.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 83.

The following Assembly amendment was read:

Amendment No. 824.

Amend section 1, page 2, line 31, by deleting: "*that person may:*" and inserting: "*the public body must allow that person to:*".

Amend section 1, page 2, by deleting lines 35 through 37 and inserting: "*body;*

(b) *Have an attorney or other representative of his choosing present with him during the closed meeting; and*

(c) *Present written evidence, provide testimony and present witnesses relating to his character, alleged misconduct, professional competence, or physical or mental health to the public body during the closed meeting.*".

Amend the title of the bill by deleting the fifth line and inserting: "closed meeting to attend the meeting, have an attorney or other representative present at the meeting and present".

Senator Hardy moved that the Senate concur in the Assembly amendment to Senate Bill No. 83.

Remarks by Senator Hardy.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 146.

The following Assembly amendment was read:

Amendment No. 940.

Amend sec. 6, page 4, line 16, before "An" by inserting "*I.*".

Amend sec. 6, page 4, between lines 35 and 36, by inserting:

"2. *In adopting regulations setting forth the criteria and colors to be used pursuant to this section, the Public Utilities Commission of Nevada shall use nationally accepted standards for the identifying criteria and colors for marking subsurface installations.*".

Senator Washington moved that the Senate concur in the Assembly amendment to Senate Bill No. 146.

Remarks by Senator Washington.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 150.

The following Assembly amendment was read:

Amendment No. 887.

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

"Section 1. NRS 207.280 is hereby amended to read as follows:

207.280 Every person who *deliberately* reports to any police officer, sheriff, district attorney, deputy sheriff, deputy district attorney or member of the ~~Nevada Highway Patrol~~ Department of Public Safety that a felony or misdemeanor has been committed, ~~for disseminates such a report by any~~

~~medium of public communication,~~ which causes a law enforcement agency to conduct a criminal or internal investigation, knowing such report to be false, is guilty of a misdemeanor."

Amend the title of the bill to read as follows:

"AN ACT relating to crimes; revising provisions concerning falsely reporting that a crime has been committed; repealing provision concerning the filing of certain false or fraudulent complaints of misconduct against a peace officer; providing a penalty; and providing other matters properly relating thereto."

Amend the summary of the bill to read as follows:

"SUMMARY—Revises provisions concerning false reporting of crimes and repeals provision concerning filing of certain false or fraudulent complaints of misconduct against peace officer. (BDR 23-1168)".

Senator Amodei moved that the Senate concur in the Assembly amendment to Senate Bill No. 150.

Remarks by Senator Amodei.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 155.

The following Assembly amendment was read:

Amendment No. 873.

Amend section 1, page 2, between lines 15 and 16, by inserting:

"4. In addition to the requirements of subsections 1, 2 and 3, every hospital shall, upon the discharge of a patient from the hospital, provide to the patient or his legal representative a written disclosure approved by the director, which written disclosure must set forth:

(a) If the hospital is a major hospital:

(1) Notice of the reduction or discount available pursuant to NRS 439B.260, including, without limitation, notice of the criteria a patient must satisfy to qualify for a reduction or discount under that section; and

(2) Notice of any policies and procedures the hospital may have adopted to reduce charges for services provided to persons or to provide discounted services to persons, which policies and procedures are in addition to any reduction or discount required to be provided pursuant to NRS 439B.260. The notice required by this subparagraph must describe the criteria a patient must satisfy to qualify for the additional reduction or discount, including, without limitation, any relevant limitations on income and any relevant requirements as to the period within which the patient must arrange to make payment.

(b) If the hospital is not a major hospital, notice of any policies and procedures the hospital may have adopted to reduce charges for services provided to persons or to provide discounted services to persons. The notice required by this paragraph must describe the criteria a patient must satisfy to qualify for the reduction or discount, including, without limitation, any



*relevant limitations on income and any relevant requirements as to the period within which the patient must arrange to make payment.*

➡ *As used in this subsection, "major hospital" has the meaning ascribed to it in NRS 439B.115.*

5. *In addition to the requirements of subsections 1 to 4, inclusive, every hospital shall post in a conspicuous place in each public waiting room in the hospital a legible sign or notice in 14-point type or larger, which sign or notice must:*

*(a) Provide a brief description of any policies and procedures the hospital may have adopted to reduce charges for services provided to persons or to provide discounted services to persons, including, without limitation:*

*(1) Instructions for receiving additional information regarding such policies and procedures; and*

*(2) Instructions for arranging to make payment;*

*(b) Be written in language that is easy to understand; and*

*(c) Be written in English and Spanish."*

Amend the title of the bill to read as follows:

"AN ACT relating to public health; requiring hospitals to provide patients with certain information regarding the Bureau for Hospital Patients; requiring hospitals to provide patients with certain information regarding the reduction and discounting of charges; and providing other matters properly relating thereto."

Amend the summary of the bill to read as follows:

"SUMMARY—Requires hospitals to provide patients with certain information. (BDR 40-1254)".

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

Assemblywoman Leslie.

Senator Washington moved that the Senate concur in the Assembly amendment to Senate Bill No. 155.

Remarks by Senator Washington.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 172.

The following Assembly amendment was read:

Amendment No. 857.

Amend sec. 3, page 2, by deleting lines 9 through 18 and inserting:

"Sec. 3. 1. *All sales of property pursuant to NRS 107.080 must be made at auction to the highest bidder and must be made between the hours of 9 a.m. and 5 p.m. The agent holding the sale must not become a purchaser at the sale or be interested in any purchase at such a sale.*

2. *All sales of real property must be made:*

*(a) In a county with a population of less than 100,000, at the courthouse in the county in which the property or some part thereof is situated.*

(b) *In a county with a population of 100,000 or more, at the public location in the county designated by the governing body of the county for that purpose.*"

Amend sec. 7, page 7, by deleting lines 17 through 20 and inserting: "~~the trustee or not.~~ by recording the notice of sale and by:

(a) *Providing the notice to each trustor and any other person entitled to notice pursuant to this section by personal service or by mailing the notice by registered or certified mail to the last known address of the trustor and any other person entitled to such notice pursuant to this section;*"

Amend sec. 7, page 7, by deleting lines 27 and 28 and inserting: "*the county where the property is situated.*"

Amend sec. 7, page 7, line 32, after "redemption." by inserting: "*A person who purchases property pursuant to this section is not a bona fide purchaser, and the sale may be declared void if the trustee or other person authorized to make the sale does not substantially comply with the provisions of this section.*"

Senator Amodei moved that the Senate concur in the Assembly amendment to Senate Bill No. 172.

Remarks by Senator Amodei.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 234.

The following Assembly amendment was read:

Amendment No. 855.

Amend section 1, page 2, by deleting lines 6 through 11 and inserting: "*law in the courts of this State ~~[-]~~ at the time of his election or appointment.*

(c) *Unless he has been an attorney licensed and admitted to practice law in the courts of this State, another state or the District of Columbia for not less than 15 years at any time preceding his election or appointment, at least 2 years of which has been in this State.*

(d) *Unless he is a qualified elector and has been a bona fide*"

Amend section 1, page 2, line 14, by deleting "(d)" and inserting "~~[(d)]~~ (e)".

Amend sec. 2, page 2, by deleting lines 27 through 32 and inserting: "*law in the courts of this State ~~[-]~~ at the time of his election or appointment.*

(c) *Unless he has been an attorney licensed and admitted to practice law in the courts of this State, another state or the District of Columbia for a total of not less than 10 years at any time preceding his election or appointment, at least 2 years of which has been in this State.*

(d) *Unless he is a qualified elector and has been a bona fide*"

Amend sec. 2, page 2, line 35, by deleting "(d)" and inserting "~~[(d)]~~ (e)".

Amend sec. 3, page 3, line 29, by deleting "1999." and inserting "~~[1999.]~~ 2001."

Amend the bill as 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 Legislature hereby finds and declares that:

(a) The State of Nevada continues to have the highest rate of population growth in the country;

(b) The growth in population has also caused the volume of cases filed in the courts of this State to grow exponentially;

(c) This increased caseload has placed a large burden on the Nevada Supreme Court to review and decide appeals from the lower courts;

(d) The burden on the judiciary has caused concern about the adequacy of the current judicial structure;

(e) The Legislature has a duty to provide for the funding of the State, including for a portion of the funding for the courts in this State; and

(f) To ensure its ability to appropriately budget and provide for the needs of the Judicial Branch of State Government, it would be beneficial to the Legislature if the Nevada Supreme Court would conduct a study and submit a report of the study with recommendations to the 74th Session of the Nevada Legislature analyzing whether the State of Nevada would benefit from the establishment of an intermediate appellate court which includes consideration of:

(1) The increase in the number of cases submitted to each level of court in this State during the last 5 years;

(2) The effect that the establishment of an intermediate appellate court would have on the other courts in this State;

(3) The impact that the establishment of an intermediate appellate court would have on the judicial process in this State; and

(4) Any other matter relevant to the consideration of the establishment of an intermediate appellate court in this State.

2. If the Nevada Supreme Court recommends the establishment of an intermediate appellate court in this State, it would be beneficial for the study and report to include an analysis of:

(a) The appropriate number, qualifications and terms of judges who would serve on such a court;

(b) The facilities and staff that would be necessary for such a court;

(c) The jurisdiction to be assigned to such a court;

(d) The manner in which such a court would be integrated into the Judicial Branch of State Government; and

(e) The cost of establishing an intermediate appellate court and the fiscal impact that creating such a court would have on the other courts in this State."

Amend the title of the bill, third line, after "peace;" by inserting: "urging the Supreme Court to conduct a study of the need for the establishment of an intermediate appellate court in this State;"

Amend the summary of the bill to read as follows:

"SUMMARY—Revises qualifications for certain judges and justices and urges Supreme Court to study need for establishment of intermediate appellate court."

Senator Amodei moved that the Senate concur in the Assembly amendment to Senate Bill No. 234.

Remarks by Senator Amodei.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 262.

The following Assembly amendments were read:

Amendment No. 907.

Amend section 1, page 1, line 8, by deleting: "*is located along*" and inserting "*adjoins*".

Amend section 1, page 1, line 11, after "*Transportation*" by inserting: "*pursuant to chapter 410 of NRS*".

Amend section 1, page 2, line 2, after "*Transportation*" by inserting: "*pursuant to chapter 410 of NRS*".

Amend section 1, page 2, line 6, after "*structure*" by inserting: "*pursuant to the applicable local ordinances in existence at that time*".

Amend section 1, page 2, line 17, after "*Transportation*" by inserting: "*pursuant to chapter 410 of NRS*".

Amend sec. 3, page 3, line 22, by deleting: "*is located along*" and inserting "*adjoins*".

Amend sec. 3, page 3, lines 24 and 30, after "*county*" by inserting: "*pursuant to chapter 278 of NRS*".

Amend sec. 3, page 3, line 35, after "*structure*" by inserting: "*pursuant to the applicable local ordinances in existence at that time*".

Amend sec. 3, page 4, line 1, after "*county*" by inserting: "*pursuant to chapter 278 of NRS*".

Amendment No. 1090.

Amend section 1, page 2, line 30, after "2." by inserting: "*Any action authorized pursuant to subsection 1 must comply with applicable federal and state statutes and regulations, agreements with the Federal Government or the State and, to the extent that their provisions do not conflict with this section, local ordinances governing the regulation of outdoor advertising structures.*

3."

Amend section 1, page 2, line 33, by deleting "3." and inserting "4."

Amend section 1, page 2, line 36, by deleting "4." and inserting "5."

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

Amend sec. 3, page 4, line 17, after "2." by inserting: "*Any action authorized pursuant to subsection 1 must comply with applicable federal and state statutes and regulations, agreements with the Federal Government or the State and, to the extent that their provisions do not conflict with this*

*section, local ordinances governing the regulation of outdoor advertising structures.*

3."

Amend sec. 3, page 4, line 20, by deleting "3." and inserting "4."

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

Senator Hardy moved that the Senate concur in the Assembly amendments to Senate Bill No. 262.

Remarks by Senator Hardy.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 267.

The following Assembly amendment was read:

Amendment No. 1066.

Amend sec. 2, page 3, line 33, by deleting "*provided*" and inserting: "*made available at the meeting*".

Amend sec. 3, page 4, by deleting lines 15 through 18 and inserting: "to consider the character, alleged misconduct, professional competence, or physical or mental health of a person.

2. *A person whose character, alleged misconduct, professional competence, or physical or mental health will be considered by a public body*".

Amend sec. 3, page 4, by deleting lines 24 and 25 and inserting: "*consideration of the character, alleged misconduct, professional competence, or physical or mental health of the requester involves the appearance before the*".

Amend sec. 4, page 5, line 11, by deleting "*officer.*" and inserting: "*officer or who serves at the pleasure of a public body as a chief executive or administrative officer or in a comparable position, including, without limitation, a president of a university or community college within the University and Community College System of Nevada, a superintendent of a county school district, a county manager and a city manager.*".

Amend sec. 4, page 5, line 16, by deleting "*officer,*" and inserting: "*officer or other officer described in paragraph (b) of subsection 1,*".

Amend sec. 5, page 5, by deleting lines 19 and 20 and inserting: "consider the character, alleged misconduct, professional competence, or physical or mental health of any person unless it".

Amend sec. 5, page 5, by deleting lines 38 and 39 and inserting: "*considering the character, alleged misconduct, professional competence, or physical or mental health of the person.*".

Amend sec. 5, page 6, by deleting lines 2 through 11 and inserting: "*portion of a meeting to consider the character, alleged misconduct, professional competence, or physical or mental health of a person, each person to whom notice is required to be given pursuant to paragraph (a) of subsection 1 must be allowed to:*

(a) *Attend the closed meeting or that portion of the closed meeting during which his character, alleged misconduct, professional competence, or physical or mental health is considered;*

(b) *Have an attorney or other representative of his choosing present with him during the closed meeting; and*

(c) *Present written evidence, provide testimony and present witnesses relating to his character, alleged misconduct, professional competence, or physical or mental health to the public body during the closed meeting.*

5. *Except as otherwise provided in subsection 4, with regard to the attendance of persons other than members of the public body and the person whose character, alleged misconduct, professional competence, or physical or mental health is considered, the chairman of the public body may at any time before or during a closed meeting:".*

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

Amend sec. 5, page 6, by deleting lines 19 and 20 and inserting: "person whose character, alleged misconduct, professional competence, or physical or mental health was considered at the".

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

Amend sec. 5, page 6, by deleting line 25 and inserting: "misconduct, professional competence, or physical or mental health of the person."

Amend sec. 6, page 7, by deleting line 5 and inserting: "character, alleged misconduct, professional competence, or physical or mental health; and".

Senator Hardy moved that the Senate concur in the Assembly amendment to Senate Bill No. 267.

Remarks by Senator Hardy.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 287.

The following Assembly amendment was read:

Amendment No. 854.

Amend section 1, page 2, by deleting lines 4 through 6, and inserting: "child who is 7 years of age or younger shall not knowingly and intentionally leave that child in a motor vehicle if:

(a) *The conditions present a significant risk to the health and safety of the child; or*

(b) *The engine of the motor vehicle is running or the keys to the vehicle are in the ignition,*

↪ *unless the child is being supervised by and within the sight of a person who is at least 12 years of age."*

Amend section 1, page 2, line 24, after "5." by inserting: "The provisions of this section do not apply to a person who unintentionally locks a motor vehicle with a child in the vehicle.

6."

Amend the title of the bill to read as follows:

"AN ACT relating to crimes; prohibiting a person from knowingly and intentionally leaving a child who is 7 years of age or younger in a motor vehicle without certain supervision in certain circumstances; authorizing a prosecuting attorney to inquire into and inspect sealed records concerning such an offense under certain circumstances; providing a penalty; and providing other matters properly relating thereto."

Amend the summary of the bill to read as follows:

"SUMMARY—Prohibits person from knowingly and intentionally leaving child who is 7 years of age or younger in motor vehicle without certain supervision in certain circumstances. (BDR 15-14)".

Senator Amodei moved that the Senate concur in the Assembly amendment to Senate Bill No. 287.

Remarks by Senator Amodei.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 343.

The following Assembly amendment was read:

Amendment No. 1080.

Amend the bill as a whole by deleting sec. 2 and adding:

"Sec. 2. (Deleted by amendment.)".

Amend sec. 4, page 2, line 14, by deleting "2," and inserting "4,".

Amend sec. 4, page 2, line 30, by deleting: "*subparagraph (1) or (2) of*".

Amend sec. 4, page 2, line 31, by deleting "3;" and inserting "2;".

Amend sec. 4, page 2, by deleting lines 35 and 36 and inserting: "*recording of the surety bond as provided in paragraph (f) of subsection 2.*".

Amend sec. 4, pages 2 and 3, by deleting lines 37 through 41 on page 2 and lines 1 through 29 on page 3.

Amend sec. 4, page 3, line 30, by deleting "3." and inserting "2.".

Amend sec. 4, page 3, line 31, by deleting "*or 2*".

Amend sec. 4, page 3, line 42, by deleting: "*1 or subsection 2,*" and inserting "*1,*".

Amend sec. 4, page 4, by deleting line 5 and inserting "*if any;*".

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

Amend sec. 4, page 4, by deleting line 29 and inserting: "*of this section or subsection 2 of section 5 of this act, the prime contractor*".

Amend sec. 4, page 4, by deleting lines 32 through 40 and inserting:

*"(a) Satisfies the requirements of subsection 1 of this section or subsection 2 of section 5 of this act within 25 days after any work stoppage, the prime contractor who stopped work shall resume work and the prime contractor and his lower-tiered subcontractors and suppliers are entitled to compensation for any reasonable costs and expenses that any of them have incurred because of the delay and remobilization; or*

*(b) Does not satisfy the requirements of subsection 1 of this section or subsection 2 of section 5 of this act within 25 days after the work stoppage,*

*the prime contractor who stopped work may terminate his contract relating to the work of improvement and the prime contractor and his lower-tiered subcontractors and suppliers are entitled to recover: "*

Amend sec. 4, page 4, lines 42 and 43, by deleting "he" and inserting: "*the prime contractor*".

Amend sec. 4, page 5, lines 1 and 4, by deleting "he" and inserting: "*the prime contractor*".

Amend sec. 4, page 5, between lines 8 and 9, by inserting:

*"4. The rights and remedies provided pursuant to this section are in addition to any other rights and remedies that may exist at law or in equity, including, without limitation, the rights and remedies provided pursuant to NRS 624.606 to 624.630, inclusive."*

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

*"Sec. 4.5. 1. The provisions of sections 4 and 5 of this act do not apply:*

*(a) In a county with a population of 400,000 or more with respect to a ground lessee who enters into a ground lease for real property which is designated for use or development by the county for commercial purposes which are compatible with the operation of the international airport for the county.*

*(b) If all owners of the property, individually or collectively, record a written notice of waiver of the owners' rights set forth in NRS 108.234 with the county recorder of the county where the property is located before the commencement of construction of the work of improvement.*

*2. Each owner who serves a notice of waiver pursuant to paragraph (b) of subsection 1 must serve such notice by certified mail, return receipt requested, upon the prime contractor of the work of improvement and all other lien claimants who may give the owner a notice of right to lien pursuant to NRS 108.245, within 10 days after the owner's receipt of a notice of right to lien or 10 days after the date on which the notice of waiver is recorded pursuant to this subsection.*

*3. As used in this section:*

*(a) "Ground lease" means a written agreement:*

*(1) To lease real property which, on the date on which the agreement is signed, does not include any existing buildings or improvements that may be occupied on the land; and*

*(2) That is entered into for a period of not less than 10 years, excluding any options to renew that may be included in any such lease.*

*(b) "Ground lessee" means a person who enters into a ground lease as a lessee with the county as record owner of the real property as the lessor."*

Amend sec. 5, page 5, by deleting line 10 and inserting: "*established and funded pursuant to subsection 2 of this section or subsection 1 of section 4*".

Amend sec. 5, page 5, by deleting lines 13 and 14 and inserting:



"2. Upon the disbursement of any funds from the construction disbursement account for a given pay period:

(a) The lessee shall deposit into the account such additional funds as may be necessary to pay for the completion of the work of improvement, including, without limitation, the costs attributable to additional and changed work, material or equipment;

(b) The construction control described in subsection 1 of section 4 of this act shall certify in writing the amount necessary to pay for the completion of the work of improvement; and

(c) If the amount necessary to pay for the completion of the work of improvement exceeds the amount remaining in the construction disbursement account:

(1) The construction control shall give written notice of the deficiency by certified mail, return receipt requested, to the prime contractor and each person who has given the construction control a notice of right to lien; and

(2) The provisions of subsection 3 of section 4 of this act shall be deemed to apply.

3. The construction control shall disburse money to lien claimants from".

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

Amend sec. 5, page 5, by deleting line 24 and inserting:

"5. Except as otherwise provided in subsection 6, the".

Amend sec. 5, page 5, line 25, by deleting "meritorious" and inserting "legitimate".

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

Amend sec. 5, page 5, by deleting lines 28 through 33 and inserting:

"6. The construction control may bring an action for interpleader in the district court for the county where the property or some part thereof is located if:

(a) The construction control reasonably believes that all or a portion of a claim of lien is not legitimate; or

(b) The construction disbursement account does not have sufficient funds to pay all claims of liens for which the construction control has received notice.

7. If the construction control brings an action for interpleader pursuant to paragraph (a) of subsection 6, the construction control shall pay to the lien claimant any portion of the claim of lien that the construction control reasonably believes is legitimate.".

Amend sec. 5, page 5, line 34, by deleting "6." and inserting "8.".

Amend sec. 5, page 5, line 35, by deleting "5," and inserting "6,".

Amend sec. 5, page 5, by deleting lines 39 through 43 and inserting:

"(b) Provide notice of the action for interpleader by certified mail, return receipt requested, to each person:

(1) Who gives the construction control a notice of right to lien;

(2) Who serves the construction control with a claim of lien;

(3) *Who has performed work or furnished materials or equipment for the work of improvement; or*

(4) *Of whom the construction control is aware may perform work or furnish materials or equipment for the work of improvement; and".*

Amend sec. 5, page 6, line 3, by deleting "7." and inserting "9."

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

Amend sec. 5, page 6, by deleting lines 7 through 12 and inserting:

"10. *If a construction control for a construction disbursement account established by a lessee does not provide a proper certification as required pursuant to paragraph (b) of subsection 2 or does not comply with any other requirement of this section, the construction control and its bond are liable for any resulting damages to any lien claimants.*".

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

"Sec. 8.5. NRS 108.22148 is hereby amended to read as follows:

108.22148 1. "Owner" includes:

(a) The record owner or owners of the property or an improvement to the property as evidenced by a conveyance or other instrument which transfers that interest to him and is recorded in the office of the county recorder in which the improvement or the property is located;

(b) The reputed owner or owners of the property or an improvement to the property;

(c) The owner or owners of the property or an improvement to the property, as shown on the records of the county assessor for the county where the property or improvement is located;

(d) The person or persons whose name appears as owner of the property or an improvement to the property on the building permit; ~~{or}~~

(e) A person who claims an interest in or possesses less than a fee simple estate in the property ~~{or}~~;

(f) *This State or a political subdivision of this State, including, without limitation, an incorporated city or town, that owns the property or an improvement to the property if the property or improvement is used for a private or nongovernmental use or purpose; or*

(g) *A person described in paragraph (a), (b), (c), (d) or (e) who leases the property or an improvement to the property to this State or a political subdivision of this State, including, without limitation, an incorporated city or town, if the property or improvement is privately owned.*

2. The term does not include:

(a) A mortgagee;

(b) A trustee or beneficiary of a deed of trust; ~~{or}~~

(c) The owner or holder of a lien encumbering the property or an improvement to the property ~~{or}~~; *or*

(d) *Except as otherwise provided in paragraph (f) of subsection 1, this State or a political subdivision of this State, including, without limitation, an incorporated city or town."*

Amend sec. 12, page 7, line 10, by deleting "furnished ," and inserting: "furnished or to be furnished,".

Amend sec. 12, page 7, line 18, by deleting "or furnished" and inserting: ", ~~or~~ furnished or to be performed or furnished".

Amend sec. 12, page 7, line 22, by deleting: "existing or new".

Amend sec. 12, page 7, line 23, after "claimant," by inserting: "including, without limitation, any additional or changed work, material or equipment,".

Amend sec. 12, page 7, line 26, by deleting "or furnished" and inserting: ", ~~or~~ furnished or to be performed or furnished".

Amend sec. 13, page 8, line 28, after "furnished" by inserting: "or to be furnished".

Amend sec. 13, page 8, line 31, by deleting "new" and inserting: "additional or changed".

Amend sec. 13, page 8, line 39, after "furnished" by inserting: "or agreed to furnish".

Amend sec. 13, page 9, by deleting line 38 and inserting: "materials or equipment furnished or to be furnished for work or services performed or to be performed,".

Amend sec. 13, page 9, line 45, by deleting "commercial" and inserting "nonresidential".

Amend sec. 15, pages 12 and 13, by deleting lines 28 through 45 on page 12 and lines 1 through 12 on page 13, and inserting:

"4. To be effective and valid, each notice of nonresponsibility that is recorded by a lessor pursuant to this section must be served by personal delivery or by certified mail, return receipt requested:

(a) Upon the lessee within 10 days after the date on which the notice of nonresponsibility is recorded pursuant to subsection 2; and

(b) Upon the prime contractor for the work of improvement within 10 days after the date on which the lessee contracts with the prime contractor for the construction, alteration or repair of the work of improvement.

5. If the prime contractor for the work of improvement receives a notice of nonresponsibility pursuant to paragraph (b) of subsection 4, the prime contractor shall:

(a) Post a copy of the notice of nonresponsibility in an open and conspicuous place on the property within 3 days after his receipt of the notice of nonresponsibility; and

(b) Serve a copy of the notice of nonresponsibility by personal delivery, facsimile or by certified mail, return receipt requested, upon each lien claimant from whom he received a notice of right to lien, within 10 days after his receipt of the notice of nonresponsibility or a notice of right to lien, whichever occurs later.

6. An owner who does not comply with the provisions of this section may not assert any claim that his interest in any improvement and the property upon which an improvement is constructed, altered or repaired is not subject

*to or is immune from the attachment of a lien pursuant to NRS 108.221 to 108.246, inclusive, and sections 2 to 5, inclusive, of this act.*

7. As used in this section, "disinterested owner" means an owner who ~~[did not personally or through his agent or representative, directly or indirectly, request, require, authorize, consent to or cause a work of improvement, or any portion thereof, to be constructed, altered or repaired upon the property of the owner. The term must not be interpreted to invalidate a notice of nonresponsibility recorded pursuant to this section or to deny the rights granted pursuant to this section upon the recording of a notice of nonresponsibility because:~~

(a) ~~The disinterested owner is a lessor or an optionor under a lease that requests, requires, authorizes or consents to his lessee causing the work of improvement to be constructed, altered or repaired upon the property;~~

(b) ~~The lessee personally or through his agent or representative enters into a contract and causes the work of improvement to be constructed, altered or repaired upon the property; and~~

(c) ~~The lessor or optionor notifies the lessee in writing that pursuant to subsection 4, the lessee must record a surety bond before causing a work of improvement to be constructed, altered or repaired upon the property.] :~~

(a) *Does not record a notice of waiver as provided in subsection 4 of section 4 of this act; and*

(b) *Does not personally or through his agent or representative, directly or indirectly, contract for or cause a work of improvement, or any portion thereof, to be constructed, altered or repaired upon the property or an improvement of the owner.*

↪ *The term does not include an owner who is a lessor if the lessee fails to satisfy the requirements set forth in sections 4 and 5 of this act."*

Amend sec. 16, page 13, lines 20 and 30, after "furnished" by inserting: "or to be furnished".

Amend sec. 24, page 25, lines 5 and 6, by deleting "[or services]" and inserting "or services".

Amend sec. 24, page 25, by deleting lines 8 and 9 and inserting: "inclusive, of this act unless the notice has been given."

Amend sec. 25, page 26, by deleting lines 1 through 3 and inserting: "subcontractor may otherwise possess or acquire for delay , acceleration, disruption or impact damages or an extension of time for delays incurred, for any delay , acceleration, disruption or impact event which was".

Amend sec. 25, page 26, line 6, before "contractor" by inserting "prime".

Amend sec. 26, page 26, line 39, by deleting "owner" and inserting "[owner] payor".

Senator Amodei moved that the Senate concur in the Assembly amendment to Senate Bill No. 343.

Remarks by Senator Amodei.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 347.

The following Assembly amendments were read:

Amendment No. 796.

Amend sec. 4, page 2, by deleting lines 13 through 21 and inserting:

"Sec. 4. *"Vulnerable person" means a person who:*

1. *Suffers from a condition of physical or mental incapacitation because of a developmental disability, organic brain damage or mental illness; or*
2. *Has one or more physical or mental limitations that restrict the ability of the person to perform the normal activities of daily living."*

Amend sec. 10, pages 5 and 6, by deleting lines 33 through 43 on page 5 and lines 1 through 8 on page 6, and inserting:

"2. ~~{In addition to any other penalty, the court shall order a public officer or public employee convicted of violating subsection 1 to pay restitution, including without limitation any attorney's fees and costs incurred to:~~

~~(a) Repair the credit history or rating of the person whose personal identifying information the public officer or public employee obtained and used in violation of subsection 1; and~~

~~(b) Satisfy a debt, lien or other obligation incurred by the person whose personal identifying information the public officer or public employee obtained and used in violation of subsection 1.~~

~~3.} A public officer or public employee who violates subsection 1 by obtaining and using the personal identifying information of an older person or a vulnerable person 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 7 years and a maximum term of not more than 20 years, and may be further punished by a fine of not more than \$100,000.~~

3. *Except as otherwise provided in subsection 4, a public".*

Amend sec. 10, page 6, line 20, by deleting "[4.] 5." and inserting "4.".

Amend sec. 10, page 6, line 21, by deleting "4" and inserting "3".

Amend sec. 10, page 6, by deleting line 28 and inserting:

"5. *Except as otherwise provided in subsection 6, a public".*

Amend sec. 10, page 6, line 33, by deleting "7." and inserting "6.".

Amend sec. 10, page 6, line 34, by deleting "6" and inserting "5".

Amend sec. 10, page 6, line 42, by deleting "8." and inserting "7.".

Amend sec. 10, page 7, between lines 2 and 3, by inserting:

"8. *In addition to any other penalty, the court shall order a public officer or public employee convicted of violating any provision of this section to pay restitution, including, without limitation, any attorney's fees and costs incurred to:*

*(a) Repair the credit history or rating of the person whose personal identifying information the public officer or public employee obtained and used in violation of subsection 1; and*

*(b) Satisfy a debt, lien or other obligation incurred by the person whose personal identifying information the public officer or public employee obtained and used in violation of this section."*

Amend sec. 14, page 9, line 10, after "3." by inserting: "*An issuer that is subject to and complies with the privacy and security provisions of the Gramm-Leach-Bliley Act, 15 U.S.C. §§ 6801 et seq., shall be deemed to be in compliance with the notification requirements of this section.*

4."

Amend sec. 17, page 10, line 21, by deleting "26," and inserting "28,".

Amend sec. 21, page 11, by deleting lines 6 and 7 and inserting: "*lawfully made available to the general public.*"

Amend the bill as a whole by renumbering sections 25 through 28 as sections 27 through 30 and adding new sections designated sections 25 and 26, following sec. 24, to read as follows:

"Sec. 25. *A data collector who provides the notification required pursuant to section 24 of this act may commence an action for damages against a person that unlawfully obtained or benefited from personal information obtained from records maintained by the data collector. A data collector that prevails in such an action may be awarded damages which may include, without limitation, the reasonable costs of notification, reasonable attorney's fees and costs and punitive damages when appropriate. The costs of notification include, without limitation, labor, materials, postage and any other costs reasonably related to providing the notification.*

Sec. 26. *In addition to any other penalty provided by law for the breach of the security of the system data maintained by a data collector, the court may order a person who is convicted of unlawfully obtaining or benefiting from personal information obtained as a result of such breach to pay restitution to the data collector for the reasonable costs incurred by the data collector in providing the notification required pursuant to section 24 of this act, including, without limitation, labor, materials, postage and any other costs reasonably related to providing such notification.*"

Amend sec. 27, page 13, by deleting lines 23 through 26 and inserting:

"1. *A business in this State shall not transfer any personal information of a customer through an electronic transmission other than a facsimile to a person outside of the secure system of the business unless the business uses encryption to ensure the security of the electronic transmission. A secure system must not be accessible to any person outside of the business.*"

Amend sec. 28, page 13, line 34, by deleting "27," and inserting "28,".

Amend sec. 28, page 13, after line 35, by inserting:

"3. Section 29 of this act becomes effective on October 1, 2008."

Amendment No. 1031.

Amend sec. 24, page 13, line 17, by deleting "*§1681a*," and inserting "*§1681a(p)*."

Amend sec. 29, page 14, by deleting lines 9 and 10 and inserting: "*security of electronic transmission.*"

Senator Amodei moved that the Senate concur in the Assembly amendments to Senate Bill No. 347.

Remarks by Senator Amodei.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 411.

The following Assembly amendment was read:

Amendment No. 786.

Amend sec. 14, page 11, by deleting lines 3 through 8 and inserting:

"7. *The ordinance authorizing the levy of assessments must allow the governing body to authorize the treasurer to reduce or waive for good cause the collection of any penalties assessed pursuant to subsection 4 of NRS 271.415 and any interest incurred pursuant to NRS 271.585.*".

Amend sec. 21, page 20, line 20, by deleting "271.320" and inserting "271.325".

Senator Hardy moved that the Senate concur in the Assembly amendment to Senate Bill No. 411.

Remarks by Senator Hardy.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 415.

The following Assembly amendment was read:

Amendment No. 826.

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

"Sec. 5. NRS 656.090 is hereby repealed."

Amend the bill as a whole by adding the text of repealed section, following sec. 6, to read as follows:

"

#### TEXT OF REPEALED SECTION

656.090 Public meetings; executive sessions. All meetings of the Board shall be open and public, except that the Board may hold executive sessions to:

1. Deliberate on the decision to be reached upon any contested hearing.
2. Prepare, administer or grade examinations."

Senator Hardy moved that the Senate concur in the Assembly amendment to Senate Bill No. 415.

Remarks by Senator Hardy.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 421.

The following Assembly amendment was read:

Amendment No. 910.

Amend section 1, page 2, by deleting lines 22 and 23 and inserting:

"4. ~~[Each]~~ *Except as otherwise provided in subsection 6, a public body* ~~[may]~~ *shall, for each of its meetings, whether*".

Amend section 1, page 2, line 42, by deleting: "*subsections 6 and 7,*" and inserting "*subsection 6,*".

Amend section 1, page 3, by deleting lines 4 through 6.

Amend section 1, page 3, line 7, by deleting "7." and inserting "6.".

Amend the bill as a whole by adding a new section designated sec. 12.5, following sec. 12, to read as follows:

"Sec. 12.5. NRS 287.0415 is hereby amended to read as follows:

287.0415 1. A majority of the members of the Board constitutes a quorum for the transaction of business.

2. The Governor shall designate one of the members of the Board to serve as the Chairman.

3. The Board shall meet at least once every calendar quarter and at other times upon the call of the Chairman.

4. The Board may meet in closed session:

(a) To discuss matters relating to personnel;

(b) To prepare a request for a proposal or other solicitation for bids to be released by the Board for competitive bidding; or

(c) As otherwise provided pursuant to chapter 241 of NRS.

5. *Except as otherwise provided in this subsection, if the Board causes a meeting to be transcribed by a court reporter who is certified pursuant to chapter 656 of NRS, the Board shall post a transcript of the meeting on its Internet website not later than 30 days after the meeting. The Board shall post a transcript of a closed session of the Board on its Internet website when the Board determines that the matters discussed no longer require confidentiality and, if applicable, the person whose character, conduct, competence or health was discussed in the closed session has consented to the posting.*

6. As used in this section, "request for a proposal" has the meaning ascribed to it in subsection 8 of NRS 333.020."

Amend the title of the bill, fifth line, after "exceptions;" by inserting: "requiring the Board of the Public Employees' Benefits Program to post minutes of its meetings on its Internet website under certain circumstances;".

Amend the summary of the bill to read as follows:

"SUMMARY—Revises certain provisions relating to Open Meeting Law. (BDR 19-99)".

Senator Hardy moved that the Senate concur in the Assembly amendment to Senate Bill No. 421.

Remarks by Senator Hardy.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 422.

The following Assembly amendment was read:

Amendment No. 754.



Amend sec. 5, page 2, by deleting line 8 and inserting: "*complex for which a business license issued by the county is required for its operation.*".

Amend sec. 8, page 2, by deleting lines 43 and 44 and inserting:

"(a) *A person who holds a license issued pursuant to chapter 645 of NRS; or*".

Amend sec. 9, page 3, by deleting lines 19 through 21 and inserting:

"(a) *A property managed by a person who holds a license issued pursuant to chapter 645 of NRS; or*".

Amend sec. 22, page 8, by deleting line 45 and inserting: "*complex for which a business license issued by the city is required for its operation.*".

Amend sec. 25, page 9, by deleting lines 37 and 38 and inserting:

"(a) *A person who holds a license issued pursuant to chapter 645 of NRS; or*".

Amend sec. 26, page 10, by deleting lines 14 through 16 and inserting:

"(a) *A property managed by a person who holds a license issued pursuant to chapter 645 of NRS; or*".

Senator Hardy moved that the Senate concur in the Assembly amendment to Senate Bill No. 422.

Remarks by Senator Hardy.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 432.

The following Assembly amendment was read:

Amendment No. 882.

Amend section 1, pages 2 and 3, by deleting lines 39 through 45 on page 2 and lines 1 through 4 on page 3, and inserting:

"(k) All money, benefits, privileges or immunities accruing or in any manner growing out of any life insurance, if the annual premium paid does not exceed ~~[\$1,000.]~~ \$15,000. If the premium exceeds that amount, a similar exemption exists which bears the same proportion to the money, benefits, privileges and immunities so accruing or growing out of the insurance that the ~~[\$1,000.]~~ \$15,000 bears to the whole annual premium paid."

Senator Amodei moved that the Senate concur in the Assembly amendment to Senate Bill No. 432.

Remarks by Senator Amodei.

Conflict of interest declared by Senator Raggio.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 444.

The following Assembly amendment was read:

Amendment No. 956.

Amend section 1, page 2, line 36, by deleting "*section,*" and inserting: "*section in an establishment for which a nonrestricted license has been issued,*".

Amend section 1, page 2, by deleting lines 39 through 41 and inserting:

*"(4) Shall, at all times that a fee is charged for admission to an area pursuant to this section in an establishment for which a restricted license has been issued, post a sign of a suitable size in a conspicuous place near the entrance of the establishment that provides notice to patrons that they do not need to pay an admission fee or cover charge to engage in gaming.*

*(5) Shall not use a fee charged for admission to create a private gaming area that is not operated in association or conjunction with a nongaming activity, attraction or facility.*

*(6) Shall not restrict admission to the area for which a fee for admission is charged to a patron on the ground of race, color, religion, national origin or disability of the".*

Amend section 1, page 3, line 3, after "licensee" by inserting: "who holds a nonrestricted license".

Senator Amodei moved that the Senate concur in the Assembly amendment to Senate Bill No. 444.

Remarks by Senator Amodei.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 450.

The following Assembly amendment was read:

Amendment No. 814.

Amend the bill as a whole by renumbering sections 1 through 8 as sections 2 through 9 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. NRS 193.166 is hereby amended to read as follows:

193.166 1. Except as otherwise provided in NRS 193.169, a person who commits a crime that is punishable as a felony, other than a crime that is punishable as a felony pursuant to subsection 5 of NRS 200.591, in violation of:

(a) A temporary or extended order for protection against domestic violence issued pursuant to NRS 33.020;

(b) An order for protection against harassment in the workplace issued pursuant to NRS 33.270;

(c) A temporary or extended order for the protection of a child issued pursuant to NRS 33.400;

(d) An order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS; or

~~[(d)]~~ (e) A temporary or extended order issued pursuant to NRS 200.591, shall be punished by imprisonment in the state prison, except as otherwise provided in this subsection, for a term equal to and in addition to the term of imprisonment prescribed by statute for that crime. If the crime committed by the person is punishable as a category A felony or category B felony, in addition to the term of imprisonment prescribed by statute for that crime, the

person 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 5 years. The sentence prescribed by this section runs concurrently or consecutively with the sentence prescribed by statute for the crime, as ordered by the court.

2. The court shall not grant probation to or suspend the sentence of any person convicted of attempted murder, battery which involves the use of a deadly weapon, or battery which results in substantial bodily harm if an additional term of imprisonment may be imposed for that primary offense pursuant to this section.

3. This section 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."

Amend sec. 3, page 3, line 24, by deleting "1."

Amend sec. 3, pages 3 and 4, by deleting lines 28 through 43 on page 3 and lines 1 through 3 on page 4.

Amend sec. 5, page 6, line 2, by deleting "1." and inserting "[1.]"

Amend sec. 5, page 6, by deleting lines 5 through 26 and inserting:

"by law for the act that constitutes the violation of the order. ~~If the violation is accompanied by a violent physical act by that person against a person protected by the order, the court shall:~~

~~(a) Impose upon the person who violated the order a fine of \$1,000 or require him to perform a minimum of 200 hours of community service;~~

~~(b) Sentence the person who violated the order to imprisonment for not fewer than 5 days nor more than 6 months;~~

~~(c) Order the person who violated the order to reimburse the employer, in an amount determined by the court, for all costs and attorney's fees incurred by the employer in seeking to enforce the order, and for all medical expenses of the employer and any person protected by the order that were incurred as a result of the violent physical act; and~~

~~(d) Order the person who violated the order to participate in an complete a program of professional counseling, at his own expense, if such counseling is available.~~

~~2.—The person who violates a temporary or extended order for protection against harassment in the workplace shall comply with the order for reimbursement of the employer or any other person protected by the order before paying a fine imposed pursuant to this section.]".~~

Senator Amodei moved that the Senate concur in the Assembly amendment to Senate Bill No. 450.

Remarks by Senator Amodei.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 452.

The following Assembly amendment was read:

Amendment No. 795.

Amend section 1, page 2, by deleting lines 8 through 19 and inserting:

*"(b) The Attorney General or his designee;*

*(c) The Director of the Department of Corrections or his designee;*

*(d) One member who is a representative of the Judicial Branch of State Government, appointed by the Chief Justice of the Supreme Court;*

*(e) One member appointed by the Nevada Sheriffs and Chiefs Association, or a successor organization;*

*(f) One member appointed by the Nevada District Attorneys Association, or a successor organization;*

*(g) One member appointed by the Director of the Department who uses the Central Repository to obtain information relating to records of criminal history for purposes other than criminal justice, which may include, without limitation, for purposes of determining eligibility of persons for employment or licensure;"*.

Amend section 1, page 2, line 20, by deleting "(f)" and inserting "(h)".

Amend section 1, page 2, line 22, by deleting "(g)" and inserting "(i)".

Amend section 1, page 2, by deleting lines 31 through 33 and inserting:

*"4. Each member that is appointed to the Advisory Committee pursuant to subsection 2, other than a member of the Senate or the Assembly, shall serve a term of 3 years. A member of the Senate and the Assembly appointed to the Advisory Committee shall serve until a replacement is appointed. Any vacancy occurring in the membership of the Advisory"*.

Senator Amodei moved that the Senate concur in the Assembly amendment to Senate Bill No. 452.

Remarks by Senator Amodei.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 466.

The following Assembly amendment was read:

Amendment No. 1005.

Amend the bill as a whole by deleting section 1 and renumbering sections 2 and 3 as sections 1 and 2.

Amend sec. 2, pages 1 and 2, by deleting lines 16 through 18 on page 1 and lines 1 through 18 on page 2, and inserting:

*"1. Notwithstanding any other provision of law, a public body shall not sell or lease for a term of more than 5 years a water right owned by the public body unless the public body, after holding at least one public hearing at which public comment was solicited, has issued written findings that:*

*(a) The sale or lease of the water right is consistent with the prudent, long-term management of the water resources within the jurisdiction of the public body;*

*(b) The sale or lease of the water right will not deprive residents and businesses within the jurisdiction of the public body of reasonable access to water resources for growth and development;*

(c) *The sale or lease of the water right is a reasonable means of promoting development and use of the water right; and*

(d) *The means by which the water right is sold or leased reasonably ensures that the public body will receive the actual value of the water right or comparable economic benefits.*

2. *As used in this section, "public body" means the State or a county, city, town, school district or any public agency of this State or its political subdivisions. The term does not include a water district organized pursuant to a special act of the Legislature or a water authority organized as a political subdivision created by a cooperative agreement."*

Amend the title of the bill to read as follows:

"AN ACT relating to water; requiring certain public bodies to make written determinations before selling or leasing for a certain period their water rights; and providing other matters properly relating thereto."

Amend the summary of the bill to read as follows:

"SUMMARY—Requires certain public bodies to make written determinations before sales or certain leases of their water rights. (BDR 20-1351)".

Senator Hardy moved that the Senate concur in the Assembly amendment to Senate Bill No. 466.

Remarks by Senator Hardy.

Conflict of interest declared by Senator Raggio.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 488.

The following Assembly amendment was read:

Amendment No. 993.

Amend section 1, pages 1 and 2, by deleting lines 2 through 16 on page 1 and lines 1 and 2 on page 2, and inserting:

"237.080 1. Before ~~adopting~~ a governing body of a local government adopts a proposed rule, the governing body ~~of a local government~~ or its designee must notify trade associations or owners and officers of businesses which are likely to be affected by the proposed rule that they may submit data or arguments to the governing body or its designee as to whether the proposed rule will:

(a) *Impose a direct and significant economic burden upon a business; or*

(b) *Directly restrict the formation, operation or expansion of a business.*

➡ *Notification provided pursuant to this subsection must include the date by which the data or arguments must be received by the governing body or its designee, which must be at least 15 working days after the notification is sent.*

2. *If the governing body or its designee does not receive any data or arguments from the trade associations or owners or officers of businesses that were notified pursuant to subsection 1 within the period specified in the*

notification, a rebuttable presumption is created that the proposed rule will not impose a direct and significant economic burden upon a business or directly restrict the formation, operation or expansion of a business.

3. After the period for submitting data or arguments specified in the notification provided pursuant to subsection 1 has expired, the governing body or its designee shall determine whether the proposed rule is likely to:

- (a) Impose a direct and significant economic burden upon a business; or
- (b) Directly restrict the formation, operation or expansion of a business.

~~{2.}~~

➡ If no data or arguments were submitted pursuant to subsection 1, the governing body or its designee shall make its determination based on any information available to the governing body or its designee.

4. If the governing body ~~{of a local government}~~ or its designee determines pursuant to subsection ~~{1}~~ 3 that a proposed rule is likely to impose a".

Amend section 1, page 2, line 5, after "body" by inserting: "or its designee".

Amend section 1, page 2, by deleting lines 17 and 18 and inserting:

"5. After making a determination pursuant to subsection 3, the governing body or its designee shall prepare a business".

Amend sec. 2, page 2, line 34, after "government" by inserting: "or its designee".

Amend sec. 2, page 2, line 36, after "body" by inserting: "or its designee".

Amend the bill as a whole by renumbering sections 3 through 5 as sections 4 through 6 and adding a new section designated sec. 3, following sec. 2, to read as follows:

"Sec. 3. NRS 237.100 is hereby amended to read as follows:

237.100 1. A business that is aggrieved by a rule adopted by the governing body of a local government on or after January 1, 2000, may object to all or a part of the rule by filing a petition with the governing body that adopted the rule within 30 days after the date on which the rule was adopted.

2. A petition filed pursuant to subsection 1 may be based on the following grounds:

- (a) The governing body of the local government *or its designee* failed to prepare a business impact statement as required pursuant to NRS 237.080; or
- (b) The business impact statement prepared by the governing body *or its designee* pursuant to NRS 237.080 did not consider or significantly underestimated the economic effect of the rule on businesses.

3. After receiving a petition pursuant to subsection 1, the governing body of a local government shall determine whether the petition has merit. If the governing body determines that the petition has merit, the governing body may take action to amend the rule to which the business objected.

4. Each governing body of a local government shall provide a procedure for an aggrieved business to object to a rule adopted by the governing body.

The procedure must be filed with the clerk of the local government and available upon request at no charge."

Senator Hardy moved that the Senate concur in the Assembly amendment to Senate Bill No. 488.

Remarks by Senator Hardy.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 489.

The following Assembly amendment was read:

Amendment No. 955.

Amend section 1, page 1, line 3, after "*person*," by inserting: "*other than a party to the lease contract, retail installment contract or security agreement*,".

Amend section 1, page 2, by deleting lines 2 through 7 and inserting: "*contract or agreement*,".

Amend section 1, page 2, by deleting lines 15 and 16 and inserting: "*provisions of this section is guilty of a gross misdemeanor*,".

Senator Amodei moved that the Senate concur in the Assembly amendment to Senate Bill No. 489.

Remarks by Senator Amodei.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 20.

The following Assembly amendments were read:

Amendment No. 903.

Amend section 1, page 2, by deleting lines 8 through 15 and inserting:

"(b) Two members by the governing body of the ~~[largest]~~ incorporated city *with the largest population* in the county from their own number.

(c) One member by the governing body of the ~~[second-largest]~~ incorporated city *with the second largest population* in the county from their own number.

(d) One member by the governing body of the ~~[third-largest]~~ incorporated city *with the third largest population* in the county from their own number.

(e) *One member by the governing body of the incorporated city with the smallest population in the county from their own number*,".

Amend section 1, page 2, by deleting lines 21 and 22 and inserting: "submitted by the chamber of commerce of the ~~[largest]~~ incorporated city *with the largest population* in the county. If the nominees so listed are unsatisfactory to the".

Amend section 1, page 2, by deleting line 40 and inserting: "~~[largest]~~ incorporated city *with the largest population* in the county,".

Amendment No. 1093

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

"Sec. 2. Section 1.050 of the Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, as amended by chapter 215, Statutes of Nevada 1997, at page 747, is hereby amended to read as follows:

Sec. 1.050 Elective offices.

1. The elective officers of the City consist of:

(a) A Mayor.

(b) ~~{Four Councilmen.}~~ *One Councilman from each ward.*

(c) One or more Municipal Judges, as determined pursuant to section 4.005 of this Charter.

2. Such officers must be elected as provided by this Charter.

Sec. 3. Section 2.010 of the Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, as last amended by chapter 344, Statutes of Nevada 1999, at page 1413, is hereby amended to read as follows:

Sec. 2.010 City Council: Qualifications; election; term of office; salary.

1. The legislative power of the City is vested in a City Council consisting of four Councilmen and a Mayor.

2. The Mayor must be:

(a) A bona fide resident of the City for at least 6 months immediately preceding his election.

(b) A qualified elector within the City.

3. Each Councilman:

(a) Must be a qualified elector who has resided in the ward which he represents for at least 30 days immediately preceding the last day for filing a declaration of candidacy for his office.

(b) Must continue to live in the ward he represents, except that changes in ward boundaries made pursuant to section 1.045 of this Charter will not affect the right of any elected Councilman to continue in office for the term for which he was elected.

4. At the time of filing, if so required by an ordinance duly enacted, candidates for the office of Mayor and Councilman shall produce evidence in satisfaction of any or all of the qualifications provided in subsection 2 or 3, whichever is applicable.

5. ~~{All Councilmen, including the Mayor,}~~ *Each Councilman* must be voted upon *only* by the registered voters of the ~~{City at large, and their terms}~~ *ward that he seeks to represent, and his term of office {are} is 4 years.*

6. *The Mayor must be voted upon by the registered voters of the City at large, and his term of office is 4 years.*

7. The Mayor and Councilmen are entitled to receive a salary in an amount fixed by the City Council.

Sec. 4. Section 5.010 of the Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, as last amended by chapter 73, Statutes of Nevada 2003, at page 485, is hereby amended to read as follows:



Sec. 5.010 General municipal elections.

1. On the Tuesday after the first Monday in June 1977, and at each successive interval of 4 years thereafter, there ~~[shall]~~ *must* be elected, ~~[by the qualified voters of the City,]~~ at a general election to be held for that purpose, a Mayor and two Councilmen, who shall hold office for a period of 4 years and until their successors have been elected and qualified.

2. On the Tuesday after the first Monday in June 1975, and at each successive interval of 4 years thereafter, there ~~[shall]~~ *must* be elected, ~~[by the qualified voters of the City,]~~ at a general election to be held for that purpose, two Councilmen, who shall hold office for a period of 4 years and until their successors have been elected and qualified.

3. *In such a general election:*

(a) *A candidate for the office of City Councilman must be elected only by the registered voters of the ward that he seeks to represent.*

(b) *Candidates for all other elective offices must be elected by the registered voters of the City at large.*

Sec. 5. Section 5.020 of the Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, as last amended by chapter 637, Statutes of Nevada 1999, at page 3566, is hereby amended to read as follows:

Sec. 5.020 Primary municipal elections; declaration of candidacy.

1. The City Council shall provide by ordinance for candidates for elective office to declare their candidacy and file the necessary documents. The seats for City Councilmen must be designated by the numbers one through four, which numbers must correspond with the wards the candidates for City Councilmen will seek to represent. A candidate for the office of City Councilman shall include in his declaration of candidacy the number of the ward which he seeks to represent. Each candidate for City Council must be designated as a candidate for the City Council seat that corresponds with the ward that he seeks to represent.

2. If for any general municipal election there are three or more candidates for the offices of Mayor or Municipal Judge, or for a particular City Council seat, a primary election for any such office must be held on the Tuesday following the first Monday in April preceding the general election.

*In the primary election:*

(a) *A candidate for the office of City Councilman must be voted upon only by the registered voters of the ward that he seeks to represent.*

(b) *Candidates for all other elective offices must be voted upon by the registered voters of the City at large.*

3. Except as otherwise provided in subsection 4, after the primary election, the names of the two candidates for Mayor, Municipal Judge and each City Council seat who receive the highest number of votes must be placed on the ballot for the general election.

4. If one of the candidates for Mayor, Municipal Judge or a City Council seat receives a majority of the total votes cast for that office in the primary

election, he shall be declared elected to office and his name must not appear on the ballot for the general election.

Sec. 6. The two City Councilmen for the City of North Las Vegas elected from Wards 1 and 3 whose terms of office commenced on July 1, 2005, shall be deemed to represent only Wards 1 and 3, respectively, commencing on July 1, 2007."

Amend sec. 2, page 3, by deleting line 34 and inserting

"Sec. 7. 1. This section becomes effective upon passage and approval.

2. Section 1 of this act becomes effective upon passage and approval".

Amend sec. 2, page 3, after line 38, by inserting:

"3. Sections 2 to 6, inclusive, of this act become effective on January 27, 2007, for the purposes related to the filing of a declaration of candidacy for the Office of City Councilman for the City of North Las Vegas and on July 1, 2007, for all other purposes."

Amend the title of the bill to read as follows:

"AN ACT relating to local government; increasing the membership of certain county fair and recreation boards; revising the procedure for appointing certain members of such county fair and recreation boards; requiring that City Councilmen for the City of North Las Vegas be voted for and elected only by the registered voters of the ward that the Councilman will represent; and providing other matters properly relating thereto."

Amend the summary of the bill to read as follows:

"SUMMARY—Makes various changes relating to governing bodies of certain local governments. (BDR 20-682)".

Senator Hardy moved that the Senate do not concur in the Assembly amendments to Senate Bill No. 20.

Remarks by Senator Hardy.

Motion carried.

Bill ordered transmitted to the Assembly.

Senate Bill No. 198.

The following Assembly amendment was read:

Amendment No. 1041.

Amend the bill as a whole by renumbering section 1 as sec. 1.5 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. NRS 104.3102 is hereby amended to read as follows:

104.3102 1. This article applies to negotiable instruments. It does not apply to money, to payment orders governed by article 4A, or to securities governed by article 8.

2. If there is conflict between this article and article 4 or 9, articles 4 and 9 govern.

3. Regulations of the Board of Governors of the Federal Reserve System and operating circulars of the Federal Reserve banks supersede any inconsistent provision of this article to the extent of the inconsistency.

4. *The provisions of this article do not impair or abrogate any remedy that may exist, at law or in equity, under any other law, including the common law or any other state or federal statute."*

Senator Amodei moved that the Senate do not concur in the Assembly amendment to Senate Bill No. 198.

Remarks by Senator Amodei.

Motion carried.

Bill ordered transmitted to the Assembly.

Senate Bill No. 212.

The following Assembly amendment was read:

Amendment No. 929.

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

"Section 1. 1. The board of trustees of each school district shall determine the feasibility of establishing a schedule for public schools, excluding charter schools, as follows:

(a) Beginning the school day of all elementary schools before all middle schools, junior high schools and high schools.

(b) Beginning the school day of all middle schools and junior high schools before all high schools.

(c) Beginning the school day of all high schools not earlier than 8 a.m.

2. If the board of trustees of a school district determines that the schedule set forth in subsection 1 is feasible, the board may implement such a schedule.

3. On or before January 1, 2007, the board of trustees of each school district shall submit to the Department of Education a written summary of the determination made pursuant to subsection 1.

4. On or before February 1, 2007, the Department of Education shall submit a written report of the summaries and any recommendations for legislation to the Director of the Legislative Counsel Bureau for transmission to the 74th Session of the Nevada Legislature."

Amend the title of the bill to read as follows:

"AN ACT relating to education; requiring the boards of trustees of school districts to determine the feasibility of scheduling the start times for public schools in a certain manner; and providing other matters properly relating thereto."

Amend the summary of the bill to read as follows:

"SUMMARY—Requires school districts to determine scheduling start times for public schools in certain manner. (BDR S-729)".

Senator Washington moved that the Senate do not concur in the Assembly amendment to Senate Bill No. 212.

Remarks by Senator Washington.

Motion carried.

Bill ordered transmitted to the Assembly.

Senate Bill No. 221.

The following Assembly amendment was read:

Amendment No. 928.

Amend the bill as a whole by deleting section 1 and renumbering sections 2 and 3 as sections 1 and 2.

Amend sec. 2, page 4, by deleting lines 4 and 5 and inserting: *"interscholastic activities and events, including sports. A homeschooled child who participates in interscholastic activities and events pursuant to this subsection must participate within the school district of the child's residence through the public school which the child is otherwise zoned to attend. Any rules or regulations that apply to pupils"*.

Senator Washington moved that the Senate do not concur in the Assembly amendment to Senate Bill No. 221.

Remarks by Senator Washington.

Motion carried.

Bill ordered transmitted to the Assembly.

Senate Bill No. 296.

The following Assembly amendments were read:

Amendment No. 942.

Amend sec. 2, page 2, by deleting lines 26 through 30 and inserting:

*"(a) If the person who is the subject of a background investigation by the employer provides written authorization for the release of the information; and*

*(b) Either:*

*(1) The employer is required by law to conduct the background investigation of the person for employment purposes; or*

*(2) The person who is the subject of the background investigation could, in the course of his employment, have regular and substantial contact with children or regular and substantial contact with elderly persons who require assistance or care from other persons,"*.

Amend the title of the bill, fifth and sixth lines, by deleting: "a person who is" and inserting: "whether a person has been".

Amendment No. 1042.

Amend the bill as a whole by deleting sections 1 through 5 and renumbering sections 6 through 10 as sections 1 through 5.

Amend sec. 10, page 9, line 11, by deleting "~~expunge~~ delete" and inserting "expunge".

Amend the bill as a whole by deleting sections 11 and 12 and renumbering sections 13 and 14 as sections 6 and 7.

Amend the bill as a whole by deleting sec. 15.

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

"AN ACT relating to children; requiring certain persons to notify an agency which".

Amend the summary of the bill to read as follows:

"SUMMARY—Makes various changes concerning newborn infants who are identified as being affected by illegal substance abuse or as having withdrawal symptoms resulting from prenatal drug exposure. (BDR 38-372)".

Senator Washington moved that the Senate do not concur in the Assembly amendments to Senate Bill No. 296.

Remarks by Senator Washington.

Motion carried.

Bill ordered transmitted to the Assembly.

Senate Bill No. 302.

The following Assembly amendment was read:

Amendment No. 905.

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

"Section 1. NRS 244A.627 is hereby amended to read as follows:

244A.627 Notwithstanding any other provision of law, no county fair and recreation board in a county whose population is 100,000 or more and less than 400,000 may ~~{acquire, purchase, lease, sell, or dispose of}~~ *sell or lease to a person or governmental entity* any real property ~~{or engage in any other transaction relating to real property}~~ *within the county which is located in a city whose population is less than 150,000* without prior approval of the board of county commissioners."

Amend the title of the bill to read as follows:

"AN ACT relating to counties; removing the requirement that a county fair and recreation board in certain larger counties obtain the approval of the board of county commissioners before engaging in certain transactions involving real property; and providing other matters properly relating thereto."

Amend the summary of the bill to read as follows:

"SUMMARY—Removes limitation on county and recreation board in certain larger counties from engaging in certain transactions involving real property. (BDR 20-1060)".

Senator Hardy moved that the Senate do not concur in the Assembly amendment to Senate Bill No. 302.

Remarks by Senator Hardy.

Conflict of interest declared by Senator Raggio.

Motion carried.

Bill ordered transmitted to the Assembly.

Senate Bill No. 338.

The following Assembly amendment was read:

Amendment No. 815.

Amend the bill as a whole by renumbering sections 57 and 58 as sections 66 and 67 and adding new sections designated sections 57 through 65, following sec. 56, to read as follows:

"Sec. 57. Chapter 237 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *A local government shall require a business entity which:*

(a) *Buys or leases land from the local government;*

(b) *Enters into a contract to provide any good or service to the local government;*

(c) *Applies to the local government for a change to the zoning of land; or*

(d) *Transacts any other business with the local government,*

↪ *to submit a disclosure to the local government which includes the name of any person who holds an ownership interest of 1 percent or more in the business entity. The disclosure must be made available for public inspection upon request.*

2. *As used in this section, "business entity" means a corporation, partnership, proprietorship, limited-liability company, business association, joint venture, limited-liability partnership, business trust and their equivalents organized under the laws of this State or another jurisdiction and any other type of entity that engages in business, whether or not for profit.*

Sec. 58. NRS 294A.112 is hereby amended to read as follows:

294A.112 1. A person shall not:

(a) Make a contribution in the name of another person;

(b) Knowingly allow his name to be used to cause a contribution to be made in the name of another person or assist in the making of a contribution in the name of another person;

(c) Knowingly assist a person to make a contribution in the name of another person; or

(d) Knowingly accept a contribution made by a person in the name of another person.

2. *A business entity that makes a contribution to a candidate shall disclose to the candidate receiving the contribution the name of each person who holds an ownership interest of 1 percent or more in the business entity.*

3. As used in this section ~~[-"make"]~~ :

(a) *"Business entity" means a corporation, partnership, proprietorship, limited-liability company, business association, joint venture, limited-liability partnership, business trust and their equivalents organized under the laws of this State or another jurisdiction and any other type of entity that engages in business, whether or not for profit.*

(b) *"Make a contribution in the name of another person" includes, without limitation:*

~~[(a)]~~ (1) Giving money or an item of value, all or part of which was provided by another person, without disclosing the source of the money or item of value to the recipient at the time the contribution is made; and

~~[(b)]~~ (2) Giving money or an item of value, all or part of which belongs to the person who is giving the money or item of value, and claiming that the money or item of value belongs to another person.

Sec. 59. NRS 294A.120 is hereby amended to read as follows:

294A.120 1. Every candidate for state, district, county or township office at a primary or general election shall, not later than January 15 of each year, for the period from January 1 of the previous year through December 31 of the previous year, report each campaign contribution in excess of \$100 he received during the period and contributions received during the period from a contributor which cumulatively exceed \$100. The provisions of this subsection apply to the candidate beginning the year of the general election for that office through the year immediately preceding the next general election for that office.

2. Every candidate for state, district, county or township office at a primary or general election shall, if the general election for the office for which he is a candidate is held on or after January 1 and before the July 1 immediately following that January 1, not later than:

(a) Seven days before the primary election for that office, for the period from the January 1 immediately preceding the primary election through 12 days before the primary election;

(b) Seven days before the general election for that office, for the period from 11 days before the primary election through 12 days before the general election; and

(c) July 15 of the year of the general election for that office, for the period from 11 days before the general election through June 30 of that year,

→ report each campaign contribution in excess of \$100 he receives during the period and contributions received during the period from a contributor which cumulatively exceed \$100. The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the candidate under penalty of perjury.

3. Every candidate for state, district, county or township office at a primary or general election shall, if the general election for the office for which he is a candidate is held on or after July 1 and before the January 1 immediately following that July 1, not later than:

(a) Seven days before the primary election for that office, for the period from the January 1 immediately preceding the primary election through 12 days before the primary election; and

(b) Seven days before the general election for that office, for the period from 11 days before the primary election through 12 days before the general election,

→ report each campaign contribution in excess of \$100 he received during the period and contributions received during the period from a contributor

which cumulatively exceed \$100. The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the candidate under penalty of perjury.

4. Except as otherwise provided in subsection 5, every candidate for a district office at a special election shall, not later than:

(a) Seven days before the special election, for the period from his nomination through 12 days before the special election; and

(b) Thirty days after the special election, for the remaining period through the special election,

➤ report each campaign contribution in excess of \$100 he received during the period and contributions received during the reporting period from a contributor which cumulatively exceed \$100. The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the candidate under penalty of perjury.

5. Every candidate for state, district, county, municipal or township office at a special election to determine whether a public officer will be recalled shall list each of the campaign contributions that he receives on the form designed and provided by the Secretary of State pursuant to NRS 294A.373 and signed by the candidate under penalty of perjury, 30 days after:

(a) The special election, for the period from the filing of the notice of intent to circulate the petition for recall through the special election; or

(b) A district court determines that the petition for recall is legally insufficient pursuant to subsection 5 of NRS 306.040, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's decision.

6. Reports of campaign contributions must be filed with the officer with whom the candidate filed the declaration of candidacy or acceptance of candidacy. A candidate may mail or transmit the report to that officer by regular mail, certified mail, facsimile machine or electronic means. A report shall be deemed to be filed with the officer:

(a) On the date that it was mailed if it was sent by certified mail; or

(b) On the date that it was received by the officer if the report was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.

7. Every county clerk who receives from candidates for legislative or judicial office, except the office of justice of the peace or municipal judge, reports of campaign contributions pursuant to this section shall file a copy of each report with the Secretary of State within 10 working days after he receives the report.

8. The name and address of the contributor *and, if the contributor is a business entity, the name and address of each person who holds an ownership interest of 1 percent or more in the business entity*, and the date on which the contribution was received must be included on the report for each



contribution in excess of \$100 and contributions which a contributor has made cumulatively in excess of that amount since the beginning of the current reporting period.

9. *As used in this section, "business entity" means a corporation, partnership, proprietorship, limited-liability company, business association, joint venture, limited-liability partnership, business trust and their equivalents organized under the laws of this State or another jurisdiction and any other type of entity that engages in business, whether or not for profit.*

Sec. 60. NRS 294A.125 is hereby amended to read as follows:

294A.125 1. In addition to complying with the requirements set forth in NRS 294A.120, 294A.200 and 294A.360, a candidate who receives contributions in any year before the year in which the general election or general city election in which the candidate intends to seek election to public office is held shall, for:

(a) The year in which he receives contributions in excess of \$10,000, list each of the contributions that he receives and the expenditures in excess of \$100 made in that year.

(b) Each year after the year in which he received contributions in excess of \$10,000, until the year of the general election or general city election in which the candidate intends to seek election to public office is held, list each of the contributions that he received and the expenditures in excess of \$100 made in that year.

2. The reports required by subsection 1 must be submitted on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the candidate under penalty of perjury.

3. The name and address of the contributor *and, if the contributor is a business entity, the name and address of each person who holds an ownership interest of 1 percent or more in the business entity*, and the date on which the contribution was received must be included on the list for each contribution in excess of \$100 and contributions that a contributor has made cumulatively in excess of that amount.

4. The report must be filed:

(a) With the officer with whom the candidate will file the declaration of candidacy or acceptance of candidacy for the public office the candidate intends to seek. A candidate may mail or transmit the report to that officer by regular mail, certified mail, facsimile machine or electronic means. A report shall be deemed to be filed with the officer:

(1) On the date it was mailed if it was sent by certified mail.

(2) On the date it was received by the officer if the report was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.

(b) On or before January 15 of the year immediately after the year for which the report is made.

5. A county clerk who receives from a candidate for legislative or judicial office, except the office of justice of the peace or municipal judge, a

report of contributions and expenditures pursuant to subsection 4 shall file a copy of the report with the Secretary of State within 10 working days after he receives the report.

6. *As used in this section, "business entity" means a corporation, partnership, proprietorship, limited-liability company, business association, joint venture, limited-liability partnership, business trust and their equivalents organized under the laws of this State or another jurisdiction and any other type of entity that engages in business, whether or not for profit.*

Sec. 61. Chapter 321 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The State Land Registrar shall require a business entity which enters into a contract to buy or lease land owned by the State to submit a disclosure to the State Land Registrar setting forth the name of any person who holds an ownership interest of 1 percent or more in the business entity. The disclosure must be made available for public inspection upon request.*

2. *As used in this section, "business entity" means a corporation, partnership, proprietorship, limited-liability company, business association, joint venture, limited-liability partnership, business trust and their equivalents organized under the laws of this State or another jurisdiction and any other type of entity that engages in business, whether or not for profit.*

Sec. 62. Chapter 333 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The Chief shall require a business entity which enters into a contract to provide any good or service to a using agency to submit a disclosure to the Chief which includes the name of any person who holds an ownership interest of 1 percent or more in the business entity. The disclosure must be made available for public inspection upon request.*

2. *As used in this section, "business entity" means a corporation, partnership, proprietorship, limited-liability company, business association, joint venture, limited-liability partnership, business trust and their equivalents organized under the laws of this State or another jurisdiction and any other type of entity that engages in business, whether or not for profit.*

Sec. 63. Chapter 333A of NRS is hereby amended by adding thereto a new section to read as follows:

1. *A using agency shall require a business entity which enters into a performance contract with the using agency to submit a disclosure to the using agency which includes the name of any person who holds an ownership interest of 1 percent or more in the business entity. The disclosure must be made available for public inspection upon request.*

2. *As used in this section, "business entity" means a corporation, partnership, proprietorship, limited-liability company, business association, joint venture, limited-liability partnership, business trust and their equivalents organized under the laws of this State or another jurisdiction and any other type of entity that engages in business, whether or not for profit.*

Sec. 64. Chapter 338 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *A public body shall require a business entity which enters into a contract to conduct a public work for the public body to submit a disclosure to the public body which includes the name of any person who holds an ownership interest of 1 percent or more in the business entity. The disclosure must be made available for public inspection upon request.*

2. *As used in this section, "business entity" means a corporation, partnership, proprietorship, limited-liability company, business association, joint venture, limited-liability partnership, business trust and their equivalents organized under the laws of this State or another jurisdiction and any other type of entity that engages in business, whether or not for profit.*

Sec. 65. Chapter 396 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The Board of Regents shall require a business entity which:*

*(a) Buys or leases land from the System;*

*(b) Enters into a contract to provide any good or service to the System;*

*(c) Transacts any other business with the System,*

*↪ to submit a disclosure to the Board of Regents which includes the name of any person who holds an ownership interest of 1 percent or more in the business entity. The disclosure must be made available for public inspection upon request.*

2. *As used in this section, "business entity" means a corporation, partnership, proprietorship, limited-liability company, business association, joint venture, limited-liability partnership, business trust and their equivalents organized under the laws of this State or another jurisdiction and any other type of entity that engages in business, whether or not for profit."*

Amend sec. 58, page 42, lines 29 and 30, by deleting: "~~organized or qualified to do business pursuant to the laws of this State.~~" and inserting: "organized or qualified to do business pursuant to the laws of this State."

Amend the title of the bill, sixteenth line, after "associations;" by inserting: "requiring a business entity that transacts business with a governmental entity to disclose the names of certain owners of the business entity in certain circumstances;"

Senator Amodei moved that the Senate do not concur in the Assembly amendment to Senate Bill No. 338.

Remarks by Senator Amodei.

Motion carried.

Bill ordered transmitted to the Assembly.

Senate Bill No. 367.

The following Assembly amendment was read:

Amendment No. 838.

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

"Section 1. NRS 386.580 is hereby amended to read as follows:

386.580 1. An application for enrollment in a charter school may be submitted to the governing body of the charter school by the parent or legal guardian of any child who resides in this State. Except as otherwise provided in this subsection, a charter school shall enroll pupils who are eligible for enrollment in the order in which the applications are received. If the board of trustees of the school district in which the charter school is located has established zones of attendance pursuant to NRS 388.040, the charter school shall, if practicable, ensure that the racial composition of pupils enrolled in the charter school does not differ by more than 10 percent from the racial composition of pupils who attend public schools in the zone in which the charter school is located. If more pupils who are eligible for enrollment apply for enrollment in the charter school than the number of spaces which are available, the charter school shall determine which applicants to enroll on the basis of a lottery system.

2. Except as otherwise provided in subsection 6, a charter school shall not accept applications for enrollment in the charter school or otherwise discriminate based on the:

- (a) Race;
- (b) Gender;
- (c) Religion;
- (d) Ethnicity; or
- (e) Disability,

↪ of a pupil.

3. If the governing body of a charter school determines that the charter school is unable to provide an appropriate special education program and related services for a particular disability of a pupil who is enrolled in the charter school, the governing body may request that the board of trustees of the school district of the county in which the pupil resides transfer that pupil to an appropriate school.

4. Except as otherwise provided in this subsection, upon the request of a parent or legal guardian of a child who is enrolled in a public school of a school district or a private school, or a parent or legal guardian of a homeschooled child, the governing body of the charter school shall authorize the child to participate in a class that is not otherwise available to the child at his school or home school or participate in an extracurricular activity at the charter school if:

(a) Space for the child in the class or extracurricular activity is available; and

(b) The parent or legal guardian demonstrates to the satisfaction of the governing body that the child is qualified to participate in the class or extracurricular activity.

↪ If the governing body of a charter school authorizes a child to participate in a class or extracurricular activity pursuant to this subsection, the governing body is not required to provide transportation for the child to attend the class or activity. A charter school shall not authorize such a child to participate in a class or activity through a program of distance education provided by the charter school pursuant to NRS 388.820 to 388.874, inclusive.

5. The governing body of a charter school may revoke its approval for a child to participate in a class or extracurricular activity at a charter school pursuant to subsection 4 if the governing body determines that the child has failed to comply with applicable statutes, or applicable rules and regulations. If the governing body so revokes its approval, neither the governing body nor the charter school is liable for any damages relating to the denial of services to the child.

6. This section does not preclude the formation of a charter school that is dedicated to provide educational services exclusively to pupils:

- (a) With disabilities;
- (b) Who pose such severe disciplinary problems that they warrant ~~{an} a~~ *specific* educational program ; ~~{specifically designed to serve a single gender and emphasize personal responsibility and rehabilitation;}~~ or
- (c) Who are at risk.

↪ If more eligible pupils apply for enrollment in such a charter school than the number of spaces which are available, the charter school shall determine which applicants to enroll on the basis of a lottery system."

Amend sec. 2, page 4, line 18, after "school" by inserting: "*that is designed exclusively for the enrollment of pupils with disciplinary problems*".

Amend sec. 3, page 4, line 36, after "district" by inserting: "*or a charter school, if the charter school offers the applicable program,*".

Amend sec. 3, page 5, line 5, after "district" by inserting: "*or charter school*".

Amend sec. 3, page 5, line 8, after "district" by inserting: "*or the governing body of the charter school*".

Amend sec. 3, page 5, line 17, after "school" by inserting: "*that is designed exclusively for the enrollment of pupils with disciplinary problems*".

Amend the title of the bill, first line, after "pupils;" by inserting: "removing the requirement that a charter school formed for pupils with disciplinary problems be designed for a single gender;"

Senator Washington moved that the Senate do not concur in the Assembly amendment to Senate Bill No. 367.

Remarks by Senator Washington.

Motion carried.

Bill ordered transmitted to the Assembly.

Senate Bill No. 426.

The following Assembly amendment was read:

Amendment No. 889.

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

"Section 1. Chapter 338 of NRS is hereby amended by adding thereto a new section to read as follows:

*The fact that a particular project or undertaking does not qualify as a public work, as defined in NRS 338.010, does not exempt a person, including, without limitation, a contractor or subcontractor, or a governmental entity, from complying with the provisions of this section and NRS 338.010 to 338.090, inclusive, in the same manner as a public body is required to comply with those provisions if the person or governmental entity is otherwise required to comply with the provisions of this section and NRS 338.010 to 338.090, inclusive, by specific statute."*

Amend section 1, page 4, by deleting lines 14 through 17 and inserting:

"(b) A ~~building for~~ project of the University and Community College System of Nevada ~~for which 25 percent or more of the costs of the building as a whole are paid from money appropriated by this State or from federal money.~~ for which the estimated cost exceeds \$100,000."

Amend the bill as a whole by renumbering sections 2 through 4 as sections 4 through 6 and adding a new section designated sec. 3, following section 1, to read as follows:

"Sec. 3. NRS 338.050 is hereby amended to read as follows:

338.050 For the purpose of NRS 338.010 to 338.090, inclusive, *and section 1 of this act*, except as otherwise provided by specific statute, every workman who performs work for a public work covered by a contract therefor is subject to all of the provisions of NRS 338.010 to 338.090, inclusive, *and section 1 of this act*, regardless of any contractual relationship alleged to exist between such workman and his employer."

Amend sec. 3, page 8, line 10, by deleting "contract." and inserting: "contract, unless approval of the change order is more economically feasible than termination of the retrofit."

Amend sec. 4, page 10, line 13, by deleting "contract." and inserting: "contract, unless approval of the change order is more economically feasible than termination of the retrofit."

Amend the bill as a whole by renumbering sec. 5 as sec. 25 and adding new sections designated sections 7 through 24, following sec. 4, to read as follows:

"Sec. 7. Chapter 333A of NRS is hereby amended by adding thereto the provisions set forth as sections 8 to 22, inclusive, of this act.

Sec. 8. "Board" means:

1. *If the using agency that enters into a performance contract is the University and Community College System of Nevada, the Board of Regents of the University of Nevada; or*

2. *For any other using agency that enters into a performance contract, the State Board of Examiners.*

Sec. 9. 1. *Notwithstanding any provision of chapter 333 of NRS, NRS 333A.010 to 333A.150, inclusive, and sections 8 to 22, inclusive, of this act, and chapter 338 of NRS to the contrary, a using agency may enter into a performance contract with a qualified service company for the purchase and installation of one or more operating cost-savings measures to reduce costs related to energy, water and the disposal of waste, and related labor costs.*

2. *Any operating cost-savings measures put into place as a result of a performance contract must comply with all applicable building codes.*

Sec. 10. 1. *The Purchasing Division of the Department of Administration shall work directly with any using agency interested in entering into a performance contract, using the list of qualified service companies compiled by the State Public Works Board pursuant to NRS 333A.080. The Purchasing Division, in conjunction with the using agency, shall ensure that each appropriate qualified service company is notified of the using agency's interest in entering into a performance contract and coordinate an opportunity for each such qualified service company to:*

(a) *Visit the site pertaining to which the using agency wishes to enter into a performance contract;*

(b) *Perform a comprehensive audit in the manner prescribed in section 11 of this act; and*

(c) *Submit a proposal, including, without limitation, the comprehensive audit, and make a related presentation to the using agency for all operating cost-savings measures that the qualified service company determines would be practicable to implement.*

2. *The using agency shall:*

(a) *Evaluate the proposals and presentations made pursuant to subsection 1;*

(b) *Evaluate the financial stability of the qualified service companies that made proposals and presentations pursuant to subsection 1 based on the financial statements and ratings of the qualified service companies; and*

(c) *Select a qualified service company,*  
➡ *pursuant to the provisions of NRS 333A.010 to 333A.150, inclusive, and sections 8 to 22, inclusive, of this act, and any regulations adopted pursuant thereto, for evaluating and awarding contracts.*

3. *A qualified service company selected by a using agency pursuant to subsection 2 shall prepare a financial-grade operational audit, which must include, without limitation:*

(a) *A detailed explanation of the operating cost savings that will result from the performance contract; and*

(b) *A comparison of the costs of implementing the operating cost-savings measures to the operating cost savings that are anticipated as a result of the performance contract.*

4. *Except as otherwise provided in this subsection, the financial-grade operational audit prepared by the qualified service company pursuant to subsection 3 becomes, upon acceptance, a part of the final performance*

*contract and the costs incurred by the qualified service company in preparing the financial-grade operational audit shall be deemed to be part of the performance contract. If, after the financial-grade operational audit is prepared, the using agency decides not to execute the performance contract, the using agency shall pay the qualified service company that prepared the financial-grade operational audit the costs incurred by the qualified service company in preparing the financial-grade operational audit, if the Legislature has specifically appropriated money for that purpose. An appropriation by the Legislature for the purchase and installation of an operating cost-savings measure creates no presumption that the using agency for which the money was appropriated is required to enter into such a performance contract.*

Sec. 11. 1. *Each comprehensive audit performed pursuant to paragraph (b) of subsection 1 of section 10 of this act must include, without limitation:*

*(a) An assessment of any operating cost-savings measure that might be implemented within the building of the using agency, including, without limitation, any operating cost-savings measure specifically requested by the using agency;*

*(b) An estimate of the costs associated with implementing an operating cost-savings measure described in paragraph (a);*

*(c) A comparison of the energy and water consumption in the building of the using agency to the energy and water consumption in similar buildings; and*

*(d) A report that compares the current pattern of the costs to the using agency associated with energy consumption, water consumption and the disposal of waste, and related labor costs, to the projected costs if the using agency implements operating cost-savings measures.*

2. *A comprehensive audit must be based on:*

*(a) A review and analysis of the historical energy and water usage of the using agency; and*

*(b) Surveys, plans, specifications or drawings that provide details of the structure or design of the building of the using agency.*

3. *The using agency shall provide to each qualified service company that intends to perform a comprehensive audit the records of the energy and water consumption of the building.*

Sec. 12. 1. *A using agency that selects a qualified service company pursuant to section 10 of this act shall retain the professional services of a third-party consultant to work on behalf of the using agency in coordination with the qualified service company.*

2. *A third-party consultant retained pursuant to subsection 1 must be certified by the Association of Energy Engineers as a "Certified Energy Manager" or hold similar credentials from a comparable nationally recognized organization.*



3. *The duties of a third-party consultant retained pursuant to subsection 1 may include, without limitation:*

*(a) Assisting the using agency in reviewing the operating cost-savings measures proposed by the qualified service company;*

*(b) Overseeing the construction of the operating cost-savings measures; and*

*(c) Monitoring the operating cost savings after the construction of the operating cost-savings measures is completed.*

4. *The Purchasing Division of the Department of Administration may procure sufficient funding from the qualified service company, through negotiation, to pay for the third-party consultant out of the proceeds relating to the performance contract. A qualified service company shall not pay a third-party consultant directly for the work described in subsection 3.*

5. *A third-party consultant retained pursuant to subsection 1 may recommend that the using agency not execute the performance contract. If the using agency does not execute the performance contract, the using agency shall pay the third-party consultant a pre-negotiated fee based on the work completed by the third-party consultant.*

Sec. 13. *In connection with any installment-purchase contract or lease-purchase contract entered into to finance a performance contract, the Board may:*

1. *Grant a security interest in any property that is the subject of the installment-purchase contract or lease-purchase contract and execute an instrument to evidence such a security interest, including, without limitation, a deed of trust, a leasehold interest deed of trust, a mortgage or a financing agreement.*

2. *Offer certificates of participation.*

3. *If the installment-purchase contract or lease-purchase contract involves an improvement to property owned by the State of Nevada or the using agency, enter into a lease of the property to which the improvement will be made and any property that is adjacent to that property if the installment-purchase contract or lease-purchase contract:*

*(a) Except as otherwise provided in section 20 of this act, has a term of not more than 15 years beyond the date on which construction of the work required by the installment-purchase contract or lease-purchase contract is completed; and*

*(b) Provides for rental payments that approximate the fair market rental of the property before the improvement is made, as determined by the Board at the time the parties enter into the lease, which must be paid if the installment-purchase contract or lease-purchase contract terminates before the expiration of the lease because the Legislature fails to appropriate money for payments due pursuant to the installment-purchase contract or lease-purchase contract.*

↪ *A lease entered into pursuant to this subsection may provide for nominal rental payments to be paid pursuant to the lease before the installment-purchase contract or lease-purchase contract terminates.*

*4. Enter into any other agreement, contract or arrangement that the Board determines would be beneficial to the purpose of the installment-purchase contract or lease-purchase contract, including, without limitation, contracts for professional services, trust indentures, paying agent agreements and contracts of insurance.*

*Sec. 14. For the period during which an installment-purchase contract or lease-purchase contract that was entered into to finance a performance contract is in effect, the property that is the subject of the installment-purchase contract or lease-purchase contract:*

*1. Is exempt from ad valorem property taxation by this State and its political subdivisions if:*

*(a) An improvement is being constructed on the property pursuant to the installment-purchase contract or lease-purchase contract; or*

*(b) This State or a using agency is in possession of the property.*

*2. Shall be deemed to be the property of this State or the using agency that is a party to the installment-purchase contract or lease-purchase contract for the purposes of statutory limits on damages that may be awarded against this State, including, without limitation, the limits in chapter 41 of NRS, with respect to any action or claim, including a claim for civil damages, that arises from or is related to the property and is brought by a person who is not a party to the installment-purchase contract or lease-purchase contract if:*

*(a) An improvement is being constructed on the property pursuant to the installment-purchase contract or lease-purchase contract; or*

*(b) This State or the using agency is in possession of the property.*

*Sec. 15. Any obligations of this State issued in accordance with NRS 333A.010 to 333A.150, inclusive, and sections 8 to 22, inclusive, of this act may be refunded on behalf of the State by the Board without the necessity of the refunding obligations being authorized by NRS 333A.010 to 333A.150, inclusive, and sections 8 to 22, inclusive, of this act, by the adoption of a resolution by the Board authorizing the issuance of obligations to refund, pay and discharge all or any part of such outstanding obligations of any one or more or all outstanding issues:*

*1. For the acceleration, deceleration or other modification of the payment of such obligations, including, without limitation, any interest on such obligations that is in arrears or about to become due for any period not exceeding 3 years after the date of the issuance of the refunding obligations, unless the capitalization of interest on obligations constituting an indebtedness increases the debt of the State in excess of the limitation set forth in Section 3 of Article 9 of the Nevada Constitution.*

*2. For the purpose of reducing interest costs or effecting other economies.*

3. *For the purpose of modifying or eliminating restrictive contractual limitations appertaining to the issuance of additional obligations, otherwise concerning the outstanding obligations, or otherwise relating to any operating cost-savings measure appertaining thereto.*

4. *For any combination of the purposes set forth in subsections 1, 2 and 3.*

Sec. 16. 1. *Except as otherwise provided in sections 15 to 20, inclusive, of this act, the proceeds of refunding obligations issued pursuant to section 15 of this act must be immediately applied to the retirement of the obligations to be refunded or be placed in escrow or trust in any trust bank or trust banks within or without or both within and without this State to be applied to the payment of the refunded obligations or the refunding obligations, or both, upon their presentation for payment to the extent, in such priority and otherwise in the manner which the using agency may determine.*

2. *The incidental costs of refunding obligations may be paid by the purchaser of the refunding obligations or be defrayed from any revenues in the State General Fund, subject to appropriations for such revenues as otherwise provided by law, or other available revenues of the State under the control of the Board or from the proceeds of the refunding obligations, or from the interest or other yield derived from the investment of the proceeds of any refunding obligations or other money in escrow or trust, or from any other sources legally available therefor, or any combination thereof, as the using agency may determine.*

3. *Any accrued interest and any premium appertaining to a sale of refunding obligations may be applied to the payment of the interest on or principal of those refunding obligations, or both, or may be deposited in a reserve therefor, or may be used to refund obligations by deposit in escrow, trust or otherwise, or may be used to defray any incidental costs appertaining to the refunding, or any combination thereof, as the using agency may determine, but in no event by the incurrence of additional debt in excess of the limitation on state debt set forth in Section 3 of Article 9 of the Nevada Constitution.*

Sec. 17. 1. *Any escrow or trust into which the proceeds of refunding obligations are placed pursuant to section 16 of this act must not necessarily be limited to proceeds of refunding obligations but may include other money available for its purpose.*

2. *Any proceeds of refunding obligations placed in escrow or trust, pending such use, may be invested or reinvested in federal securities, and in the case of an escrow or trust for the refunding of outstanding obligations issued in accordance with sections 15 to 20, inclusive, of this act in other securities issued by the Federal Government if the resolution by the Board authorizing the issuance of such outstanding state securities or any trust indenture or other proceedings appertaining thereto expressly allows any*

*such investment or reinvestment in such securities issued by the Federal Government other than federal securities.*

3. *A trust bank accounting for federal securities and other securities issued by the Federal Government in such escrow or trust may place the securities for safekeeping wholly or in part in any trust bank or trust banks within or without or both within and without this State.*

4. *A trust bank shall continuously secure any money placed in escrow or trust and not so invested or reinvested in federal securities and other securities issued by the Federal Government by a pledge in any trust bank or trust banks within or without or both within and without the State of federal securities in an amount at all times at least equal to the total uninvested amount of such money accounted for in such escrow or trust.*

5. *Such proceeds and investments in escrow or trust, together with any interest or other gain to be derived from any such investment, must be in an amount at all times at least sufficient to pay principal, interest, any prior redemption premiums due, and any charges of the escrow agent or trustee and any other incidental expenses payable therefrom, except to the extent provision may have been previously otherwise made therefor, as such obligations become due at their respective maturities or due at designated prior redemption date or dates in connection with which the using agency has exercised or is obligated to exercise a prior redemption option on behalf of the State.*

6. *The computations made in determining such sufficiency must be verified by a certified public accountant licensed to practice in this State or in any other state.*

7. *Any purchaser of any refunding obligation issued pursuant to sections 15 to 20, inclusive, of this act is not responsible for the application of the proceeds of the refunding obligation by the State, the Board, the using agency or any of the officers, agents or employees of the State.*

8. *As used in this section, "federal securities" means bills, notes, certificates of indebtedness, bonds or other similar securities which are direct obligations of the United States or which are unconditionally guaranteed as to payment, both of principal and of interest, by the United States.*

Sec. 18. *Obligations for refunding and obligations for any other purpose authorized pursuant to sections 15 to 20, inclusive, of this act or by any other law may be issued separately or issued in combination in one series or more by the State in accordance with the provisions of sections 15 to 20, inclusive, of this act.*

Sec. 19. *Except as otherwise provided in sections 15 to 20, inclusive, of this act, the relevant provisions elsewhere herein appertaining generally to the issuance of obligations to defray the cost of any operating cost-savings measure are equally applicable in the authorization and issuance of refunding obligations, including, without limitation, their terms and security, the covenants and other provisions of the resolution authorizing the issuance*

*of the obligations, or other instrument or proceedings appertaining thereto, and other aspects of the obligations.*

Sec. 20. 1. *An obligation may not be refunded pursuant to sections 15 to 20, inclusive, of this act unless the holder of the obligation voluntarily surrenders the obligation for exchange or payment, or unless the obligation matures or is callable for prior redemption under its terms within 25 years after the date of issuance of the refunding obligations. Provision must be made for paying the securities within that period.*

2. *The maturity of any obligation refunded may not be extended beyond 25 years, or beyond 1 year next following the date of the last outstanding maturity, whichever limitation is later.*

3. *The principal amount of the refunding obligations may:*

*(a) Exceed the principal amount of the refunded obligations; or*

*(b) Be less than or equal to the principal amount of the obligations being refunded if provision is duly and sufficiently made for their payment.*

Sec. 21. *The determination of the using agency that the limitations imposed upon the issuance of obligations pursuant to NRS 333A.010 to 333A.150, inclusive, and sections 8 to 22, inclusive, of this act, including, without limitation, any obligations for funding or refunding obligations, have been met shall be conclusive in the absence of fraud or arbitrary and gross abuse of discretion regardless of whether the authorizing resolution or the obligations authorized by that resolution contain a recital as authorized by section 22 of this act.*

Sec. 22. *A resolution providing for the issuance of a performance contract, including, without limitation, an installment-purchase contract or lease-purchase contract or other proceedings appertaining thereto, may provide that the obligations contain a recital that the obligations are issued pursuant to NRS 333A.010 to 333A.150, inclusive, and sections 8 to 22, inclusive, of this act, which recital is conclusive evidence of the validity of the obligations.*

Sec. 23. NRS 333A.010 is hereby amended to read as follows:

333A.010 As used in NRS 333A.010 to 333A.150, inclusive, and sections 8 to 22, inclusive, of this act, unless the context otherwise requires, the words and terms defined in NRS 333A.020 to 333A.070, inclusive, and section 8 of this act have the meanings ascribed to them in those sections.

Sec. 24. NRS 333A.080 is hereby amended to read as follows:

333A.080 1. ~~Notwithstanding any provision of this chapter and chapters 333 and 338 of NRS to the contrary, a using agency may enter into a performance contract with a qualified service company for the purchase and installation of an operating cost savings measure to reduce costs related to energy, water and the disposal of waste, and related labor costs. Such a performance contract may be in the form of an installment payment contract or a lease-purchase contract that is subject to the provisions of NRS 353.500 to 353.630, inclusive. Any operating cost savings measures put into place as~~

~~a result of a performance contract must comply with all applicable building codes.~~

~~2-]~~ The State Public Works Board shall determine those companies that satisfy the requirements of qualified service companies for the purposes of NRS 333A.010 to 333A.150, inclusive ~~[ ]~~, *and sections 8 to 22, inclusive, of this act.* In making such a determination, the State Public Works Board shall enlist the assistance of the staffs of the Office of Energy within the Office of the Governor, the Buildings and Grounds Division of the Department of Administration and the Purchasing Division of the Department of Administration. The State Public Works Board shall prepare and issue a request for qualifications to not less than three potential qualified service companies.

~~[3-]~~ 2. In sending out a request for qualifications, the State Public Works Board:

(a) Shall attempt to identify at least one potential qualified service company located within this State; and

(b) May consider whether and to what extent the companies to which the request for qualifications will be sent will use local contractors.

~~[4-]~~ 3. The State Public Works Board shall ~~[use objective]~~ *adopt, by regulation,* criteria to determine those companies that satisfy the requirements of qualified service companies. The ~~[objective]~~ criteria for evaluation must include , *without limitation,* the following areas as substantive factors to assess the capability of such companies:

(a) Design;

(b) Engineering;

(c) Installation;

(d) Maintenance and repairs associated with performance contracts;

(e) Experience in conversions to different sources of energy or fuel and other services related to operating cost-savings measures provided that is done in association with a comprehensive energy, water or waste disposal cost-savings retrofit;

(f) Monitoring projects after the projects are installed;

(g) Data collection and reporting of savings;

(h) Overall project experience and qualifications;

(i) Management capability;

(j) Ability to access long-term financing;

(k) Experience with projects of similar size and scope; and

(l) Such other factors determined by the State Public Works Board to be relevant and appropriate to the ability of a company to perform the ~~[project]~~ *projects.*

➡ In determining whether a company satisfies the requirements of a qualified service company, the State Public Works Board shall also consider ~~[the financial health of the company as evidenced by its financial statements and ratings and]~~ whether the company holds the appropriate licenses required

for the design, engineering and construction which would be completed pursuant to a performance contract.

~~{5-} 4. The State Public Works Board shall compile a list of those companies that it determines satisfy the requirements of qualified service companies. [The Purchasing Division of the Department of Administration shall work directly with any using agency interested in entering into a performance contract, using the list of qualified service companies compiled by the State Public Works Board. The Purchasing Division, in conjunction with the using agency, shall ensure that each appropriate qualified service company is notified of the using agency's interest in entering into a performance contract and coordinate an opportunity for each such qualified service company to:~~

~~(a) Perform a preliminary and comprehensive audit and assessment of all potential operating cost savings measures that might be implemented within the buildings of the using agency, including any operating cost savings measures specifically requested by the using agency; and~~

~~(b) Submit a proposal and make a related presentation to the using agency for all such operating cost savings measures that the qualified service company determines would be practicable to implement.~~

~~6.—The using agency shall:~~

~~(a) Evaluate the proposals and presentations made pursuant to subsection 5; and~~

~~(b) Select a qualified service company;~~

~~↪ pursuant to the provisions of this chapter and chapter 333 of NRS, and any regulations adopted pursuant thereto, for evaluating and awarding contracts.~~

~~7.—A qualified service company selected by a using agency pursuant to subsection 6 shall prepare a financial grade operational audit. Except as otherwise provided in this subsection, the audit prepared by the qualified service company becomes, upon acceptance, a part of the final performance contract and the costs incurred by the qualified service company in preparing the audit shall be deemed to be part of the performance contract. If, after the audit is prepared, the using agency decides not to execute the performance contract, the using agency shall pay the qualified service company that prepared the audit the costs incurred by the qualified service company in preparing the audit, if the Legislature has specifically appropriated money for that purpose. An appropriation by the Legislature for the purchase and installation of an operating cost savings measure creates no presumption that the using agency for which the money was appropriated is required to enter into such a contract.~~

~~8.—The using agency shall retain the professional services of a third-party consultant with the requisite technical expertise to assist the using agency in reviewing the operating cost savings measures proposed by the qualified service company. The Purchasing Division of the Department of Administration may procure sufficient funding from the qualified service company, through negotiation, to pay for the third party consultant. Such a~~

~~third party consultant must be certified by the Association of Energy Engineers as a "Certified Energy Manager" or hold similar credentials from a comparable nationally recognized organization. A third party consultant retained pursuant to this subsection shall work on behalf of the using agency in coordination with the qualified service company.]".~~

Amend sec. 5, page 10, by deleting lines 18 through 20 and inserting:

"333A.090 1. *Any financing related to a performance contract must be approved by the Board.*

2. A performance contract may be financed through [a] :

(a) A person other than the qualified service company.

~~{2.}~~ (b) *An installment-purchase contract or lease-purchase contract.*

*Such an installment-purchase contract or lease-purchase contract is not subject to:*

(1) *The provisions of NRS 353.500 to 353.630, inclusive.*

(2) *Any requirement of competitive bidding or other restriction imposed on the procedure for the awarding of contracts or the procurement of goods or services.*

3. A performance contract may be structured as:".

Amend sec. 5, page 10, line 26, after "including" by inserting: ", without limitation,".

Amend sec. 5, page 10, line 29, by deleting: "annually or over" and inserting: "~~annually or over~~":

(1) *When the work required by the performance contract is completed and 1 year after that work is completed; or*

(2) *Over".*

Amend sec. 5, page 10, line 36, by deleting "3." and inserting "4.".

Amend sec. 5, page 10, line 41, by deleting "4." and inserting "5.".

Amend sec. 5, page 11, line 2, by deleting "contract." and inserting: "*contract, unless approval of the change order is more economically feasible than termination of the operating cost-savings measure.*".

Amend the bill as a whole by renumbering sec. 6 as sec. 28 and adding new sections designated sections 26 and 27, following sec. 5, to read as follows:

"Sec. 26. NRS 333A.100 is hereby amended to read as follows:

333A.100 1. Notwithstanding any provision of NRS 333A.010 to 333A.150, inclusive, *and sections 8 to 22, inclusive, of this act* to the contrary, a performance contract entered into pursuant to NRS 333A.010 to 333A.150, inclusive, *and sections 8 to 22, inclusive, of this act* does not create a debt for the purposes of Section 3 of Article 9 of the Nevada Constitution.

2. Except as otherwise provided in this section, the term of a performance contract may extend beyond the biennium in which the contract is executed, provided that the performance contract contains a provision which states that all obligations of the State under the performance contract are extinguished at the end of any fiscal year if the Legislature fails to



provide an appropriation to the using agency for the ensuing fiscal year for payments to be made under the performance contract. If the Legislature fails to appropriate money to a using agency for a performance contract, there is no remedy against the State, except that if a security interest in any property was created pursuant to the performance contract, the holder of such a security interest may enforce the security interest against that property. ~~[The]~~ *Except as otherwise provided in section 20 of this act, the term of a performance contract must not exceed 15 years ~~[ ]~~ after the date on which the work required by the performance contract is completed.*

3. The length of a performance contract may reflect the useful life of the operating cost-savings measure being installed or purchased under the performance contract.

Sec. 27. NRS 333A.130 is hereby amended to read as follows:

333A.130 1. During the term of a performance contract, the qualified service company shall monitor the reductions in energy or water consumption and other operating cost savings attributable to the operating cost-savings measure purchased or installed under the performance contract, and shall ~~[, at least once a year or at such other intervals specified in the performance contract,]~~ prepare and provide a report to the using agency documenting the performance of the operating cost-savings measures ~~[ ]~~ :

(a) *At the time that the work required by the performance contract is completed and 1 year after that work is completed; or*

(b) *At such other intervals as specified in the performance contract.*

2. A qualified service company and the using agency may agree to make modifications in the calculation of savings based on:

(a) Subsequent material changes to the baseline consumption of energy or water identified at the beginning of the term of the performance contract.

(b) A change in utility rates.

(c) A change in the number of days in the billing cycle of a utility.

(d) A change in the total square footage of the building.

(e) A change in the operational schedule, and any corresponding change in the occupancy and indoor temperature, of the building.

(f) A material change in the weather.

(g) A material change in the amount of equipment or lighting used at the building.

(h) Any other change which reasonably would be expected to modify the use of energy or the cost of energy."

Amend sec. 6, page 11, line 4, by deleting: "3 and 4" and inserting: "5 and 6".

Amend the title of the bill to read as follows:

"AN ACT relating to public contracts; clarifying the applicability of prevailing wage requirements; revising the types of projects of the University and Community College System of Nevada that constitute public works; providing that certain documents furnished to a public body may be transmitted and stored electronically; requiring that annual energy savings

resulting from energy retrofit projects meet or exceed the total annual contract payments; revising requirements relating to performance contracts for operating cost-savings measures in buildings occupied by state agencies; providing requirements for such performance contracts that are financed as installment-purchase contracts or lease-purchase contracts; authorizing the issuance of refunding obligations relating to performance contracts; requiring that annual operating cost savings resulting from performance contracts meet or exceed the total annual contract payments; and providing other matters properly relating thereto."

Amend the summary of the bill to read as follows:

"SUMMARY—Revises provisions relating to certain public contracts. (BDR 28-1032)".

Senator Hardy moved that the Senate do not concur in the Assembly amendment to Senate Bill No. 426.

Remarks by Senator Hardy.

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. 51, 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 Washington, Nolan and Care as a first Conference Committee to meet with a like committee of the Assembly for the further consideration of Assembly Bill No. 51.

#### GENERAL FILE AND THIRD READING

Senate Bill No. 165.

Bill read third time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 1088.

Amend sec. 5, page 4, line 25, by deleting "2005." and inserting "2007."

Senator Raggio moved the adoption of the amendment.

Remarks by Senator Raggio.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

#### UNFINISHED BUSINESS

#### CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 32.

The following Assembly amendments were read:

Amendment No. 930.

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

"Sec. 3. The provisions of section 1 of this act apply prospectively and do not affect, impair or eliminate any existing obligation of the Board of Regents to pay refunds to students who were charged tuition but who were bona fide residents of the State of Nevada for at least 6 months before matriculation between 1995 and spring of 2004 that was established by the Board of Regents at its meeting which was held on March 18-19, 2004.

Sec. 4. Notwithstanding any provision of section 1 of this act to the contrary, each student who is a resident of the State of Nevada for at least 6 months but less than 12 months before the first day of instruction for the fall semester of 2005 at the applicable institution within the Nevada System of Higher Education shall be deemed a "bona fide resident" for purposes of that section."

Amendment No. 1073.

Amend section 1, page 3, line 13, by deleting "*System*;" and inserting: "*System who take classes other than during their regular working hours; and*".

Amend section 1, page 3, line 14, by deleting "*States; and*" and inserting "*States*".

Amend section 1, page 3, by deleting lines 15 through 17.

Senator Raggio moved that the Senate concur in the Assembly amendments to Senate Bill No. 32.

Remarks by Senator Raggio.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 134.

The following Assembly amendment was read:

Amendment No. 760.

Amend the bill as a whole by adding new sections designated sections 10 through 13, following sec. 9, to read as follows:

"Sec. 10. If a person engages in the practice of interpreting pursuant to subsection 4 of NRS 656A.100 on or before the effective date of this section:

1. Any applicable 3-year limitation prescribed in subsection 4 of NRS 656A.100 that would have expired before July 1, 2007, is extended for that person until July 1, 2007; and

2. The provisions of NRS 656A.800, as amended by this act, do not apply to that person until July 1, 2007,

↪ if the person makes satisfactory and deliberate progress, as determined by the school district, charter school or private school that employs the person, toward complying with the requirements of paragraph (a) or (b) of subsection 3 of NRS 656A.100 during the period of his employment.

Sec. 11. 1. The Legislative Committee on Persons with Disabilities shall, during the 2005-2007 interim, conduct a study to determine:

(a) The manner by which school districts can adequately and successfully meet the needs of pupils who are deaf and pupils who are hearing impaired, including, without limitation, ensuring that persons who provide interpreting services to those pupils are certified pursuant to NRS 656A.100;

(b) The manner by which community service agencies in this State can adequately and successfully meet the needs of the residents of this State who are deaf and the residents who are hearing impaired, including, without limitation, the provision of accessible communications;

(c) The feasibility of developing alternative methods of pooling resources among various agencies to better serve the needs of the deaf and hearing impaired community; and

(d) Methods by which this State and the local governments of this State can meet the growing demand for trained and certified interpreters and communication facilitators who facilitate accessible communications.

2. In conducting the study pursuant to subsection 1, the Legislative Committee on Persons with Disabilities shall work in consultation with and solicit advice and recommendations from the Department of Human Resources, the Office of Disability Services of the Department of Human Resources and the Deaf and Hard of Hearing Advocacy Resource Center.

3. The Legislative Committee on Persons with Disabilities shall submit a report of the results of the study and any recommendations for legislation to the Director of the Legislative Counsel Bureau for transmission to the 74th Session of the Nevada Legislature.

Sec. 12. The boards of trustees of the school districts in this State shall review the salaries paid to persons who provide interpreting services for pupils who are deaf and pupils who are hearing impaired, including, without limitation, a comparison of whether those salaries are commensurate with the salaries that are paid to similarly qualified persons employed by school districts in this State as well as salaries that are paid to persons in other states who provide interpreting services to pupils.

Sec. 13. 1. This section and section 10 of this act become effective upon passage and approval.

2. Sections 11 and 12 of this act become effective on July 1, 2005.

3. Sections 1 to 9, inclusive, of this act become effective on October 1, 2005."

Amend the title of the bill, fourth line, after "penalty;" by inserting: "extending the effective date for the application of penalties to certain persons who engage in the practice of interpreting in public schools and private schools; requiring the Legislative Committee on Persons with Disabilities to study certain issues related to the provision of communication services for pupils who are deaf or hearing impaired and for all residents of this State who are deaf or hearing impaired; requiring the boards of trustees

of school districts to review certain information related to the salaries of persons who provide interpreting services in public schools;".

Amend the summary of the bill to read as follows:

"SUMMARY—Requires providers of Communication Access Realtime Translation to be qualified and makes various changes related to practice of interpreting. (BDR 54-142)".

Senator Townsend moved that the Senate concur in the Assembly amendment to Senate Bill No. 134.

Remarks by Senator Townsend.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 214.

The following Assembly amendment was read:

Amendment No. 1022.

Amend sec. 17, page 19, by deleting lines 36 and 37 and inserting: "*involvement accords to be used by all public schools in this State. The*".

Amend sec. 17, page 19, line 38, after "*educational*" by inserting "*involvement*".

Amend sec. 17, page 20, by deleting lines 35 through 41 and inserting:

"3. *Each educational involvement accord must be accompanied by, without limitation:*

(a) *Information describing how the parent or legal guardian may contact the pupil's teacher and the principal of the school in which the pupil is enrolled;*

(b) *The curriculum of the course or standards for the grade in which the pupil is enrolled, as applicable, including, without limitation, a calendar that indicates the dates of major examinations and the due dates of significant projects, if those dates are known by the teacher at the time that the information is distributed;*

(c) *The homework and grading policies of the pupil's teacher or school;*

(d) *Directions for finding resource materials for the course or grade in which the pupil is enrolled, as applicable;*

(e) *Suggestions for parents and legal guardians to assist pupils in their schoolwork at home;*

(f) *The dates of scheduled conferences between teachers or administrators and the parents or legal guardians of the pupil;*

(g) *The manner in which reports of the pupil's progress will be delivered to the parent or legal guardian and how a parent or legal guardian may request a report of progress;*

(h) *The classroom rules and policies;*

(i) *The dress code of the school, if any;*

(j) *The availability of assistance to parents who have limited proficiency in the English language;*

(k) Information describing the availability of free and reduced-price meals, including, without limitation, information regarding school breakfast, school lunch and summer meal programs;

(l) Opportunities for parents and legal guardians to become involved in the education of their children and to volunteer for the school or class; and

(m) The code of honor relating to cheating prescribed pursuant to section 17.5 of this act.

4. The board of trustees of each school district shall adopt a policy providing for the development and distribution of the educational involvement accord. The policy adopted by a board of trustees must require each classroom teacher to:

(a) Distribute the educational involvement accord to the parent or legal guardian of each pupil in his class at the beginning of each school year or upon a pupil's enrollment in the class, as applicable; and

(b) Provide the parent or legal guardian with a reasonable opportunity to sign the educational involvement accord."

Amend sec. 17, page 20, line 42, by deleting "4." and inserting "5."

Amend sec. 17, pages 20 and 21, by deleting line 45 on page 20 and line 1 on page 21 and inserting: "involvement accord of each public school in the school district. The board of trustees of a".

Amend sec. 17, page 21, line 6, by deleting "5." and inserting "6."

Amend the bill as a whole by adding a new section designated sec. 17.5, following sec. 17, to read as follows:

"Sec. 17.5. 1. The Department shall prescribe by regulation a written policy that establishes a code of honor for pupils relating to cheating on examinations and course work. The policy must be developed in consultation with the boards of trustees of school districts, the governing bodies of charter schools, educational personnel employed by school districts and charter schools, and local associations and organizations of parents whose children are enrolled in public schools throughout this State.

2. The policy must include, without limitation, a definition of cheating that clearly and concisely informs pupils which acts constitute cheating for purposes of the code of honor.

3. On or before July 1 of each year, the Department shall:

(a) Provide a copy of the code of honor to the board of trustees of each school district and the governing body of each charter school.

(b) Review and amend the code of honor as necessary.

4. Copies of the code of honor must be made available for inspection at each public school located within a school district, including, without limitation, each charter school, in an area on the grounds of the school that is open to the public."

Amend the title of the bill by deleting the fifth through eighth lines and inserting: "accountability; requiring the Department of Education to prescribe an educational involvement accord for use in all public schools;

requiring the Department of Education to prescribe a code of honor relating to cheating; and providing other matters properly relating".

Senator Raggio moved that the Senate concur in the Assembly amendment to Senate Bill No. 214.

Remarks by Senator Raggio.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 235.

The following Assembly amendment was read:

Amendment No. 997.

Amend sec. 2, page 2, line 24, by deleting "*property owners*" and inserting: "*qualified electors who reside*".

Amend sec. 3, page 2, by deleting lines 30 through 36 and inserting:

"Sec. 3. 1. *On or before the date fixed for the hearing on the dissolution of a hospital district, any qualified elector who resides within the hospital district may protest against the dissolution of the hospital district by filing a written protest with the county clerk of the county in which he resides.*".

Amend sec. 3, page 2, lines 39 and 44, by deleting: "*owners of property*" and inserting: "*qualified electors who reside*".

Amend sec. 3, page 3, line 7, by deleting: "*owners of property*" and inserting: "*qualified electors who reside*".

Senator Hardy moved that the Senate concur in the Assembly amendment to Senate Bill No. 235.

Remarks by Senator Hardy.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 293.

The following Assembly amendment was read:

Amendment No. 717.

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

"Sec. 2. NRS 555.205 is hereby amended to read as follows:

555.205 1. The board of county commissioners of any county in which a weed control district has been created shall appoint a board of directors of the district composed of three *or five* persons who:

(a) Are landowners in the district, whether or not they signed the petition for its creation. For the purpose of this paragraph, if any corporation or partnership owns land in the district, a partner or a director, officer or beneficial owner of 10 percent or more of the stock of the corporation shall be deemed a landowner.

(b) Fairly represent the agricultural economy of the district.

2. If the district includes lands situated in more than one county, the board of county commissioners shall appoint at least one member of the

board of directors from each county in which one-third or more of the lands are situated.

3. The initial appointments to the board of directors shall be for terms of 1, 2 and 3 years respectively. Each subsequent appointment shall be for a term of 3 years. Any vacancy shall be filled by appointment for the unexpired term.

4. In addition to other causes provided by law, a vacancy is created on the board if any director:

(a) Ceases to be a landowner in the district.

(b) Is absent, unless excused, from three meetings of the board.

5. If, as a result of a change in the boundaries of the district, a county becomes entitled to a new member of the board of directors pursuant to subsection 2, the board of county commissioners shall make the new appointment upon the first expiration of the term of a current member thereafter."

Amend the title of the bill, fourth line, after "weeds;" by inserting: "authorizing the appointment of a larger board of directors of a weed control district;"

Amend the summary of the bill to read as follows:

"SUMMARY—Makes various changes relating to control of weeds. (BDR 51-431)".

Senator Raggio moved that the Senate concur in the Assembly amendment to Senate Bill No. 293.

Remarks by Senator Raggio.

Motion carried by a constitutional majority.

Bill ordered enrolled.

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

Motion carried.

Senate in recess at 12:31 p.m.

#### SENATE IN SESSION

At 12:32 p.m.

President Hunt presiding.

Quorum present.

Senate Bill No. 458.

The following Assembly amendment was read:

Amendment No. 943.

Amend sec. 2, page 4, line 33, by deleting "Health Division" and inserting: "State Board of Health".

Amend sec. 2, page 4, lines 38 and 39, by deleting "Health Division" and inserting: "State Board of Health".



Senator Washington moved that the Senate concur in the Assembly amendment to Senate Bill No. 458.

Remarks by Senator Washington.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 328.

The following Assembly amendment was read:

Amendment No. 1097.

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

"Sec. 8. 1. The Administrative Office of the Courts, in cooperation with the Public Employees' Retirement System, the Commission to Review Compensation of Constitutional Officers, Legislators, Supreme Court Justices, District Judges and Elected County Officers and any other board or commission that examines the salaries and compensation of justices, judges and judicial officers shall conduct a study of the salaries paid to all justices, judges, and judicial officers and the contributions paid to the Judicial Retirement Fund.

2. The study must include, without limitation:

(a) An evaluation of the salaries paid to justices, judges and judicial officers.

(b) An evaluation of the financial impact on justices, judges and judicial officers if such justices, judges and judicial officers are required to pay contributions to the Judicial Retirement Fund in the same manner as determined by the Public Employees' Retirement Board for contributions paid by regular members to the Public Employees' Retirement System and the Judicial Retirement System.

(c) An evaluation of the fiscal impact on the Judicial Branch of this State if the Court Administrator is required to pay contributions to the Judicial Retirement Fund in the same manner as determined by the Public Employees' Retirement Board for contributions paid for regular members by employers to the Public Employees' Retirement System and the Judicial Retirement System.

3. On or before November 1, 2006, the Administrative Office of the Courts shall prepare a report that contains the findings of the study and submit the report to the Director of the Legislative Counsel Bureau for transmittal to the 74th Session of the Nevada Legislature."

Amend the title of the bill, fifteenth line, after "writing;" by inserting: "directing the Administrative Office of the Courts to conduct an interim study concerning the salaries paid to justices, judges and judicial officers and the contributions paid to the Judicial Retirement Fund;"

Senator Raggio moved that the Senate do not concur in the Assembly amendment to Senate Bill No. 328.

Remarks by Senator Raggio.

Motion carried.

Bill ordered transmitted to the Assembly.

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the President and Secretary signed Senate Bills Nos. 18, 22, 44, 46, 52, 67, 82, 87, 110, 122, 170, 194, 251, 263, 269, 280, 281, 307, 326, 346, 389, 438; Assembly Bills Nos. 93, 101, 137, 162, 299, 440, 532, 533.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

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

On request of Senator Washington, the privilege of the floor of the Senate Chamber for this day was extended to the following students and teachers from the Esther Bennett Elementary School: Miguel Akiu, Estefan Arellano-Valdivia, Kyle Barnes, Lucas Bryant, Angelina Carrasco, Nasaria Cortez, Daniel De La Cruz, Jacob Dykman, Cristian Garcia, Rolando Gonzalez, Robert Johnson, Christian Maine-Niiranen, Briana Moore, Nicole Osborne, Brittany Perwein Higley, Roxanne Saxen-Vazquez, Gabriel Serafin Gonzalez, Elda Serrano, Nelson Stoelo Bonilla, Jacqueline Stille, Tiffany Syfers, Abraham Taberes Villalpando, Elias Teschera, Florence Vazquez-Vela, Samson Walsh, Jena Zimmerman, Leidy Cecila Chavez, Ana-Sylvia Contreras, Edy Cortes, Andrea Cortez, Eduardo Cuevas, Dawson Dargay, Kendra Davis, Adrian Drummond, Jorge Duran, Dallas Geiger, Christina Gunyah, Charles Hayes, William Hogueison, Rachel Noland, Isaura Ortiz, Joseph Pelletier, Tyler Quinones, Megan Reed, Melissa Schroeder, Nicole Seward, Omar Valdez, Samantha Vest, Andrea Weakland, Taya Webb, Tiffany Wegley, Thomas Acosta, Miranda Barton, Sandra Brauer, Edgar Cano, Ciera Clark, Caryssa Cook, Alexandria Dixon, Michael Dusten, Bryam Escobar Castellon, Samuel Gutierrez, Rachel Hobbs, Christopher Johnson, Kaitlyn Kersey, Toby Martinez, Joshua McKinney, David Miller, Joseph Morales, Eric Nitsch, Jessica Pfennig, Dalton Rahn, Harleyrose Stephenson, Julio Valdivia, Ingrid Vargas Medina, Ricardo Valazquez, Andrea Ward, Jordan Zito; teachers: Gladis Diaz, Kathy Lawrence and William Protz.

Senator Raggio moved that the Senate adjourn until Wednesday, June 1, 2005, at 11 a.m.

Motion carried.

Senate adjourned at 12:36 p.m.

Approved:

LORRAINE T. HUNT  
*President of the Senate*

Attest: CLAIRE J. CLIFT  
*Secretary of the Senate*