THE ONE HUNDREDTH DAY

CARSON CITY (Tuesday), May 15, 2007

Assembly called to order at 11:21 a.m.

Madam Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Reverend Marie Hanson.

There is one Source. This Source provides limitless wisdom, truth, and joy. May we accept these gifts from our Source, may we embody these qualities of God, may we express these aspects in our actions, thoughts, and words. Wisdom, truth, and joy abide in each of us. Wisdom, truth, and joy is what we are. And so it is.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Oceguera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Commerce and Labor, to which was referred Senate Bill No. 99, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Commerce and Labor, to which was referred Senate Bills Nos. 18, 403, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOHN OCEGUERA, *Chair*

Madam Speaker:

Your Committee on Education, to which was referred Senate Bill No. 534, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BONNIE PARNELL, *Chair*

Madam Speaker:

Your Committee on Elections, Procedures, Ethics, and Constitutional Amendments, to which was referred Senate Bill No. 549, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ELLEN KOIVISTO, *Chair*

Madam Speaker:

Your Committee on Government Affairs, to which were referred Senate Bills Nos. 137, 183, 198, 210, 391, 419, 515, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MARILYN K. KIRKPATRICK, *Chair*

Madam Speaker:

Your Committee on Health and Human Services, to which was referred Senate Bill No. 244, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SHEILA LESLIE, *Chair*

Madam Speaker:

Your Committee on Ways and Means, to which were referred Assembly Bill No. 580; Senate Bills Nos. 337, 338, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which were rereferred Assembly Bill No. 594; Senate Bill No. 66, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which was rereferred Assembly Bill No. 393, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

Also, your Committee on Ways and Means, to which was rereferred Assembly Bills Nos. 150, 226, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chair*

Madam Speaker:

Your Concurrent Committee on Ways and Means, to which was referred Assembly Bills Nos. 246, 596, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 14, 2007

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 15, 16, 22, 28, 39, 43, 118, 135, 198, 220, 266, 278, 283, 329, 348, 504, 520, 536, 548, 556.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 2, Senate Amendment No. 679;Assembly Bill No. 14, Senate Amendment No. 663; Assembly Bill No. 102, Senate Amendment No. 660; Assembly Bill No. 299, Senate Amendment No. 664; Assembly Bill No. 303, Senate Amendment No. 677; Assembly Bill No. 543, Senate Amendment No. 681; Assembly Joint Resolution No. 3, Senate Amendment No. 630, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 29.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

May 14, 2007

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Senate Bills Nos. 66, 182, 187, 339, 340, 444 and 463.

MARK STEVENS
Fiscal Analysis Division

Assemblyman Oceguera moved that the reading of the Histories on all bills and resolutions be dispensed with for this legislative day.

Motion carried.

Senate Concurrent Resolution No. 18.

Resolution read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 667.

SENATE CONCURRENT RESOLUTION—Expressing support for vocational rehabilitation programs and services in this State.

WHEREAS, Vocational rehabilitation programs and services are of great importance to persons with disabilities in this State, helping such individuals so that they may prepare for and engage in gainful employment and live more independently; and

WHEREAS, The Department of Employment, Training and Rehabilitation has access to state and federal money **as well as private contributions** to cover the costs of providing vocational rehabilitation services to persons with disabilities; and

WHEREAS, The costs of providing such services can include, without limitation, costs for assessment, counseling, medical and psychological services, vocational and other training, job placement, transportation, assistance to persons who are blind and deaf, and other goods and services needed by persons with disabilities; and

WHEREAS, This money can also be used to assist families of persons with disabilities who are being provided vocational rehabilitation services and to benefit groups of such persons by the construction and establishment of community programs; and

WHEREAS, The Rehabilitation Services Administration of the United States Department of Education, which allocates Section 110 funding based on disability population demographics, allocated $3,000,000 to the Rehabilitation Division **of the Department of Employment, Training and Rehabilitation** that was not matched for Fiscal Year 2006, causing the loss of this money; and

WHEREAS, Preliminary estimates indicate that for the next fiscal year, Nevada will continue to send back federal money that could fund beneficial programs for which the need is critical; now, therefore, be it

RESOLVED BY THE SENATE OF THE STATE OF NEVADA, THE ASSEMBLY CONCURRING, That the members of the Nevada Legislature hereby express their support for the use of state and federal money **as well as private contributions** for the development of facilities, programs and other resources needed by persons with disabilities in this State to help them prepare for and engage in gainful employment; and be it further

~~[RESOLVED, That the Department of Employment, Training and Rehabilitation is encouraged to continue to seek private contributions to~~

~~make up the difference between current State General Fund expenditures and the total matching money needed to allow the Department to use the full allotment of federal money; and be it further]~~

RESOLVED, That by using private and state money to provide a full match, and thereby maximizing the receipt of federal money, the Department will be able to provide vocational rehabilitation services to help persons with disabilities consistent with their strengths, resources, priorities, concerns, capabilities, interests and informed choice; and be it further

RESOLVED, That the Secretary of the Senate prepare and transmit a copy of this resolution to the Director of the Department of Employment, Training and Rehabilitation.

Assemblywoman Leslie moved the adoption of the amendment.

Remarks by Assemblywoman Leslie.

Amendment adopted.

Resolution ordered reprinted, engrossed and to the Resolution File.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Oceguera, Conklin, and Buckley (Emergency Request of Buckley):

Assembly Bill No. 619—AN ACT relating to motor vehicles; creating the Nevada Automobile Theft Authority within the Division of Insurance of the Department of Business and Industry; providing the membership and duties of the Authority; creating the Fund for the Nevada Automobile Theft Authority; authorizing the Authority to award grants of money from the Fund to public agencies for programs to prevent motor vehicle theft; imposing certain reporting requirements on the Authority; imposing a fee on insurers that issue motor vehicle liability insurance in this State for deposit in the Fund; revising the provisions governing the crime of grand larceny of a motor vehicle; and providing other matters properly relating thereto.

Assemblyman Oceguera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 202.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 714.

AN ACT making an appropriation to the State Gaming Control Board for implementation of new information system security measures and replacement of equipment; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. There is hereby appropriated from the State General Fund to the State Gaming Control Board the sum of ~~[$1,041,587]~~ **$748,622** for the implementation of new information system security measures and the purchase of replacement equipment for electronic eavesdropping countermeasures, computer hardware and software and radio equipment.

Sec. 2. Any remaining balance of the appropriation made by section 1 of this act must not be committed for expenditure after June 30, 2009, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2009, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2009.

Sec. 3. This act becomes effective upon passage and approval.

Assemblyman Arberry moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 539.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 716.

AN ACT making appropriations to the State Department of Agriculture; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. 1. There is hereby appropriated from the State General Fund to the State Department of Agriculture, Administration, the sum of ~~[$146,660]~~ **$138,725** for the purchase of servers for the Reno and Las Vegas offices and other computer hardware and software, and the replacement of two vehicles.

2. There is hereby appropriated from the State General Fund to the State Department of Agriculture for the Plant Industry Program the sum of $267,045 for the replacement of 14 vehicles.

3. There is hereby appropriated from the State General Fund to the State Department of Agriculture, Veterinary Medical Services, the sum of ~~[$60,973]~~ **$51,973** for the purchase of new and replacement laboratory equipment for Reno and Elko and to replace one veterinary vehicle.

Sec. 2. Any remaining balance of the appropriations made by section 1 of this act must not be committed for expenditure after June 30, 2009, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2009, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2009.

Sec. 3. This act becomes effective upon passage and approval.

Assemblyman Arberry moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 551.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 717.

AN ACT making appropriations to the Department of Cultural Affairs; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. 1. There is hereby appropriated from the State General Fund to the Department of Cultural Affairs, Administration, the sum of ~~[$265,678]~~ **$250,124** for computer replacement for all agencies within the Department that are funded by the State General Fund.

2. There is hereby appropriated from the State General Fund to the Archives and Records Division of the Department of Cultural Affairs the sum of $89,146 for a box tracking software system to improve efficiency, accuracy and responsiveness within the State Records Center.

3. There is hereby appropriated from the State General Fund to the Division of Museums and History of the Department of Cultural Affairs the sum of ~~[$506,092]~~ **$505,092** for the purchase of new and replacement equipment, including tables, chairs, cabinets, racks, a dry-mount press and vehicles, and for the purchase of a portion of the Liberty Belle antique slot machine collection.

4. There is hereby appropriated from the State General Fund to the Nevada State Library of the Department of Cultural Affairs the sum of ~~[$1,268,115]~~ **$68,115** for the purchase of three microfilm remote access systems ~~[,]~~ **and for the** replacement of staff chairs and rolling ladders . ~~[, and to provide collection development funding for public libraries.]~~

5. There is hereby appropriated from the State General Fund to the State Railroad Museum of the Department of Cultural Affairs the sum of $120,000

to comply with the amended agreement for restoration of McKeen Motor Car by completing restoration of the Motor Car and performing a restoration feasibility study for Nevada Copper Belt No. 22, a Hall-Scott car.

Sec. 2. Any remaining balance of the appropriations made by section 1 of this act must not be committed for expenditure after June 30, 2009, by the entity to which the appropriations are made or any entity to which money from the appropriations is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2009, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2009.

Sec. 3. This act becomes effective upon passage and approval.

Assemblyman Arberry moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 19.

Bill read second time and ordered to third reading.

Senate Bill No. 20.

Bill read second time and ordered to third reading.

Senate Bill No. 35.

Bill read second time and ordered to third reading.

Senate Bill No. 86.

Bill read second time.

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

Amendment No. 710.

AN ACT relating to public utilities; revising provisions governing the issuance of certificates of public convenience and necessity for utilities that furnish water or provide sewage disposal services; requiring submission of plans to meet demands for water and sewage disposal services; increasing the threshold annual revenue level at which water supply or sewage disposal utilities are subject to the jurisdiction of the Public Utilities Commission of Nevada; requiring certain water supply or sewage disposal utilities to file a general rate application with the Commission according to a specified schedule; requiring water supply utilities to provide for the maintenance of certain fire hydrants; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law provides for the regulation of utilities that furnish water and utilities that provide sewage disposal services by the Public Utilities Commission of Nevada. (Chapter 704 of NRS) Existing law exempts from regulation by the Commission utilities that have gross sales for water and

sewer services of $5,000 or less during a 12-month period. (NRS 704.030) Section 4 of this bill increases that threshold amount to $25,000 or less during a 12-month period. Existing law also requires that a water supply utility furnish water to cities, towns, villages or hamlets for the purpose of fire protection. (NRS 704.660) Section 8 of this bill requires that a water supply utility provide for the maintenance of certain fire hydrants. Section 3 of this bill requires that a water supply or sewage utility with an annual gross operating revenue of $1,000,000 or more for at least 1 year of the immediately preceding 3 years submit a plan to the Commission for satisfying the demands of its customers.

Additionally, existing law requires that some, but not all, public utilities must file general rate applications with the Commission according to a specified schedule. (NRS 704.110) Section 5 of this bill requires that water supply or sewer utilities with an annual gross operating revenue of $500,000 or more for at least 1 year of the immediately preceding 3 years file a general rate application with the Commission according to a specified schedule.

Under existing law, public utilities must obtain a certificate of public convenience and necessity from the Commission before beginning or continuing any operations or construction related to the utility. (NRS 704.330) Section 2 of this bill requires the Commission to consider the capabilities of existing water supply or sewer companies before issuing a certificate ~~[, and]~~ **to a new public utility. Section 3 of this bill** requires water supply utilities of a certain size to file a resource plan with the Commission according to a specified schedule.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 704 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***In determining whether to issue a certificate of public convenience and necessity to a new public utility that authorizes the construction, ownership, control or operation of any line, plant or system for the purpose of furnishing water for municipal, industrial or domestic purposes or services for the disposal of sewage, or both, the Commission shall consider whether another public utility or person is ready, willing and able to provide the services in the geographic area proposed by the applicant for the certificate.***

Sec. 3. ***1. A public utility that furnishes water for municipal, industrial or domestic purposes or services for the disposal of sewage, or both, and which had an annual gross operating revenue of $1,000,000 or more for at least 1 year during the immediately preceding 3 years shall, on or before March 1 of every third year, in the manner specified by the Commission, submit a plan to the Commission to provide sufficient water or services for the disposal of sewage to satisfy the demand made on its system by its customers.***

2. The Commission shall adopt regulations to provide for the contents of and the method and schedule for preparing, submitting, reviewing and approving the plan required pursuant to subsection 1.

3. Within 180 days after a public utility has filed a plan pursuant to subsection 1, the Commission shall issue an order accepting the plan as filed or specifying any portion of the plan it finds to be inadequate.

4. If a plan submitted pursuant to subsection 1 and accepted by the Commission pursuant to subsection 3 and any regulations adopted pursuant to subsection 2 identifies a facility for acquisition or construction, the facility shall be deemed to be a prudent investment and the public utility may recover all just and reasonable costs of planning and constructing or acquiring the facility.

5. All prudent and reasonable expenditures made by a public utility to develop a plan filed pursuant to subsection 1, including, without limitation, any environmental, engineering or other studies, must be recovered from the rates charged to the public utility's customers.

Sec. 4. NRS 704.030 is hereby amended to read as follows:

704.030 "Public utility" or "utility" does not include:

1. Persons engaged in the production and sale of natural gas, other than sales to the public, or engaged in the transmission of natural gas other than as a common carrier transmission or distribution line or system.

2. Persons engaged in the business of furnishing, for compensation, water or services for the disposal of sewage, or both, to persons within this State if:

(a) They serve 25 persons or less; and

(b) Their gross sales for water or services for the disposal of sewage, or both, amounted to ~~[$5,000]~~ ***$25,000*** or less during the immediately preceding 12 months.

3. Persons not otherwise engaged in the business of furnishing, producing or selling water or services for the disposal of sewage, or both, but who sell or furnish water or services for the disposal of sewage, or both, as an accommodation in an area where water or services for the disposal of sewage, or both, are not available from a public utility, cooperative corporations and associations or political subdivisions engaged in the business of furnishing water or services for the disposal of sewage, or both, for compensation, to persons within the political subdivision.

4. Persons who are engaged in the production and sale of energy, including electricity, to public utilities, cities, counties or other entities which are reselling the energy to the public.

5. Persons who are subject to the provisions of NRS 590.465 to 590.645, inclusive.

6. Persons who are engaged in the sale or use of special fuel as defined in NRS 366.060.

7. Persons who provide water from water storage, transmission and treatment facilities if those facilities are for the storage, transmission or treatment of water from mining operations.

Sec. 5. NRS 704.110 is hereby amended to read as follows:

704.110 Except as otherwise provided in NRS 704.075 and 704.68904 to 704.68984, inclusive, or as may otherwise be provided by the Commission pursuant to NRS 704.095 or 704.097 or pursuant to the regulations adopted by the Commission in accordance with subsection 4 of NRS 704.040:

1. If a public utility files with the Commission an application to make changes in any schedule, including, without limitation, changes that will result in a discontinuance, modification or restriction of service, the Commission shall investigate the propriety of the proposed changes to determine whether to approve or disapprove the proposed changes. If an electric utility files such an application and the application is a general rate application or an application to clear its deferred accounts, the Consumer's Advocate shall be deemed a party of record.

2. Except as otherwise provided in subsections 3 and 13, if a public utility files with the Commission an application to make changes in any schedule, the Commission shall issue a written order approving or disapproving, in whole or in part, the proposed changes:

(a) For a public utility that is a PAR carrier, not later than 180 days after the date on which the application is filed; and

(b) For all other public utilities, not later than 210 days after the date on which the application is filed.

3. If a public utility files with the Commission a general rate application, the public utility shall submit with its application a statement showing the recorded results of revenues, expenses, investments and costs of capital for its most recent 12 months for which data were available when the application was prepared. Except as otherwise provided in subsection 4, in determining whether to approve or disapprove any increased rates, the Commission shall consider evidence in support of the increased rates based upon actual recorded results of operations for the same 12 months, adjusted for increased revenues, any increased investment in facilities, increased expenses for depreciation, certain other operating expenses as approved by the Commission and changes in the costs of securities which are known and are measurable with reasonable accuracy at the time of filing and which will become effective within 6 months after the last month of those 12 months, but the public utility shall not place into effect any increased rates until the changes have been experienced and certified by the public utility to the Commission and the Commission has approved the increased rates. The Commission shall also consider evidence supporting expenses for depreciation, calculated on an annual basis, applicable to major components of the public utility's plant placed into service during the recorded test period or the period for certification as set forth in the application. Adjustments to revenues, operating expenses and costs of securities must be calculated on an

annual basis. Within 90 days after the date on which the certification required by this subsection is filed with the Commission, or within the period set forth in subsection 2, whichever time is longer, the Commission shall make such order in reference to the increased rates as is required by this chapter. ~~[An electric utility]~~ ***The following public utilities*** shall ***each*** file a general rate application pursuant to this subsection ~~[at least once every 24 months]~~ based on the following schedule:

(a) An electric utility that primarily serves less densely populated counties shall file a general rate application on or before October 3, 2005, and at least once every 24 months thereafter.

(b) An electric utility that primarily serves densely populated counties shall file a general rate application on or before November 15, 2006, and at least once every 24 months thereafter.

(c) A public utility that furnishes water for municipal, industrial or domestic purposes or services for the disposal of sewage, or both, which had an annual gross operating revenue of $500,000 or more for at least 1 year during the immediately preceding 3 years and which had not filed a general rate application with the Commission on or after July 1, 2005, shall file a general rate application on or before June 30, 2008, and at least once every 36 months thereafter unless waived by the Commission pursuant to standards adopted by regulation of the Commission.

(d) A public utility that furnishes water for municipal, industrial or domestic purposes or services for the disposal of sewage, or both, which had an annual gross operating revenue of $500,000 or more for at least 1 year during the immediately preceding 3 years and which had filed a general rate application with the Commission on or after July 1, 2005, shall file a general rate application on or before June 30, 2009, and at least once every 36 months thereafter unless waived by the Commission pursuant to standards adopted by regulation of the Commission.

➥ The Commission shall adopt regulations setting forth standards for waivers pursuant to paragraphs (c) and (d) and for including the costs incurred by the public utility in preparing and presenting the general rate application before the effective date of any change in rates.

4. In addition to submitting the statement required pursuant to subsection 3, a public utility which purchases natural gas for resale may submit with its general rate application a statement showing the effects, on an annualized basis, of all expected changes in circumstances. If such a statement is filed, it must include all increases and decreases in revenue and expenses which may occur within 210 days after the date on which its general rate application is filed with the Commission if such expected changes in circumstances are reasonably known and are measurable with reasonable accuracy. If a public utility submits such a statement, the public utility has the burden of proving that the expected changes in circumstances set forth in the statement are reasonably known and are measurable with reasonable accuracy. If the Commission determines that the public utility has met its burden of proof:

(a) The Commission shall consider the statement submitted pursuant to this subsection and evidence relevant to the statement in addition to the statement required pursuant to subsection 3 as evidence in establishing just and reasonable rates for the public utility; and

(b) The public utility is not required to file with the Commission the certification that would otherwise be required pursuant to subsection 3.

5. If a public utility files with the Commission an application to make changes in any schedule and the Commission does not issue a final written order regarding the proposed changes within the time required by this section, the proposed changes shall be deemed to be approved by the Commission.

6. If a public utility files with the Commission a general rate application, the public utility shall not file with the Commission another general rate application until all pending general rate applications filed by that public utility have been decided by the Commission unless, after application and hearing, the Commission determines that a substantial financial emergency would exist if the public utility is not permitted to file another general rate application sooner. The provisions of this subsection do not prohibit the public utility from filing with the Commission, while a general rate application is pending, an application to recover the increased cost of purchased fuel, purchased power, or natural gas purchased for resale pursuant to subsection 7 or an application to clear its deferred accounts pursuant to subsection 9, if the public utility is otherwise authorized by those provisions to file such an application.

7. A public utility may file an application to recover the increased cost of purchased fuel, purchased power, or natural gas purchased for resale once every 30 days. The provisions of this subsection do not apply to:

(a) An electric utility using deferred accounting pursuant to NRS 704.187; or

(b) A public utility which purchases natural gas for resale and which adjusts its rates on a quarterly basis between annual rate adjustment applications pursuant to subsection 8.

8. A public utility which purchases natural gas for resale must request approval from the Commission to adjust its rates on a quarterly basis between annual rate adjustment applications based on changes in the public utility's recorded costs of natural gas purchased for resale. If the Commission approves such a request:

(a) The public utility shall file written notice with the Commission before the public utility makes a quarterly rate adjustment between annual rate adjustment applications. A quarterly rate adjustment is not subject to the requirements for notice and a hearing pursuant to NRS 703.320 or the requirements for a consumer session pursuant to subsection 1 of NRS 704.069.

(b) The public utility shall provide written notice of each quarterly rate adjustment to its customers by including the written notice with a customer's

regular monthly bill. The public utility shall begin providing such written notice to its customers not later than 30 days after the date on which the public utility files its written notice with the Commission pursuant to paragraph (a). The written notice that is included with a customer's regular monthly bill:

(1) Must be printed separately on fluorescent-colored paper and must not be attached to the pages of the bill; and

(2) Must include the following:

(I) The total amount of the increase or decrease in the public utility's revenues from the rate adjustment, stated in dollars and as a percentage;

(II) The amount of the monthly increase or decrease in charges for each class of customer or class of service, stated in dollars and as a percentage;

(III) A statement that customers may send written comments or protests regarding the rate adjustment to the Commission; and

(IV) Any other information required by the Commission.

(c) The public utility shall file an annual rate adjustment application with the Commission. The annual rate adjustment application is subject to the requirements for notice and a hearing pursuant to NRS 703.320 and the requirements for a consumer session pursuant to subsection 1 of NRS 704.069.

(d) The proceeding regarding the annual rate adjustment application must include a review of each quarterly rate adjustment and a review of the transactions and recorded costs of natural gas included in each quarterly rate adjustment and the annual rate adjustment application. There is no presumption of reasonableness or prudence for any quarterly rate adjustment or for any transactions or recorded costs of natural gas included in any quarterly rate adjustment or the annual rate adjustment application, and the public utility has the burden of proving reasonableness and prudence in the proceeding.

(e) The Commission shall not allow the public utility to recover any recorded costs of natural gas which were the result of any practice or transaction that was unreasonable or was undertaken, managed or performed imprudently by the public utility, and the Commission shall order the public utility to adjust its rates if the Commission determines that any recorded costs of natural gas included in any quarterly rate adjustment or the annual rate adjustment application were not reasonable or prudent.

9. Except as otherwise provided in subsection 10 and subsection 5 of NRS 704.100, if an electric utility using deferred accounting pursuant to NRS 704.187 files an application to clear its deferred accounts and to change one or more of its rates based upon changes in the costs for purchased fuel or purchased power, the Commission, after a public hearing and by an appropriate order:

(a) Shall allow the electric utility to clear its deferred accounts by refunding any credit balance or recovering any debit balance over a period not to exceed 3 years, as determined by the Commission.

(b) Shall not allow the electric utility to recover any debit balance, or portion thereof, in an amount that would result in a rate of return during the period of recovery that exceeds the rate of return authorized by the Commission in the most recently completed rate proceeding for the electric utility.

10. Before allowing an electric utility to clear its deferred accounts pursuant to subsection 9, the Commission shall determine whether the costs for purchased fuel and purchased power that the electric utility recorded in its deferred accounts are recoverable and whether the revenues that the electric utility collected from customers in this State for purchased fuel and purchased power are properly recorded and credited in its deferred accounts. The Commission shall not allow the electric utility to recover any costs for purchased fuel and purchased power that were the result of any practice or transaction that was undertaken, managed or performed imprudently by the electric utility.

11. If an electric utility files an application to clear its deferred accounts pursuant to subsection 9 while a general rate application is pending, the electric utility shall:

(a) Submit with its application to clear its deferred accounts information relating to the cost of service and rate design; and

(b) Supplement its general rate application with the same information, if such information was not submitted with the general rate application.

12. A utility facility identified in a 3-year plan submitted pursuant to NRS 704.741 and accepted by the Commission for acquisition or construction pursuant to NRS 704.751 and the regulations adopted pursuant thereto shall be deemed to be a prudent investment. The utility may recover all just and reasonable costs of planning and constructing such a facility.

13. A PAR carrier may, in accordance with this section and NRS 704.100, file with the Commission a request to approve or change any schedule to provide volume or duration discounts to rates for telecommunication service for an offering made to all or any class of business customers. The Commission may conduct a hearing relating to the request, which must occur within 45 days after the date the request is filed with the Commission. The request and schedule shall be deemed approved if the request and schedule are not disapproved by the Commission within 60 days after the date the Commission receives the request.

14. As used in this section:

(a) "Electric utility" has the meaning ascribed to it in NRS 704.187.

(b) "Electric utility that primarily serves densely populated counties" has the meaning ascribed to it in NRS 704.187.

(c) "Electric utility that primarily serves less densely populated counties" has the meaning ascribed to it in NRS 704.187.

(d) "PAR carrier" has the meaning ascribed to it in NRS 704.68942.

Sec. 6. NRS 704.3296 is hereby amended to read as follows:

704.3296 As used in NRS 704.3296 to 704.430, inclusive, ***and section 2 of this act,*** unless the context otherwise requires, "electric utility" has the meaning ascribed to it in NRS 704.7571.

Sec. 7. NRS 704.430 is hereby amended to read as follows:

704.430 1. Any person, firm, association or corporation who violates any provisions of NRS 704.3296 to 704.430, inclusive, ***and section 2 of this act,*** shall be punished by a fine of not more than $250.

2. Each day's operation without a certificate as provided in NRS 704.3296 to 704.430, inclusive, ***and section 2 of this act*** or each day that service is discontinued, modified or restricted, as defined in NRS 704.3296 to 704.430, inclusive, ***and section 2 of this act*** must be considered a separate offense.

Sec. 8. NRS 704.660 is hereby amended to read as follows:

704.660 1. Any public utility which furnishes, for compensation, any water for domestic purposes shall furnish each city, town, village or hamlet which it serves with a reasonably adequate supply of water at reasonable pressure for fire protection and at reasonable rates, all to be fixed and determined by the Commission.

2. The duty to furnish a reasonably adequate supply of water provided for in subsection 1 includes the laying of mains with all necessary connections for the proper delivery of the water for fire protection ~~[and also the installing]~~ ***, the installation*** of appliances to assure a reasonably sufficient pressure for fire protection ~~[.]~~ ***and the maintenance of fire hydrants that are the property of the public utility and located either within a public right-of-way or upon private property to which the public utility is permitted reasonable access without cost.***

3. The Commission may fix and determine reasonable rates and prescribe all installations and appliances adequate for the proper utilization and delivery of water for fire protection. The Commission may adopt regulations and practices to be followed by a utility in furnishing water for fire protection, and has complete jurisdiction of all questions arising under the provisions of this section.

4. All proceedings under this section must be conducted pursuant to NRS 703.320 to 703.370, inclusive, and 704.005 to 704.645, inclusive. All violations of any order made by the Commission under the provisions of this section are subject to the penalties for similar violations of the provisions of NRS 704.005 to 704.645, inclusive.

5. This section applies to and governs all public utilities furnishing water for domestic use on March 26, 1913, unless otherwise expressly provided in the charters, franchises or permits under which those utilities are acting. Each public utility which supplies water for domestic uses after March 26, 1913, is subject to the provisions of this section, regardless of any conditions to the contrary in any charter, franchise or permit of whatever character granted by

any county, city, town, village or hamlet within this State, or of any charter, franchise or permit granted by any authority outside this State.

Sec. 9. A public utility that furnishes water for municipal, industrial or domestic purposes or services for the disposal of sewage, or both, and which had an annual gross operating revenue of $1,000,000 or more during calendar year 2005, calendar year 2006 or calendar year 2007 shall, on or before March 1, 2008, submit to the Public Utilities Commission of Nevada the plan required pursuant to the provisions of section 3 of this act.

Sec. 10. This act becomes effective on July 1, 2007.

Assemblyman Conklin moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Anderson moved that Senate Bill No. 129 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Anderson.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 100.

Bill read second time and ordered to third reading.

Senate Bill No. 148.

Bill read second time and ordered to third reading.

Senate Bill No. 227.

Bill read second time and ordered to third reading.

Senate Bill No. 265.

Bill read second time.

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

Amendment No. 651.

AN ACT relating to dentistry; ~~[authorizing]~~ **providing for the issuance of subpoenas by** the Executive Director ~~[and the members]~~ of the Board ~~[to issue subpoenas;]~~ **of Dental Examiners of Nevada under certain circumstances;** revising the requirements for the issuance of a permanent license for an applicant who holds a temporary license; eliminating the requirement that the Board meet at least annually to examine applicants for licenses; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill removes the requirement that the Board of Dental Examiners of Nevada meet at least once each year to examine applicants for licenses and removes the requirement that examinations be conducted by

members of the Board or its appointees. Section 3 of this bill requires a person who applies for a license without examination to file an application at least 45 days before the Board is scheduled to take action on the application. Section 4 of this bill specifies that an applicant for a license to practice dentistry must pass a clinical examination approved by the Board and the American Board of Dental Examiners. Sections 5 and 6 of this bill eliminate the requirement that a person who holds a temporary license and wishes to apply for a permanent license must not have been involved in any disciplinary action during the period he held the temporary license. Section 7 of this bill authorizes the **Board to adopt regulations setting forth a procedure pursuant to which the** Executive Director ~~[and any member]~~ of the Board ~~[to]~~ **may** issue subpoenas ~~[.]~~ **on behalf of the Board.** Section 8 of this bill prohibits a dentist from practicing dentistry in a manner or place that is not permitted by the provisions of chapter 631 of NRS. Section 8 also provides that a first or second offense is a gross misdemeanor and a third or subsequent offense is a category D felony.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 631.170 is hereby amended to read as follows:

631.170 1. The Board shall meet ~~[at least once annually]~~ ***whenever necessary*** to examine applicants. The dates of the examinations must be fixed by the Board. The Board may conduct examinations outside ~~[of]~~ this State, and for this purpose may use the facilities of dental colleges **.** ~~[, but all examinations must be conducted by members of the Board or examiners appointed by the Board.]~~

2. The Board may also meet at such other times and places and for such other purposes as it may deem proper.

3. A quorum consists of five members who are dentists and two members who are dental hygienists.

Sec. 2. (Deleted by amendment.)

Sec. 3. NRS 631.220 is hereby amended to read as follows:

631.220 1. Every applicant for a license to practice dental hygiene or dentistry, or any of its special branches, ~~[shall:]~~ ***must:***

(a) File an application with the Board ***at least*** 45 days before ~~[the]~~ ***:***

(1) The date on which the examination ~~[is to]~~ ***will*** be given ~~[.]~~ ***; or***

(2) If an examination is not required for the issuance of a license, the date on which the Board is scheduled to take action on the application.

(b) Accompany the application with a recent photograph of himself together with the required ~~[examination]~~ fee and such other documentation as the Board may require by regulation.

(c) Submit with the application a complete set of fingerprints and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

2. An application must include all information required to complete the application.

Sec. 4. NRS 631.240 is hereby amended to read as follows:

631.240 1. Any person desiring to obtain a license to practice dentistry in this State, after having complied with the regulations of the Board to determine eligibility:

(a) Must present to the Board a certificate granted by the Joint Commission on National Dental Examinations which contains a notation that the applicant has passed the National Board Dental Examination with an average score of at least 75; and

(b) Except as otherwise provided in this chapter, must:

(1) Successfully ~~[complete]~~ ***pass*** a clinical examination ~~[given]~~ ***approved*** by the Board ~~[which examines the applicant's practical knowledge of dentistry and which includes demonstrations of the applicant's skill in dentistry;]~~ ***and the American Board of Dental Examiners;*** or

(2) Present to the Board a certificate granted by the Western Regional Examining Board which contains a notation that the applicant has passed, within the 5 years immediately preceding the date of the application, a clinical examination administered by the Western Regional Examining Board.

2. The Board shall examine each applicant in writing on the contents and interpretation of this chapter and the regulations of the Board.

3. All persons who have satisfied the requirements for licensure as a dentist must be registered as licensed dentists on the board register, as provided in this chapter, and are entitled to receive a certificate of registration, signed by all members of the Board.

Sec. 5. NRS 631.272 is hereby amended to read as follows:

631.272 1. Except as otherwise provided in this section, the Board shall, without a clinical examination required by NRS 631.240, issue a temporary license to practice dentistry to a person who:

(a) Has a license to practice dentistry issued pursuant to the laws of another state or territory of the United States, or the District of Columbia;

(b) Has practiced dentistry pursuant to the laws of another state or territory of the United States, or the District of Columbia, for a minimum of 5 years;

(c) Has not had his license to practice dentistry revoked or suspended in this State, another state or territory of the United States, or the District of Columbia;

(d) Has not been refused a license to practice dentistry in this State, another state or territory of the United States, or the District of Columbia;

(e) Is not involved in or does not have pending a disciplinary action concerning his license to practice dentistry in this State, another state or territory of the United States, or the District of Columbia;

(f) Pays the application, examination and renewal fees in the same manner as a person licensed pursuant to NRS 631.240;

(g) Submits all information required to complete an application for a license; and

(h) Satisfies the requirements of NRS 631.230.

2. A person to whom a temporary license is issued pursuant to subsection 1 may:

(a) Practice dentistry for the duration of the temporary license; and

(b) Apply for a permanent license to practice dentistry without a clinical examination required by NRS 631.240 if ~~[~~:

~~(1) The~~ ***the*** person has held a temporary license to practice dentistry pursuant to subsection 1 for a minimum of 2 years **.** ~~[~~; and

~~(2) The person has not been involved in any disciplinary action during the time he has held a temporary license pursuant to subsection 1.]~~

3. The Board shall examine each applicant in writing on the contents and interpretation of this chapter and the regulations of the Board.

4. The Board shall not, on or after July 1, 2006, issue any additional temporary licenses to practice dentistry pursuant to this section.

5. Any person who, on July 1, 2006, holds a temporary license to practice dentistry issued pursuant to this section may, subject to the regulatory and disciplinary authority of the Board, practice dentistry under the temporary license until December 31, 2008, or until the person is qualified to apply for and is issued or denied a permanent license to practice dentistry in accordance with this section, whichever period is shorter.

6. The Board may revoke a temporary license at any time upon submission of substantial evidence to the Board that the holder of the license violated any provision of this chapter or the regulations of the Board.

Sec. 6. NRS 631.273 is hereby amended to read as follows:

631.273 1. Except as otherwise provided in this section, the Board shall, without a clinical examination required by NRS 631.300, issue a temporary license to practice dental hygiene to a person who:

(a) Has a license to practice dental hygiene issued pursuant to the laws of another state or territory of the United States, or the District of Columbia;

(b) Satisfies the requirements of NRS 631.290;

(c) Has practiced dental hygiene pursuant to the laws of another state or territory of the United States, or the District of Columbia, for at least 5 years immediately preceding the date that he applies for a temporary license;

(d) Has not had his license to practice dental hygiene revoked or suspended in this State, another state or territory of the United States, or the District of Columbia;

(e) Has not been denied a license to practice dental hygiene in this State, another state or territory of the United States, or the District of Columbia;

(f) Is not involved in or does not have pending a disciplinary action concerning his license to practice dental hygiene in this State, another state or territory of the United States, or the District of Columbia;

(g) Pays the application, examination and renewal fees in the same manner as a person licensed pursuant to NRS 631.300; and

(h) Submits all information required to complete an application for a license.

2. A person to whom a temporary license is issued pursuant to this section may:

(a) Practice dental hygiene for the duration of the temporary license; and

(b) Apply for a permanent license to practice dental hygiene without a clinical examination required by NRS 631.300 if ~~[~~:

~~(1) The~~] ***the*** person has held a temporary license to practice dental hygiene issued pursuant to this section for at least 2 years**.** ~~[; and~~

~~(2) The person has not been involved in any disciplinary action during the time he has held a temporary license issued pursuant to this section.]~~

3. The Board shall examine each applicant in writing concerning the contents and interpretation of this chapter and the regulations of the Board.

4. The Board shall not, on or after July 1, 2006, issue any additional temporary licenses to practice dental hygiene pursuant to this section.

5. Any person who, on July 1, 2006, holds a temporary license to practice dental hygiene issued pursuant to this section may, subject to the regulatory and disciplinary authority of the Board, practice dental hygiene under the temporary license until December 31, 2008, or until the person is qualified to apply for and is issued or denied a permanent license to practice dental hygiene in accordance with this section, whichever period is shorter.

6. The Board may revoke a temporary license at any time upon submission of substantial evidence to the Board that the holder of the license violated any provision of this chapter or the regulations of the Board.

Sec. 7. NRS 631.360 is hereby amended to read as follows:

631.360 1. The Board may, upon its own motion, and shall, upon the verified complaint in writing of any person setting forth facts which, if proven, would constitute grounds for refusal, suspension or revocation of a license or certificate under this chapter, investigate the actions of any person holding a certificate.

2. The Board shall, before refusing to issue, or before suspending or revoking any certificate, at least 10 days before the date set for the hearing, notify in writing the applicant or the holder of the certificate of any charges made. The notice may be served by delivery of it personally to the accused person or by mailing it by registered or certified mail to the place of business last specified by the accused person, as registered with the Board.

3. At the time and place fixed in the notice, the Board shall proceed to hear the charges. If the Board receives a report pursuant to subsection 5 of NRS 228.420, a hearing must be held within 30 days after receiving the report.

4. The Board ~~*[, any member thereof or the Executive Director]*~~ may compel the attendance of witnesses or the production of documents or objects by subpoena. ***The Board may adopt regulations that set forth a procedure pursuant to which the Executive Director may issue subpoenas on behalf of the Board.*** Any person who is subpoenaed ~~[by the Board]~~ ***pursuant to this***

subsection may request the Board to modify the terms of the subpoena or grant additional time for compliance.

5. The Board may obtain a search warrant from a magistrate upon a showing that the warrant is needed for an investigation or hearing being conducted by the Board and that reasonable cause exists to issue the warrant.

6. If the Board is not sitting at the time and place fixed in the notice, or at the time and place to which the hearing has been continued, the Board shall continue the hearing for a period not to exceed 30 days.

Sec. 7.5. **NRS 631.366 is hereby amended to read as follows:**

631.366 1. The district court for the county in which any investigation or hearing is being conducted by the Board may compel the attendance of witnesses, the giving of testimony and the production of books and papers as required by any subpoena issued by ***or on behalf of*** the Board.

2. If any witness refuses to attend or testify or produce any papers required by a subpoena, the Board may so report to the district court for the county in which the investigation or hearing is pending by petition, setting forth:

(a) That due notice has been given of the time and place of attendance of the witness or the production of the books and papers;

(b) That the witness has been subpoenaed in the manner prescribed in this chapter;

(c) That the witness has failed and refused to attend or produce the papers required by subpoena before the Board in the investigation or hearing named in the subpoena, or has refused to answer questions propounded to him in the course of the investigation or hearing;

(d) That the subpoena identified specifically any documents or the subject of any testimony required;

(e) That the documents or testimony were relevant to the allegations being investigated or heard; and

(f) That no reasonable cause exists for the failure or refusal to comply with the subpoena,

➥ and requesting an order of the court compelling the witness to attend and testify or produce the books or papers before the Board.

3. The court, upon petition of the Board, shall enter an order directing the witness to appear before the court at a time and place to be fixed by the court in its order, not more than 10 days after the service of the order, and show cause why he has not attended or testified or produced the books or papers before the Board. A certified copy of the order must be served upon the witness. If it appears to the court that the subpoena was regularly issued by ***or on behalf of*** the Board and there is no reasonable cause for the refusal or failure to comply, the court shall thereupon enter an order that the witness appear before the Board at the time and place fixed in the order and testify or produce the required books or papers, and upon failure to obey the order the witness must be dealt with as if in contempt of court.

4. The court may consider, in determining whether reasonable cause existed for the witness' refusal or failure to comply with the subpoena, such factors as:

(a) The burden or cost of compliance, financial or otherwise, to the witness;

(b) The time allowed for compliance;

(c) The extent of the information requested in relation to the nature of the underlying charge; and

(d) The extent of the statistical information necessary to investigate the charge adequately.

Sec. 8. NRS 631.400 is hereby amended to read as follows:

631.400 1. A person who engages in the illegal practice of dentistry in this State ~~[, or]~~ ***is guilty of a category D felony and shall be punished as provided in NRS 193.130.***

2. A person who practices or offers to practice dental hygiene in this State without a license, or who, having a license, practices dental hygiene in a manner or place not permitted by the provisions of this chapter:

(a) If it is his first or second offense, is guilty of a gross misdemeanor.

(b) If it is his third or subsequent offense, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

~~[2.]~~ ***3. Unless a greater penalty is provided by specific statute, a person who is licensed to practice dentistry who practices dentistry in a manner or place not permitted by the provisions of this chapter:***

(a) If it is his first or second offense, is guilty of a gross misdemeanor.

(b) If it is his third or subsequent offense, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

4. The Board may assign ~~[such]~~ a person ***described in subsection 1, 2 or 3*** specific duties as a condition of renewing his license.

~~[3. Whenever]~~

5. If a person has engaged or is about to engage in any acts or practices which constitute or will constitute an offense against this chapter, the district court of any county, on application of the Board, may issue an injunction or other appropriate order restraining the conduct. Proceedings under this subsection are governed by Rule 65 of the Nevada Rules of Civil Procedure, except that no bond or undertaking is required in any action commenced by the Board.

Assemblyman Conklin moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 277.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 689.

AN ACT relating to traffic laws; authorizing the court to order certain offenders who plead guilty or nolo contendere to a third offense of driving under the influence of intoxicating liquor or a controlled substance to a program for the treatment of alcoholism or drug abuse; revising certain penalties for driving under the influence of intoxicating liquor or a controlled substance; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law allows an offender who is found guilty of a first or second violation of driving under the influence of intoxicating liquor or a controlled substance to apply to the court to attend a certified program of treatment for alcoholism or drug abuse. (NRS 484.3792, 484.37937, 484.3794) Upon successful completion of the program, the court will reduce the sentence of the offender. (NRS 484.37937, 484.3794) However, no treatment option or reduced sentence is authorized for a third offense, which is a felony offense. (NRS 484.3792) This bill authorizes the court to order an offender who enters a plea of guilty or nolo contendere to a third-offense violation of driving under the influence of intoxicating liquor or a controlled substance to a program of treatment for a minimum of 3 years and to suspend ~~[the offender's sentence]~~ **further proceedings** until the program of treatment is completed. If the offender successfully completes the program of treatment, his conviction will be reduced to a second-offense violation of driving under the influence of intoxicating liquor or a controlled substance, which is a misdemeanor. ~~[Thus, for the purposes of employment, civil rights, licensing or any other public or private purpose, the conviction would be reflected as a misdemeanor.]~~ However, ~~[the conviction would stand as a prior felony conviction]~~ for the purpose of any additional penalties that may be imposed for subsequent offenses for driving under the influence of intoxicating liquor or a controlled substance ~~[.]~~ **, the offense will count as a third offense.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 484 of NRS is hereby amended by adding thereto a new section to read as follows:

1. An offender who enters a plea of guilty or nolo contendere to a violation of NRS 484.379 that is punishable pursuant to paragraph (c) of subsection 1 of NRS 484.3792 may, at the time he enters his plea, apply to the court to undergo a program of treatment for alcoholism or drug abuse which is certified by the Health Division of the Department of Health and Human Services for at least 3 years if:

(a) The offender is diagnosed as an alcoholic or abuser of drugs by:

(1) An alcohol and drug abuse counselor who is licensed or certified pursuant to chapter 641C of NRS to make that diagnosis; or

(2) A physician who is certified to make that diagnosis by the Board of Medical Examiners; and

(b) The offender agrees to pay the costs of the treatment to the extent of his financial resources.

➥ An alcohol and drug abuse counselor or a physician who diagnoses an offender as an alcoholic or abuser of drugs shall make a report and recommendation to the court concerning the length and type of treatment required for the offender.

2. A prosecuting attorney may, within 10 days after receiving notice of an application for treatment pursuant to this section, request a hearing on the matter. The court shall order a hearing on the application upon the request of the prosecuting attorney or may order a hearing on its own motion.

3. At the hearing on the application for treatment, the prosecuting attorney may present the court with any relevant evidence on the matter. If a hearing is not held, the court shall decide the matter and other information before the court.

4. If the court determines that an application for treatment should be granted, the court shall:

(a) Immediately ~~*[sentence the offender and enter judgment accordingly.*~~

~~*(b) Suspend the sentence of the offender]*~~ ***, without entering a judgment of conviction and with the consent of the offender, suspend further proceedings and place him on probation for not more than 5 years upon the condition that the offender be accepted for treatment by a treatment facility, that he complete the treatment satisfactorily and that he comply with any other condition ordered by the court.***

~~*[(c)]*~~ ***(b) Advise the offender that:***

(1) If he is accepted for treatment by such a facility, he may be placed under the supervision of the facility for ~~*[a period not to exceed]*~~ ***not more than 5 years and during treatment he may be confined in an institution or, at the discretion of the treatment facility, released for treatment or supervised aftercare in the community.***

(2) If he is not accepted for treatment by such a treatment facility, or if he fails to complete the treatment satisfactorily, ~~*[he shall serve the sentence imposed by the court.]*~~ ***the court will enter a judgment of conviction for a violation of paragraph (c) of subsection 1 of NRS 484.3792. Any sentence of imprisonment may be reduced by a time equal to that which he served before beginning treatment.***

(3) If he completes the treatment satisfactorily ~~*[:*~~

~~*(I) The court shall vacate his sentence of imprisonment and reduce his conviction from a violation of paragraph (c) of subsection 1 of NRS 484.3792 to]*~~ ***, the court will enter a judgment of conviction for a violation of paragraph (b) of subsection 1 of NRS 484.3792.***

~~*[*~~ ~~*(II) Such a conviction shall be deemed a misdemeanor for all public purposes, except that the conviction must remain on his record of criminal history as a felony and shall be deemed a prior felony conviction for purposes of enhancement under subsection 2 of NRS 484.3792.]*~~

5. The court shall administer the program of treatment pursuant to the procedures provided in NRS 458.320 and 458.330, except that the court:

(a) Shall not defer the sentence or set aside the conviction upon the election of treatment, except as otherwise provided in this section; and

(b) May ~~[immediately revoke the suspension of sentence for]~~ enter a judgment of conviction and proceed as provided in paragraph (c) of subsection 1 of NRS 484.3792 for a violation of a condition ~~[of the suspension.]~~ ordered by the court.

6. To participate in a program of treatment, the offender must ~~[meet the following conditions, including, without limitation:]~~ :

(a) ~~[The offender shall serve a minimum of]~~ Serve not less than 6 months of residential confinement ~~[pursuant to NRS 4.376 to 4.3766, inclusive;~~

~~(b) The offender shall have installed,]~~ ;

(b) Install, at his own expense, a device ~~[pursuant to NRS 484.3943 for a period of]~~ for not less than 12 months ~~[which may be extended at the discretion of the court;~~

~~(c) The offender may not]~~ ;

(c) Not drive any vehicle ~~[which is not]~~ unless it is equipped with a device ~~[pursuant to NRS 484.3943;~~

~~(d) At the discretion of the court or treatment facility, the offender may]~~ ;

(d) Agree to be subject to periodic testing for the use of alcohol or controlled substances while participating in a program of treatment; and

(e) ~~[Any]~~ Agree to any other conditions that the court deems necessary.

7. An offender may not apply to the court to undergo a program of treatment for alcoholism or drug abuse pursuant to this section if he has previously applied to receive treatment pursuant to this section or if he has previously been convicted of:

(a) A violation of NRS 484.3795;

(b) A violation of NRS 484.37955;

(c) A homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484.379, 484.3795 or 484.37955;

(d) A violation of paragraph (c) of subsection 1 of NRS 484.3792;

(e) A violation of subsection 2 of NRS 484.3792; or

(f) A violation of law of any other jurisdiction that prohibits the same or similar conduct as set forth in paragraph (a), (b), (c) or (d).

8. As used is this section ~~[, "treatment]~~ :

(a) "Device" has the meaning ascribed to it in NRS 484.3941.

(b) "Treatment facility" has the meaning ascribed to it in NRS 484.3793.

Sec. 2. NRS 484.3792 is hereby amended to read as follows:

484.3792 1. Unless a greater penalty is provided pursuant to NRS 484.3795 or 484.37955, and except as otherwise provided in subsection 2, a person who violates the provisions of NRS 484.379:

(a) For the first offense within 7 years, is guilty of a misdemeanor. Unless he is allowed to undergo treatment as provided in NRS 484.37937, the court shall:

(1) Except as otherwise provided in subparagraph (4) or subsection 7, order him to pay tuition for an educational course on the abuse of alcohol and controlled substances approved by the Department and complete the course within the time specified in the order, and the court shall notify the Department if he fails to complete the course within the specified time;

(2) Unless the sentence is reduced pursuant to NRS 484.37937, sentence him to imprisonment for not less than 2 days nor more than 6 months in jail, or to perform not less than 48 hours, but not more than 96 hours, of community service while dressed in distinctive garb that identifies him as having violated the provisions of NRS 484.379;

(3) Fine him not less than $400 nor more than $1,000; and

(4) If he is found to have a concentration of alcohol of 0.18 or more in his blood or breath, order him to attend a program of treatment for the abuse of alcohol or drugs pursuant to the provisions of NRS 484.37945.

(b) For a second offense within 7 years, is guilty of a misdemeanor. Unless the sentence is reduced pursuant to NRS 484.3794, the court shall:

(1) Sentence him to:

(I) Imprisonment for not less than 10 days nor more than 6 months in jail; or

(II) Residential confinement for not less than 10 days nor more than 6 months, in the manner provided in NRS 4.376 to 4.3766, inclusive, or 5.0755 to 5.078, inclusive;

(2) Fine him not less than $750 nor more than $1,000, or order him to perform an equivalent number of hours of community service while dressed in distinctive garb that identifies him as having violated the provisions of NRS 484.379; and

(3) Order him to attend a program of treatment for the abuse of alcohol or drugs pursuant to the provisions of NRS 484.37945.

➥ A person who willfully fails or refuses to complete successfully a term of residential confinement or a program of treatment ordered pursuant to this paragraph is guilty of a misdemeanor.

(c) ~~[For]~~ ***Except as otherwise provided in section 1 of this act, for*** a third offense within 7 years, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and shall be further punished by a fine of not less than $2,000 nor more than $5,000. ~~*[The court may order the offender to attend a program of treatment for the abuse of alcohol or drugs pursuant to section 1 of this act.]*~~ An offender ~~[so]~~ ***who is*** imprisoned ***pursuant to the provisions of this paragraph*** must, insofar as practicable, be segregated from offenders whose crimes were violent and, insofar as practicable, be assigned to an institution or facility of minimum security.

2. Unless a greater penalty is provided in NRS 484.37955, a person who has previously been convicted of:

(a) A violation of NRS 484.379 that is punishable as a felony pursuant to paragraph (c) of subsection 1;

(b) A violation of NRS 484.3795;

(c) A homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484.379, 484.3795 or 484.37955; ~~[or]~~

(d) A violation of a law of any other jurisdiction that prohibits the same or similar conduct as set forth in paragraph (a), (b) or (c) ~~[.]~~ ***; or***

(e) A ~~*[misdemeanor]*~~ ***violation of NRS 484.379 that is punishable pursuant to paragraph (b) of subsection 1 of NRS 484.3792 that was reduced from a felony*** ~~*[after successful completion of a program of treatment as set forth in]*~~ ***pursuant to section 1 of this act,***

➥ and who violates the provisions of NRS 484.379 is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years, and shall be further punished by a fine of not less than $2,000 nor more than $5,000. An offender so imprisoned must, insofar as practicable, be segregated from offenders whose crimes were violent and, insofar as practicable, be assigned to an institution or facility of minimum security.

3. Except as otherwise provided in this subsection, an offense that occurred within 7 years immediately preceding the date of the principal offense or after the principal offense constitutes a prior offense for the purposes of this section when evidenced by a conviction, without regard to the sequence of the offenses and convictions. An offense which is listed in paragraphs (a) to (d), inclusive, of subsection 2 that occurred on any date preceding the date of the principal offense or after the principal offense constitutes a prior offense for the purposes of this section when evidenced by a conviction, without regard for the sequence of the offenses and convictions. The facts concerning a prior offense must be alleged in the complaint, indictment or information, must not be read to the jury or proved at trial but must be proved at the time of sentencing and, if the principal offense is alleged to be a felony, must also be shown at the preliminary examination or presented to the grand jury.

4. A person convicted of violating the provisions of NRS 484.379 must not be released on probation, and a sentence imposed for violating those provisions must not be suspended except, as provided in NRS 4.373, 5.055, 484.37937 and 484.3794, ***and section 1 of this act,*** that portion of the sentence imposed that exceeds the mandatory minimum. A prosecuting attorney shall not dismiss a charge of violating the provisions of NRS 484.379 in exchange for a plea of guilty or nolo contendere to a lesser charge or for any other reason unless he knows or it is obvious that the charge is not supported by probable cause or cannot be proved at the time of trial.

5. A term of confinement imposed pursuant to the provisions of this section may be served intermittently at the discretion of the judge or justice of the peace, except that a person who is convicted of a second or subsequent offense within 7 years must be confined for at least one segment of not less than 48 consecutive hours. This discretion must be exercised after considering all the circumstances surrounding the offense, and the family and employment of the offender, but any sentence of 30 days or less must be served within 6 months after the date of conviction or, if the offender was sentenced pursuant to NRS 484.37937 or 484.3794 ~~*[, or section 1 of this act,]*~~ and the suspension of his sentence was revoked, within 6 months after the date of revocation. Any time for which the offender is confined must consist of not less than 24 consecutive hours.

6. Jail sentences simultaneously imposed pursuant to this section and NRS 482.456, 483.560 or 485.330 must run consecutively.

7. If the person who violated the provisions of NRS 484.379 possesses a driver's license issued by a state other than the State of Nevada and does not reside in the State of Nevada, in carrying out the provisions of subparagraph (1) of paragraph (a) of subsection 1, the court shall:

(a) Order the person to pay tuition for and submit evidence of completion of an educational course on the abuse of alcohol and controlled substances approved by a governmental agency of the state of his residence within the time specified in the order; or

(b) Order him to complete an educational course by correspondence on the abuse of alcohol and controlled substances approved by the Department within the time specified in the order,

➥ and the court shall notify the Department if the person fails to complete the assigned course within the specified time.

8. If the defendant was transporting a person who is less than 15 years of age in the motor vehicle at the time of the violation, the court shall consider that fact as an aggravating factor in determining the sentence of the defendant.

9. For the purpose of determining whether one offense occurs within 7 years of another offense, any period of time between the two offenses during which, for any such offense, the offender is imprisoned, serving a term of residential confinement, confined in a treatment facility, on parole or on probation must be excluded.

10. As used in this section, unless the context otherwise requires:

(a) "Concentration of alcohol of 0.18 or more in his blood or breath" means 0.18 gram or more of alcohol per 100 milliliters of the blood of a person or per 210 liters of his breath.

(b) "Offense" means:

(1) A violation of NRS 484.379 or 484.3795;

(2) A homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a

controlled substance or resulting from any other conduct prohibited by NRS 484.379, 484.3795 or 484.37955; or

(3) A violation of a law of any other jurisdiction that prohibits the same or similar conduct as set forth in subparagraph (1) or (2).

(c) "Treatment facility" has the meaning ascribed to it in NRS 484.3793.

Sec. 3. NRS 484.37945 is hereby amended to read as follows:

484.37945 1. When a program of treatment is ordered pursuant to paragraph (a) or (b) of subsection 1 of NRS 484.3792, ***or section 1 of this act,*** the court shall place the offender under the clinical supervision of a treatment facility for treatment ~~[for a period not to exceed 1 year,]~~ in accordance with the report submitted to the court pursuant to subsection 3, 4, 5 or 6 of NRS 484.37943 ~~[.]~~ ***or section 1 of this act.*** The court shall:

(a) Order the offender confined in a treatment facility, then release the offender for supervised aftercare in the community; or

(b) Release the offender for treatment in the community,

➥ for the period of supervision ordered by the court.

2. The court shall:

(a) Require the treatment facility to submit monthly progress reports on the treatment of an offender pursuant to this section; and

(b) Order the offender, to the extent of his financial resources, to pay any charges for his treatment pursuant to this section. If the offender does not have the financial resources to pay all those charges, the court shall, to the extent possible, arrange for the offender to obtain his treatment from a treatment facility that receives a sufficient amount of federal or state money to offset the remainder of the charges.

3. A treatment facility is not liable for any damages to person or property caused by a person who:

(a) Drives, operates or is in actual physical control of a vehicle or a vessel under power or sail while under the influence of intoxicating liquor or a controlled substance; or

(b) Engages in any other conduct prohibited by NRS 484.379, 484.3795, 484.37955, subsection 2 of NRS 488.400, NRS 488.410, 488.420 or 488.425 or a law of any other jurisdiction that prohibits the same or similar conduct,

➥ after the treatment facility has certified to his successful completion of a program of treatment ordered pursuant to paragraph (a) or (b) of subsection 1 of NRS 484.3792 ~~[.]~~ ***, or section 1 of this act.***

Sec. 4. NRS 484.37947 is hereby amended to read as follows:

484.37947 The provisions of NRS 484.37943 and 484.37945 ***, and section 1 of this act*** do not prohibit a court from:

1. Requiring an evaluation pursuant to NRS 484.37943 to be conducted by an evaluation center that is administered by a private company if the company meets the standards of the State Board of Health pursuant to NRS 484.37935; or

2. Ordering the offender to attend a program of treatment that is administered by a private company.

Sec. 5. **NRS 484.3796 is hereby amended to read as follows:**

484.3796 1. Before sentencing an offender for a violation of NRS 484.379 that is punishable as a felony pursuant to NRS 484.3792 ***other than an offender who has been evaluated pursuant to section 1 of this act*** or a violation of NRS 484.3795 or 484.37955, the court shall require that the offender be evaluated to determine whether he is an abuser of alcohol or drugs and whether he can be treated successfully for his condition.

2. The evaluation must be conducted by:

(a) An alcohol and drug abuse counselor who is licensed or certified pursuant to chapter 641C of NRS to make such an evaluation;

(b) A physician who is certified to make such an evaluation by the Board of Medical Examiners; or

(c) A psychologist who is certified to make such an evaluation by the Board of Psychological Examiners.

3. The alcohol and drug abuse counselor, physician or psychologist who conducts the evaluation shall immediately forward the results of the evaluation to the Director of the Department of Corrections.

~~[Sec. 5.]~~ ***Sec. 6.*** This act becomes effective on July 1, 2007.

Assemblyman Horne moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 396.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 698.

AN ACT relating to subsurface installations; revising provisions relating to the notification required before beginning an excavation or demolition under certain circumstances; revising provisions governing certain complaints relating to the conduct of an excavation or demolition; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill amends the definition of "approximate location of a subsurface installation" to mean a strip of land not more than 24 inches on either side of the exterior surface of a subsurface installation, instead of 30 inches as defined by existing law. (NRS 455.082) **Section 7 of this bill delays the effective date of the change until July 1, 2008. Section 6 of this bill requires the Public Utilities Commission of Nevada to report to the Legislative Commission before the next regular session of the Legislature concerning the effects of the change.**

Existing law requires a person to give notice to the appropriate association of operators of an excavation or demolition at least 2 working days, but not more than 14 calendar days, before the excavation or demolition. (NRS

455.110) Section 3 of this bill extends the time frame to not more than 28 calendar days before the excavation or demolition.

Existing law authorizes certain persons to file a complaint to enjoin certain activities or practices of an operator or a person who is about to conduct an excavation or demolition and authorizes the court to issue a temporary restraining order under certain circumstances. (NRS 455.160) Section 4 of this bill adds the Regulatory Operations Staff of the Public Utilities Commission of Nevada, the Attorney General, an operator or a person conducting an excavation or demolition to the list of persons authorized to file a complaint. ~~[Section 4 also removes the authorization of a court to issue a temporary restraining order.]~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 455.082 is hereby amended to read as follows:

455.082 "Approximate location of a subsurface installation" means a strip of land not more than ~~[30]~~ ***24*** inches on either side of the exterior surface of a subsurface installation. The term does not include the depth of the subsurface installation.

Sec. 2. (Deleted by amendment.)

Sec. 3. NRS 455.110 is hereby amended to read as follows:

455.110 1. Except as otherwise provided in subsection 2, a person shall not begin an excavation or demolition if the excavation or demolition is to be conducted in an area that is known or reasonably should be known to contain a subsurface installation, except a subsurface installation owned or operated by the person conducting the excavation or demolition, unless he:

(a) Notifies the appropriate association for operators pursuant to NRS 455.120, at least 2 working days but not more than ~~[14]~~ ***28*** calendar days before excavation or demolition is scheduled to commence. The notification may be written or provided by telephone and must state the name, address and telephone number of the person who is responsible for the excavation or demolition, the starting date of the excavation or demolition, anticipated duration and type of excavation or demolition to be conducted, the specific area of the excavation or demolition and whether explosives are to be used.

(b) Cooperates with the operator in locating and identifying its subsurface installation by:

(1) Meeting with its representative as requested; and

(2) Making a reasonable effort that is consistent with the practice in the industry to mark with white paint, flags, stakes, whiskers or another method that is agreed to by the operator and the person who is responsible for the excavation or demolition, the proposed area of the excavation or demolition.

2. A person responsible for emergency excavation or demolition is not required to comply with the provisions of subsection 1 if there is a substantial likelihood that loss of life, health or property will result before the provisions

of subsection 1 can be fully complied with. The person shall notify the operator of the action he has taken as soon as practicable.

Sec. 4. NRS 455.160 is hereby amended to read as follows:

455.160 1. ~~[A commissioner]~~ ***The Regulatory Operations Staff*** of the Public Utilities Commission of Nevada ***, the Attorney General, an operator, a person conducting an excavation or demolition,*** or the district attorney of a county or the city attorney of a city in which there is an excavation or demolition or a proposed excavation or demolition which he believes may cause death, serious physical harm or serious property damage may file a complaint in the district court for the county seeking to enjoin the activity or practice of an operator or a person who is responsible for the excavation or demolition.

2. Upon the filing of a complaint pursuant to subsection 1, the court may issue a temporary restraining order before holding an evidentiary hearing. ~~[A temporary restraining order may be issued for no longer than 5 days.]~~

Sec. 5. NRS 455.170 is hereby amended to read as follows:

455.170 1. An action for the enforcement of a civil penalty pursuant to this section may be brought before the Public Utilities Commission of Nevada by the Attorney General, a district attorney, a city attorney, ~~[legal counsel for]~~ ***the Regulatory Operations Staff of*** the Public Utilities Commission of Nevada, the governmental agency that issued the permit to conduct an excavation or demolition, an operator or a person conducting an excavation or demolition.

2. Any person who willfully or repeatedly violates a provision of NRS 455.080 to 455.180, inclusive, is liable for a civil penalty:

(a) Not to exceed $1,000 per day for each violation; and

(b) Not to exceed $100,000 for any related series of violations within a calendar year.

3. Any person who negligently violates any such provision is liable for a civil penalty:

(a) Not to exceed $200 per day for each violation; and

(b) Not to exceed $1,000 for any related series of violations within a calendar year.

4. The amount of any civil penalty imposed pursuant to this section and the propriety of any settlement or compromise concerning a penalty must be determined by the Public Utilities Commission of Nevada upon receipt of a complaint by the Attorney General, ~~[an employee]~~ ***the Regulatory Operations Staff*** of the Public Utilities Commission of Nevada ***,*** ~~[who is engaged in regulatory operations,]~~ a district attorney, a city attorney, the agency that issued the permit to excavate or the operator or the person responsible for the excavation or demolition.

5. In determining the amount of the penalty or the amount agreed upon in a settlement or compromise, the Public Utilities Commission of Nevada shall consider:

(a) The gravity of the violation;

(b) The good faith of the person charged with the violation in attempting to comply with the provisions of NRS 455.080 to 455.180, inclusive, before and after notification of a violation; and

(c) Any history of previous violations of those provisions by the person charged with the violation.

6. A civil penalty recovered pursuant to this section must first be paid to reimburse the person who initiated the action for any cost incurred in prosecuting the matter.

7. Any person aggrieved by a determination of the Public Utilities Commission of Nevada pursuant to this section may seek judicial review of the determination in the manner provided by NRS 703.373.

Sec. 6. **The Public Utilities Commission of Nevada shall, on or before December 31, 2008, submit a report to the Director of the Legislative Counsel Bureau for transmittal to the Legislative Commission concerning the effects of the revision of the definition of "approximate location of a subsurface installation" set forth in NRS 455.082, as amended by section 1 of this act. The report must include, without limitation, the number of occurrences of contact with, exposure of or damage to a subsurface installation resulting from any excavation or demolition in this State on and after July 1, 2008, as compared to similar occurrences before July 1, 2008.**

Sec. 7. **1. This section and sections 2 to 6, inclusive, of this act become effective on October 1, 2007.**

2. **Section 1 of this act becomes effective on July 1, 2008.**

Assemblywoman Leslie moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that Senate Bill No. 559 be taken from its position on the General File and placed at the top of the General File.

Remarks by Assemblyman Oceguera.

Motion carried.

Assemblywoman Kirkpatrick moved that Senate Bill No. 352 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 559.

Bill read third time.

Remarks by Assemblyman Arberry.

Roll call on Senate Bill No. 559:

YEAS—42.

NAYS—None.

Senate Bill No. 559 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 200.

Bill read third time.

Remarks by Assemblymen Denis, Carpenter, and Anderson.

Roll call on Assembly Bill No. 200:

YEAS—42.

NAYS—None.

Assembly Bill No. 200 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 212.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 715.

AN ACT relating to education; requiring the boards of trustees of school districts to prescribe a policy for the development of 4-year academic plans for pupils enrolled in high school; requiring the principals of certain larger high schools to provide for a program of a ninth grade school within a school; requiring the State Board of Education to prescribe a uniform grading scale for high schools; requiring each school district to adopt a policy setting forth the duties of school counselors; expanding the age for compulsory school attendance from 17 years to 18 years; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the system of public instruction for this State and defines the different kinds of public schools in this State. (Chapter 388 of NRS) A high school is a public school in which subjects above the eighth grade are taught. (NRS 388.020)

Section 2 of this bill requires the board of trustees of each school district to adopt a policy for each public school of the school district in which ninth grade pupils are enrolled, to develop a 4-year academic plan for each of those pupils. The academic plan must be developed in consultation with the pupil, the pupil's parent or legal guardian and a school counselor. The plan must include the specific educational goals that the pupil intends to complete before graduation from high school. If the pupil does not satisfy all the goals contained in the plan, the pupil is still eligible for a diploma if he otherwise satisfies the requirements for receipt of a diploma.

Section 3 of this bill requires the board of trustees of each school district that includes at least one high school in which 1,200 pupils or more are enrolled, including ninth grade pupils, to adopt a policy for each of those high schools to provide a program of a ninth grade school within a school.

The principal of each such high school must carry out the program. The program consists of the designation of a separate geographic location within the high school in which ninth grade pupils attend classes ~~[,]~~ **where practicable,** the identification of any special needs for counseling or remediation for a ninth grade pupil and the assignment of certain personnel at the high school specifically for the ninth grade pupils.

Section 4 of this bill requires the State Board of Education to prescribe a uniform grading policy for all public high schools. The board of trustees of each school district and the governing body of each charter school that operates as a high school shall comply with the policy.

Section 5 of this bill requires the board of trustees of each school district to adopt a policy that sets forth the duties, roles and responsibilities of school counselors. The policy must be designed to ensure that school counselors are allotted sufficient time in each school year to carry out school counseling and to limit the amount of time school counselors are required to assist with the administration and coordination of tests.

Existing law establishes the ages for compulsory public school attendance at 7 to 17 years of age. (NRS 392.040) Section 6 of this bill expands the age to 18 years unless the child has graduated from high school.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 388 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***1. The board of trustees of each school district shall adopt a policy for each public school in the school district in which ninth grade pupils are enrolled to develop a 4-year academic plan for each of those pupils. The academic plan must set forth the specific educational goals that the pupil intends to achieve before graduation from high school. The plan may include, without limitation, the designation of a career pathway and enrollment in dual credit courses, career and technical education courses, advanced placement courses and honors courses.***

2. The policy must require each pupil enrolled in ninth grade and the pupil's parent or legal guardian to:

(a) Work in consultation with a school counselor to develop an academic plan for the pupil;

(b) Sign the academic plan; and

(c) Review the academic plan at least once each school year in consultation with a school counselor and revise the plan if necessary.

3. If a pupil enrolls in a high school after ninth grade, an academic plan must be developed for that pupil with appropriate modifications for the grade level of the pupil.

4. An academic plan for a pupil must be used as a guide for the pupil and the parent or legal guardian of the pupil to plan, monitor and manage the pupil's educational and occupational development and make

determinations of the appropriate courses of study for the pupil. If a pupil does not satisfy all the goals set forth in the academic plan, the pupil is eligible to graduate and receive a high school diploma if he otherwise satisfies the requirements for a diploma.

Sec. 3. ***1. The board of trustees of each school district which includes at least one high school with an enrollment of 1,200 pupils or more, including pupils enrolled in ninth grade, shall adopt a policy for each of those high schools to provide a program of a ninth grade school within a school. The policy must require:***

(a) ~~[The]~~ Where practicable, the designation of a separate area geographically within the high school where the pupils enrolled in ninth grade attend classes;

(b) The collection and maintenance of information relating to pupils enrolled in ninth grade, including, without limitation, credits earned, attendance, truancy and indicators that a pupil may be at risk of dropping out of high school;

(c) Based upon the information collected pursuant to paragraph (b), the timely identification of any special needs of a pupil enrolled in ninth grade, including, without limitation, any need for programs of remedial study for a particular subject area and appropriate counseling;

(d) Methods to increase the involvement of parents and legal guardians of pupils enrolled in ninth grade in the education of their children; and

(e) The assignment of:

(1) Guidance counselors;

(2) At least one licensed school administrator; and

(3) Appropriate adult mentors,

↪ specifically for the pupils enrolled in ninth grade.

2. The principal of each high school in which 1,200 pupils or more are enrolled, including pupils enrolled in ninth grade, shall:

(a) Carry out a program of a ninth grade school within a school in accordance with the policy prescribed by the board of trustees pursuant to subsection 1; and

(b) Submit an annual report, on a date prescribed by the board of trustees, that sets forth the specific strategies, programs and methods that are used to focus on the pupils enrolled in ninth grade at the school.

Sec. 4. Chapter 389 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The State Board shall adopt regulations that prescribe a uniform grading scale for all public high schools, including, without limitation, a uniform grading scale for advanced placement courses and honors courses.

2. The board of trustees of each school district and the governing body of each charter school that operates as a high school shall comply with the uniform grading scale.

Sec. 5. Chapter 391 of NRS is hereby amended by adding thereto a new section to read as follows:

The board of trustees of each school district shall adopt a policy that sets forth the duties, roles and responsibilities of persons who are licensed pursuant to chapter 391 of NRS and employed as school counselors. The policy must:

1. Be designed to ensure that school counselors are allotted sufficient time in each school year to carry out the duties relating to counseling, including, without limitation, assisting pupils with academic planning; and

2. Limit the amount of time that school counselors are required to assist with test administration and test coordination at a public school.

Sec. 6. NRS 392.040 is hereby amended to read as follows:

392.040 1. Except as otherwise provided by law, each parent, custodial parent, guardian or other person in the State of Nevada having control or charge of any child between the ages of 7 and ~~[17]~~ ***18*** years shall send the child to a public school during all the time the public school is in session in the school district in which the child resides ~~[.]~~ ***unless the child has graduated from high school.***

2. A child who is 5 years of age on or before September 30 of a school year may be admitted to kindergarten at the beginning of that school year, and his enrollment must be counted for purposes of apportionment. If a child is not 5 years of age on or before September 30 of a school year, the child must not be admitted to kindergarten.

3. Except as otherwise provided in subsection 4, a child who is 6 years of age on or before September 30 of a school year must:

(a) If he has not completed kindergarten, be admitted to kindergarten at the beginning of that school year; or

(b) If he has completed kindergarten, be admitted to the first grade at the beginning of that school year,

➥ and his enrollment must be counted for purposes of apportionment. If a child is not 6 years of age on or before September 30 of a school year, the child must not be admitted to the first grade until the beginning of the school year following his sixth birthday.

4. The parents, custodial parent, guardian or other person within the State of Nevada having control or charge of a child who is 6 years of age on or before September 30 of a school year may elect for the child not to attend kindergarten or the first grade during that year. The parents, custodial parent, guardian or other person who makes such an election shall file with the board of trustees of the appropriate school district a waiver in a form prescribed by the board.

5. Whenever a child who is 6 years of age is enrolled in a public school, each parent, custodial parent, guardian or other person in the State of Nevada having control or charge of the child shall send him to the public school during all the time the school is in session. If the board of trustees of a school district has adopted a policy prescribing a minimum number of days of

attendance for pupils enrolled in kindergarten or first grade pursuant to NRS 392.122, the school district shall provide to each parent and legal guardian of a pupil who elects to enroll his child in kindergarten or first grade a written document containing a copy of that policy and a copy of the policy of the school district concerning the withdrawal of pupils from kindergarten or first grade. Before the child's first day of attendance at a school, the parent or legal guardian shall sign a statement on a form provided by the school district acknowledging that he has read and understands the policy concerning attendance and the policy concerning withdrawal of pupils from kindergarten or first grade. The parent or legal guardian shall comply with the applicable requirements for attendance. This requirement for attendance does not apply to any child under the age of 7 years who has not yet been enrolled or has been formally withdrawn from enrollment in public school.

6. A child who is 7 years of age on or before September 30 of a school year must:

(a) If he has completed kindergarten and the first grade, be admitted to the second grade.

(b) If he has completed kindergarten, be admitted to the first grade.

(c) If the parents, custodial parent, guardian or other person in the State of Nevada having control or charge of the child waived the child's attendance from kindergarten pursuant to subsection 4, undergo an assessment by the district pursuant to subsection 7 to determine whether the child is prepared developmentally to be admitted to the first grade. If the district determines that the child is prepared developmentally, he must be admitted to the first grade. If the district determines that the child is not so prepared, he must be admitted to kindergarten.

➥ The enrollment of any child pursuant to this subsection must be counted for apportionment purposes.

7. Each school district shall prepare and administer before the beginning of each school year a developmental screening test to a child:

(a) Who is 7 years of age on or before September 30 of the next school year; and

(b) Whose parents waived his attendance from kindergarten pursuant to subsection 4,

➥ to determine whether the child is prepared developmentally to be admitted to the first grade. The results of the test must be made available to the parents, custodial parent, guardian or other person within the State of Nevada having control or charge of the child.

8. A child who becomes a resident of this State after completing kindergarten or beginning first grade in another state in accordance with the laws of that state may be admitted to the grade he was attending or would be attending had he remained a resident of the other state regardless of his age, unless the board of trustees of the school district determines that the requirements of this section are being deliberately circumvented.

9. As used in this section, "kindergarten" includes:

(a) A kindergarten established by the board of trustees of a school district pursuant to NRS 388.060;

(b) A kindergarten established by the governing body of a charter school; and

(c) An authorized program of instruction for kindergarten offered in a child's home pursuant to NRS 388.060.

Sec. 7. NRS 392.110 is hereby amended to read as follows:

392.110 1. Any child between the ages of 14 and ~~[17]~~ ***18*** years who has completed the work of the first eight grades may be excused from full-time school attendance and may be permitted to enter proper employment or apprenticeship, by the written authority of the board of trustees excusing the child from such attendance. The board's written authority ~~[shall]~~ ***must*** state the reason or reasons for such excuse.

2. In all such cases **,** no employer or other person shall employ or contract for the services or time of such child until the child presents a written permit therefor from the attendance officer or board of trustees. The permit ~~[shall]~~ ***must*** be kept on file by the employer ~~[,]~~ and **,** upon the termination of employment ~~[shall]~~ **,** ***must*** be returned by the employer to the board of trustees or other authority issuing it.

Sec. 8. NRS 392.130 is hereby amended to read as follows:

392.130 1. Within the meaning of this chapter, a pupil shall be deemed a truant who is absent from school without the written approval of his teacher or the principal of the school, unless the pupil is physically or mentally unable to attend school. The teacher or principal shall give his written approval for a pupil to be absent if an emergency exists or upon the request of a parent or legal guardian of the pupil. Before a pupil may attend or otherwise participate in school activities outside the classroom during regular classroom hours, he must receive the approval of the teacher or principal.

2. An unapproved absence for at least one period, or the equivalent of one period for the school, of a school day may be deemed a truancy for the purposes of this section.

3. If a pupil is physically or mentally unable to attend school, the parent or legal guardian or other person having control or charge of the pupil shall notify the teacher or principal of the school orally or in writing, in accordance with the policy established by the board of trustees of the school district, within 3 days after the pupil returns to school.

4. An absence which has not been approved pursuant to subsection 1 or 3 shall be deemed an unapproved absence. In the event of an unapproved absence, the teacher, attendance officer or other school official shall deliver or cause to be delivered a written notice of truancy to the parent, legal guardian or other person having control or charge of the child. The written notice must be delivered to the parent, legal guardian or other person who has control of the child. The written notice must inform the parents or legal guardian of such absences in a form specified by the Department.

5. As used in this section, "physically or mentally unable to attend" does not include a physical or mental condition for which a pupil is excused pursuant to NRS 392.050.

6. ~~[Notwithstanding the provisions of NRS 392.040 to the contrary, the]~~ ***The*** provisions of this section apply to all pupils who are ~~[less than 18 years of age and enrolled in public schools, including, without limitation, pupils who are 17 years of age or older but less than 18 years of age.]~~ ***required to attend school pursuant to NRS 392.040.***

Sec. 9. NRS 392.140 is hereby amended to read as follows:

392.140 1. Any child who has been declared a truant three or more times within one school year must be declared a habitual truant.

2. Any child who has once been declared a habitual truant and who in an immediately succeeding year is absent from school without the written:

(a) Approval of his teacher or the principal of the school pursuant to subsection 1 of NRS 392.130; or

(b) Notice of his parent or legal guardian or other person who has control or charge over the pupil pursuant to subsection 3 of NRS 392.130,

➥ may again be declared a habitual truant.

3. ~~[Notwithstanding the provisions of NRS 392.040 to the contrary, the]~~ ***The*** provisions of this section apply to all pupils who are ~~[less than 18 years of age and enrolled in public schools, including, without limitation, pupils who are 17 years of age or older but less than 18 years of age.]~~ ***required to attend school pursuant to NRS 392.040.***

Sec. 10. NRS 392.141 is hereby amended to read as follows:

392.141 ~~[Notwithstanding the provisions of NRS 392.040 to the contrary, the]~~ ***The*** provisions of NRS 392.144, 392.146 and 392.147 apply to all pupils who are ~~[less than 18 years of age and enrolled in public schools, including, without limitation, pupils who are 17 years of age or older but less than 18 years of age.]~~ ***required to attend school pursuant to NRS 392.040.***

Sec. 11. NRS 392.149 is hereby amended to read as follows:

392.149 1. Upon receipt of a report pursuant to NRS 392.144 or 392.147, if it appears after investigation that a pupil is a habitual truant, the school police officer or law enforcement agency to whom the report is made shall prepare manually or electronically a citation directing the pupil to appear in the proper juvenile court.

2. A copy of the citation must be delivered to the pupil and to the parent, guardian or any other person who has control or charge of the pupil by:

(a) The local law enforcement agency;

(b) A school police officer employed by the board of trustees of the school district; or

(c) An attendance officer appointed by the board of trustees of the school district.

3. The citation must be in the form prescribed for misdemeanor citations in NRS 171.1773.

4. ~~[Notwithstanding the provisions of NRS 392.040 to the contrary, the]~~ ***The*** provisions of this section apply to all pupils who are ~~[less than 18 years of age and enrolled in public schools, including, without limitation, pupils who are 17 years of age or older but less than 18 years of age.]~~ ***required to attend school pursuant to NRS 392.040.***

Sec. 12. NRS 392.160 is hereby amended to read as follows:

392.160 1. Any peace officer, the attendance officer or any other school officer shall, during school hours, take into custody without warrant:

(a) Any child between the ages of 7 and ~~[17]~~ ***18*** years; and

(b) Any child who has arrived at the age of 6 years but not at the age of 7 years and is enrolled in a public school,

➥ who has been reported to him by the teacher, superintendent of schools or other school officer as an absentee from instruction upon which he is lawfully required to attend.

2. ~~[Any peace officer, the attendance officer or any other school officer shall, during school hours, take into custody without warrant any child who is 17 years of age or older but less than 18 years of age if:~~

~~(a) The child is enrolled in a public school; and~~

~~(b) A teacher, superintendent of schools or other school officer has reported the child as absent from instruction.~~

~~3.]~~ Except as otherwise provided in subsection ~~[4:]~~ ***3:***

(a) During school hours, the officer having custody shall forthwith deliver the child to the superintendent of schools, principal or other school officer at the child's school of attendance.

(b) After school hours, the officer having custody shall deliver the child to the parent, guardian or other person having control or charge of the child.

~~[4.]~~ ***3.*** The board of trustees of a school district or the governing body of a charter school may enter into an agreement with a counseling agency to permit delivery of the child to the agency. For the purposes of this subsection, "counseling agency" means an agency designated by the school district in which the child is enrolled to provide counseling for the child and the parent, guardian or other person having control or charge of the child.

Sec. 13. NRS 392.170 is hereby amended to read as follows:

392.170 Upon the written complaint of any person, the board of trustees of a school district or the governing body of a charter school shall:

1. Make a full and impartial investigation of all charges against parents, guardians or other persons having control or charge of any child who is ~~[17]~~ ***under 18*** years of age ~~[or younger]~~ ***and required to attend school pursuant to NRS 392.040*** for violation of any of the provisions of NRS 392.040 to 392.110, inclusive, or 392.130 to 392.160, inclusive.

2. Make and file a written report of the investigation and the findings thereof in the records of the board.

Sec. 14. NRS 392.180 is hereby amended to read as follows:

392.180 If it appears upon investigation that any parent, guardian or other person having control or charge of any child who is ~~[17]~~ ***under 18***

years of age ~~[or younger]~~ ***and required to attend school pursuant to NRS 392.040*** has violated any of the provisions of NRS 392.040 to 392.110, inclusive, or 392.130 to 392.160, inclusive, the clerk of the board of trustees or the governing body of a charter school in which the child is enrolled, except as otherwise provided in NRS 392.190, shall make and file in the proper court a criminal complaint against the parent, guardian or other person, charging the violation, and shall see that the charge is prosecuted by the proper authority.

Sec. 15. NRS 392.200 is hereby amended to read as follows:

392.200 Any taxpayer, school administrator, school officer or deputy school officer in the State of Nevada may make and file in the proper court a criminal complaint against a parent, guardian or other person who has control or charge of any child who is ~~[17]~~ ***under 18*** years of age ~~[or younger]~~ ***and required to attend school pursuant to NRS 392.040*** and who violates any of the provisions of law requiring the attendance of children in the public schools of this State.

Sec. 16. NRS 392.215 is hereby amended to read as follows:

392.215 Any parent, guardian or other person who, with intent to deceive under NRS 392.040 to 392.110, inclusive, or 392.130 to 392.165, inclusive:

1. Makes a false statement concerning the age or attendance at school;

2. Presents a false birth certificate or record of attendance at school; or

3. Refuses to furnish a suitable identifying document, record of attendance at school or proof of change of name, upon request by a local law enforcement agency conducting an investigation in response to notification pursuant to subsection 4 of NRS 392.165,

➥ of a child under ~~[17]~~ ***18*** years of age who is under his control or charge, is guilty of a misdemeanor.

Sec. 16.5. NRS 394.145 is hereby amended to read as follows:

394.145 1. A private elementary or secondary school in this State shall not permanently admit any child until the parent or guardian of the child furnishes a birth certificate or other document suitable as proof of the child's identity and, if applicable, a copy of the child's records from the school he most recently attended.

2. Except as otherwise provided in subsection 3, a child must be admitted to a school under his name as it appears in the identifying document or records required by subsection 1, unless the parent or guardian furnishes a court order or decree authorizing a change of name or directing the principal or other person in charge of that school to admit the child under a name other than the name which appears in the identifying document or records.

3. A child who is in the custody of the agency which provides child welfare services, as defined in NRS 432B.030, may be admitted to a school under a name other than the name which appears in the identifying document or records required by subsection 1 if the court determines that to do so would be in the best interests of the child.

4. If the parent or guardian fails to furnish the identifying document or records required by subsection 1 within 30 days after the child is conditionally admitted, the principal or other person in charge of the school shall notify the local law enforcement agency and request a determination as to whether the child has been reported as missing.

5. Any parent, guardian or other person who, with intent to deceive under this section:

(a) Presents a false birth certificate or record of attendance at school; or

(b) Refuses to furnish a suitable identifying document, record of attendance at school or proof of change of name, upon request by a local law enforcement agency conducting an investigation in response to notification pursuant to subsection 4,

➥ of a child under ~~[17]~~ ***18*** years of age who is under his control or charge, is guilty of a misdemeanor.

Sec. 17. 1. On or before October 1, 2007, the board of trustees of each school district shall adopt a policy required by section 5 of this act that sets forth the duties, roles and responsibilities of persons who are licensed pursuant to chapter 391 of NRS and employed as school counselors. Each board of trustees shall submit the policy to the Department of Education.

2. On or before December 1, 2007, the Department of Education shall submit a written report to the Legislative Committee on Education that summarizes the policies adopted by school districts pursuant to section 5 of this act.

3. On or before December 1, 2008, the board of trustees of each school district shall submit a written report to the Department of Education that sets forth:

(a) A description of the policy adopted pursuant to section 5 of this act;

(b) An evaluation of the effectiveness of the policy in ensuring that school counselors are allotted sufficient time in each school year to carry out the duties relating to counseling, including, without limitation, assisting pupils with academic planning; and

(c) The percentage of time that school counselors were assigned to assist with test administration and test coordination at a public school after the adoption of the policy pursuant to section 5 of this act.

4. On or before February 1, 2009, the Department of Education shall compile the written reports submitted pursuant to subsection 3 and submit a written report of the compilation to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature.

Sec. 18. This act becomes effective on July 1, 2007.

Assemblywoman Smith moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 272.

Bill read third time.

Remarks by Assemblywoman Leslie.
Roll call on Assembly Bill No. 272:
YEAS—42.
NAYS—None.
Assembly Bill No. 272 having received a constitutional majority, Madam Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 273.
Bill read third time.
Remarks by Assemblywoman Leslie.
Roll call on Assembly Bill No. 273:
YEAS—42.
NAYS—None.
Assembly Bill No. 273 having received a constitutional majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 328.
Bill read third time.
Remarks by Assemblywoman Smith.
Roll call on Assembly Bill No. 328:
YEAS—42.
NAYS—None.
Assembly Bill No. 328 having received a constitutional majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 485.
Bill read third time.
Remarks by Assemblywoman Parnell.
Roll call on Assembly Bill No. 485:
YEAS—42.
NAYS—None.
Assembly Bill No. 485 having received a constitutional majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 17.
Bill read third time.
Remarks by Assemblyman Manendo.
Roll call on Senate Bill No. 17:
YEAS—42.
NAYS—None.
Senate Bill No. 17 having received a constitutional majority, Madam Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 39.

Bill read third time.

Remarks by Assemblymen Atkinson, Goicoechea, and Anderson.

Madam Speaker requested the privilege of the Chair for the purpose of making remarks.

Roll call on Senate Bill No. 39:

YEAS—42.

NAYS—None.

Senate Bill No. 39 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 60.

Bill read third time.

Remarks by Assemblyman Hogan.

Madam Speaker requested the privilege of the Chair for the purpose of making remarks.

Roll call on Senate Bill No. 60:

YEAS—42.

NAYS—None.

Senate Bill No. 60 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 115.

Bill read third time.

Remarks by Assemblyman Denis.

Roll call on Senate Bill No. 115:

YEAS—42.

NAYS—None.

Senate Bill No. 115 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 154.

Bill read third time.

Remarks by Assemblymen Anderson, Gansert, Leslie, Settelmeyer, Marvel, Smith, Carpenter, and Bobzien.

Assemblyman Anderson requested that the following remarks be entered in the Journal.

ASSEMBLYMAN ANDERSON:

I would like to thank the Chair of Taxation and the body for allowing me to utilize this bill as a means to solving a particular problem in Washoe County. If approved by the voters, this will give Washoe County the opportunity for a similar set of programs that we have allowed in Clark County. In Washoe County, almost 75 percent of our building stock is greater than 30 years old. Eighty percent of the dollars here are going to be dedicated to the existing facilities to try to bring them up to speed. It is hard for me to imagine this, but 40 percent of the stock being used in Washoe County is the same stock that was there when I was in high school. Clearly, there is a

great need in Washoe County. I think it is a good piece of legislation and would urge the body to accept it.

ASSEMBLYWOMAN GANSERT:

I rise in support of education, and I commend the efforts of the Assemblyman from Sparks. However, I will be opposing Senate Bill 154. Senate Bill 154 utilizes the same vehicles as Clark County for Washoe County. The problem is that Washoe County is not Clark County. As Clark County's rooms have risen to almost 150,000, Washoe County's have declined to under 25,000. Clark County's room tax rate is 9 percent, including the 5/8 percent for school construction. Washoe County's rates in downtown Reno and Sparks are 13 1/2 percent before we add anything for school construction and renovation. Reno is a very price-sensitive market. We can win or lose a convention based on rates, and with these increased amounts we may end up losing some conventions. I think we need to be sensitive to those prices. I pledge that I will work with members of this Assembly and Senate to solve this problem because I recognize that it is a significant issue. Again, I oppose this bill.

ASSEMBLYWOMAN LESLIE:

I rise in support of the second reprint of Senate Bill 154. This body will remember that last session we gave our citizens a much-needed reduction in their property taxes. When we did that, unfortunately we caused a great shortfall in our school system, especially in Washoe County. My colleague from Reno says that Washoe County is different from Clark County. That is true, but our children deserve the same education as the children in Clark County. I believe we should give our school district the same resources that the Clark County School District has. This bill is about equity in school funding. Madam Speaker, I would like to read a line from an email that I received today from a teacher in our school district. She is a teacher of the hearing impaired who I have worked with and is probably one of the most dynamic, exciting teachers I have ever had the pleasure to know. Her email is titled "My classroom was a toilet." It sums up, exactly, my feelings about why this bill is so important. She says, "As a special education teacher, I have worked in a remodeled walk-in refrigerator at Mami Towles Elementary School, a janitor's closet at Roger Corbett Elementary School, and in a bathroom for two years at Clayton Middle School in Reno, all for lack of space." I think our teachers and students deserve better. I urge passage of Senate Bill 154.

ASSEMBLYMAN SETTELMEYER:

Thank you, Madam Speaker. I rise in support of education. I am concerned, however, that this bill will only put forward one-third of the funding necessary for the problem which is occurring in Washoe County. This could place education in a situation where they are continually coming back to the Legislature or the people through the ballot box to seek better funds. I feel we need to find a solution that can fund the entire problem.

ASSEMBLYMAN MARVEL:

Thank you, Madam Speaker. I would oppose the bill if it were not for the fact that it goes to a vote of the people. I think that is the crux of the bill. Thank you.

ASSEMBLYWOMAN SMITH:

Thank you, Madam Speaker. I rise in support of S.B. 154. I chaired the adequacy study in the interim which looked at education funding issues. One of the items we were charged with studying was school construction. While it was not a formal part of the adequacy study, we did spend an entire meeting one day speaking about school construction issues. It was very apparent what a disadvantage the Washoe County School District is at when it comes to school construction funding. It made a great impact when looking at the differences between the amounts of money which can be raised by the two big districts. The Washoe County School District has dire needs. We need to do something for the buildings which our children attend school in.

I served on the blue ribbon panel which studied this issue. That was several months before the legislative session started. I felt fully convinced then that the need is there. There is no doubt in my mind that we have old buildings in all of our districts which need repair. We have windows you cannot see through. We have carpet which needs to be repaired. We have heaters and air

conditioners which do not work properly. We have restrooms which do not work properly. It is time for us to do something about it.

We do not have much time left in this session. I know it feels like an eternity when these last few weeks are so packed with things to do. We are running out of time. I implore you to step up the plate and do what we need to do for the teachers and students—our kids, who we are responsible for in the Washoe County School District. We need to ensure that they have the same opportunities as other students in this state. They have the right to go to school in a building that has the right facilities. Thank you, Madam Speaker.

ASSEMBLYMAN CARPENTER:

Thank you, Madam Speaker. I believe with this going to a vote of the people that it should be approved. I am so glad I am from Elko. In Elko, we have pay as you go. Although it is a high rate of taxation at 75 cents on the dollar, we do not have these kinds of problems. When we build a school, it is paid for. We do not have to pay all the money for interest. The reason we were able to get a special deal through the Legislature to have a lower pupil ratio was because we had the money to build the classrooms. I know we have to have good schools for our kids. I have worked all my life to make sure our kids had a good place to go to school. I am so thankful to be from Elko where we have pay as you go. The people love it. I hope some other districts would please look at that because it is a very viable option. Thank you.

ASSEMBLYMAN BOBZIEN:

Thank you, Madam Speaker. I rise in support of the legislation. As was mentioned previously, this Legislature, last session, was responsive to the citizens' needs, desires, and requests that we do something about the rising property values and assessments they were facing. We did that with the property tax bills. Today, we have this issue which we need to deal with. I think that today is a chance for all of us to stand up and do the right thing and support education. Is this a complete solution? Probably not, but if we were always only looking for complete solutions, we would not get much done around here. I urge your support.

Roll call on Senate Bill No. 154:

YEAS—33.

NAYS—Allen, Beers, Christensen, Cobb, Gansert, Goedhart, Mabey, Settelmeyer, Weber—9.

Senate Bill No. 154 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 175.

Bill read third time.

Remarks by Assemblymen Womack, Oceguera, and Atkinson.

Roll call on Senate Bill No. 175:

YEAS—39.

NAYS—Conklin, Kirkpatrick, Oceguera—3.

Senate Bill No. 175 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 217.

Bill read third time.

Remarks by Assemblyman Goedhart.

Roll call on Senate Bill No. 217:

YEAS—42.

NAYS—None.

Senate Bill No. 217 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 230.

Bill read third time.

Remarks by Assemblyman Kihuen.

Roll call on Senate Bill No. 230:

YEAS—42.

NAYS—None.

Senate Bill No. 230 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that Senate Bills Nos. 129, 269, 282, 302, 306, 336, 357, 367, 369, 384, 389, 399, 401, 417, 430, 456, 470, 486, 491, 504, 511, 519; Senate Joint Resolutions Nos. 6, 10, 11, 12, 13, 15, 16, 17 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 299.

The following Senate amendment was read:

Amendment No. 664.

AN ACT relating to youth shelters; revising the definition of "runaway and homeless youth" for consistency with the federal definition for purposes of provisions which authorize counties to designate approved youth shelters; **revising the requirements for designation of a youth shelter as an approved youth shelter**; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that an approved youth shelter and its director, employees, agents or volunteers are immune from civil liability for certain actions taken while admitting, releasing or caring for a runaway or homeless youth. (NRS 244.429) Section 1 of this bill revises the definition of "runaway and homeless youth" as used in the sections addressing approved youth shelters for consistency with the definition set forth in the McKinney-Vento Homeless Assistance Act, 42 U.S.C. § 11434a(2). (NRS 244.424) Section 2 of this bill requires approved youth shelters to **make a reasonable, bona fide** attempt to notify the parent, guardian or custodian as to the whereabouts of a runaway or homeless youth as soon as practicable, except in cases of suspected abuse or neglect, rather than requiring actual notice.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 244.424 is hereby amended to read as follows:

244.424 "Runaway or homeless youth" means a youth who ***:*** ~~[is:]~~

1. ~~[Without a place of shelter where supervision and care are available; or]~~ ***Is under 18 years of age; and***

2. ~~[Absent from his legal residence without the consent of his parent, guardian or custodian.]~~ ***Lives in a situation described in 42 U.S.C. § 11434a(2)(B)(ii)-(iii) with or without the consent or knowledge of his parent, guardian or custodian.***

Sec. 2. NRS 244.428 is hereby amended to read as follows:

244.428 1. The board of county commissioners of any county may provide by ordinance for the designation of a youth shelter operated within the county as an approved youth shelter.

2. If a board of county commissioners has adopted an ordinance pursuant to subsection 1, a youth shelter that is located in that county and seeking to be designated as an approved youth shelter may apply to the board of county commissioners for such a designation.

3. An ordinance adopted by a board of county commissioners pursuant to subsection 1 must:

(a) Prescribe the requirements for designation of a youth shelter as an approved youth shelter, including, without limitation:

(1) A requirement that the youth shelter provide necessary services;

(2) The form and manner of the application for designation or renewal of a designation as an approved youth shelter;

(3) An application fee in an amount not to exceed the actual cost to the county for reviewing the application; and

(4) A requirement that an applicant must comply with the provisions of an ordinance adopted pursuant to this section and with all applicable federal, state and local laws and ordinances pertaining to shelters for the homeless.

(b) Provide for reasonable inspections of an approved youth shelter to confirm that the youth shelter is complying with the provisions of an ordinance adopted to carry out the provisions of this section.

(c) Provide for the revocation of a designation as an approved youth shelter for failure to comply with the provisions of an ordinance adopted to carry out the provisions of this section.

(d) Require an approved youth shelter to conduct an interview to determine whether a youth is a runaway or homeless youth and is qualified to receive the necessary services of the approved youth shelter.

(e) Upon admission of a runaway or homeless youth to a shelter, require:

(1) ~~[The notification of]~~ ~~*[An]*~~ ***A reasonable, bona fide attempt to notify*** the parent, guardian or custodian of the runaway or homeless youth concerning the whereabouts of the runaway or homeless youth as soon as practicable, except in circumstances of suspected abuse or neglect;

(2) The notification of state and local law enforcement agencies concerning the whereabouts of the runaway or homeless youth; and

(3) A licensed professional to perform an evaluation of the youth to determine:

(I) The reasons why the youth is a runaway or homeless youth;

(II) Whether the youth is a victim of abuse or neglect; and

(III) Whether the youth needs immediate medical care or counseling.

(f) Require an approved youth shelter to return or facilitate the return of a runaway or homeless youth to the parent, guardian or custodian who was notified of the whereabouts of the runaway or homeless youth pursuant to subparagraph (1) of paragraph (e) if the parent, guardian or custodian so requests.

(g) Provide for the liability of a parent, guardian or custodian of a runaway or homeless youth for any expenses or costs incurred by the approved youth shelter for providing services to the runaway or homeless youth only if the services of the shelter were obtained through fraud or misrepresentation.

(h) Require the information or records obtained by an approved youth shelter to remain confidential, unless the use or disclosure of the information or records is necessary to:

(1) Locate a parent, guardian or custodian of a runaway or homeless youth;

(2) Comply with the duty to report abuse or neglect of a child pursuant to NRS 432B.220;

(3) Notify state and local law enforcement agencies or the clearinghouse; or

(4) Seek appropriate assistance for a runaway or homeless youth from public and private agencies.

4. In a county where the board of county commissioners has adopted an ordinance pursuant to subsection 1, the board of county commissioners may establish, by ordinance, other regulations as are necessary to carry out the provisions of this section.

5. As used in this section:

(a) "Abuse or neglect" means abuse or neglect of a child as defined in NRS 432B.020.

(b) "Clearinghouse" has the meaning ascribed to it in NRS 432.150.

(c) "Licensed professional" includes, without limitation:

(1) A social worker;

(2) A registered nurse;

(3) A physician;

(4) A psychologist;

(5) A teacher; or

(6) Any other class of persons who are identified in an ordinance adopted by a county who hold a professional license in this State and who are trained to recognize indications of abuse or neglect.

Sec. 3. This act becomes effective on July 1, 2007.

Assemblywoman Kirkpatrick moved that the Assembly concur in the Senate amendment to Assembly Bill No. 299.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 303.

The following Senate amendment was read:

Amendment No. 677.

AN ACT relating to insurance; requiring insurers to provide notice to policyholders or prospective policyholders, ~~[or]~~ **and** their primary care physicians, of potentially serious medical conditions detected during required medical examinations; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the requirements and procedures regarding the issuance, renewal, reinstatement and reevaluation of the terms of policies and certificates of insurance and annuity contracts. (Title 57 of NRS) This bill provides that if an insurer requires a medical examination of a policyholder or prospective policyholder before the insurer will issue, renew, reinstate or reevaluate the terms of a contract of insurance or annuity contract and a potentially serious medical condition is detected as a result of that medical examination, the insurer must notify the policyholder or prospective policyholder ~~[, or]~~ **and, if he has one,** his primary care physician ~~[,]~~ of that potentially serious medical condition within 30 days after the date on which the potentially serious medical condition is detected. **This bill also provides that if the policyholder or prospective policyholder is a minor, the required notice must not be sent to the minor, but instead must be sent to his parent or legal guardian.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 687B of NRS is hereby amended by adding thereto a new section to read as follows:

1. ***~~[If]~~*** ***Except as otherwise provided in this subsection, if an insurer requires a medical examination of an applicant or an insured before the issuance, renewal, reinstatement or reevaluation of the terms of any policy or certificate of insurance or annuity contract, the insurer shall:***

(a) If the applicant or insured has a primary care physician, notify:

(1) The physician of any potentially serious medical condition that is detected as a result of that medical examination; and

(2) The applicant or insured ~~[that]~~ :

(I) Of any potentially serious medical condition that is detected as a result of that medical examination; and

(II) That his primary care physician has also been notified of ~~[a]~~ any potentially serious medical condition detected as a result of that medical examination.

(b) If the applicant or insured does not have a primary care physician, notify the applicant or insured of any potentially serious medical condition that is detected as a result of that medical examination.

➥ Any notice required pursuant to this section must be sent by registered or certified mail not later than 30 days after the date on which the potentially serious medical condition is detected. If the applicant or insured is under the age of 18 years, any notice required pursuant to this section must not be sent to the applicant or insured, but instead must be sent to a parent or legal guardian of the applicant or insured.

2. The Commissioner may adopt regulations to carry out the provisions of this section.

3. The provisions of this section do not apply to a policy of workers' compensation insurance or industrial insurance.

4. As used in this section, "potentially serious medical condition" includes, without limitation, any medical condition that:

(a) Is life-threatening or potentially life-threatening if it is not treated immediately or is not closely monitored; or

(b) Causes the insurer to refuse to issue, renew, reinstate or reevaluate the terms of a policy or certificate of insurance or annuity contract.

Assemblyman Oceguera moved that the Assembly concur in the Senate amendment to Assembly Bill No. 303.

Remarks by Assemblyman Oceguera.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 2.

The following Senate amendment was read:

Amendment No. 679.

AN ACT relating to automotive repairs; requiring a garage or body shop to repair a motor vehicle in accordance with the specifications of the manufacturer of the motor vehicle and the written estimate or statement of the cost of repairs most recently agreed upon by the garage or body shop and the person authorizing the repairs; requiring a body shop to comply with certain other requirements relating to the repair of a motor vehicle; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a garage is required to display a sign in a conspicuous area of the garage setting forth the rights of the customer, including, without limitation, the right to receive a written estimate of charges and to inspect all replaced parts. (NRS 597.490) In addition, garages that perform repairs of $50 or more on motor vehicles are required by existing law to provide the person authorizing the repairs with a written estimate of the total cost to

repair the motor vehicle. (NRS 597.510) If additional charges are required to perform the repairs, the garage is required to obtain the consent of the person authorizing the repairs before it may perform the repairs for the additional charges. (NRS 597.520, 597.540) A person authorizing repairs of a motor vehicle may waive the requirement for a written estimate or approval of additional charges. (NRS 597.530)

Section 1 of this bill requires garages and body shops to perform repairs to a motor vehicle in accordance with the specifications of the manufacturer of the motor vehicle, if any, and the written estimate or statement of the cost of the repairs that is most recently agreed upon by the body shop or garage and the person authorizing the repairs.

Sections 2-10 of this bill make existing provisions of law that are applicable to garages and garagemen also apply to body shops. Those provisions include, without limitation, the requirement to post a sign in a conspicuous area of the body shop setting forth the rights of customers of the body shop.

Sections 11 and 12 of this bill authorize injunctive relief and civil penalties for a violation of the provisions of **section 1** of this bill. **Section 16** of this bill authorizes the Department of Motor Vehicles to refuse to issue a license or to suspend, revoke or refuse to renew the license of a body shop for willful failure to comply with the provisions of **section 1** of this bill.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 597 of NRS is hereby amended by adding thereto a new section to read as follows:

If a body shop or garage performs repairs on a motor vehicle, the body shop or garage shall perform the repairs in accordance with any specifications of the manufacturer of the motor vehicle, and the written estimate or statement of the cost of the repairs that is most recently agreed upon by the body shop or garage and the person authorizing repairs.

Sec. 2. NRS 597.480 is hereby amended to read as follows:

597.480 As used in NRS 597.480 to 597.590, inclusive, ***and section 1 of this act,*** unless the context otherwise requires:

1. ***"Body shop" has the meaning ascribed to it in NRS 487.600.***

2. "Garage" has the meaning ascribed to it in NRS 487.540.

~~[2.]~~ ***3.*** "Garageman" has the meaning ascribed to it in NRS 487.545.

~~[3.]~~ ***4.*** "Motor vehicle" means:

(a) A motorcycle as defined in NRS 482.070;

(b) A motortruck as defined in NRS 482.073 if the gross weight of the vehicle does not exceed 10,000 pounds;

(c) A passenger car as defined in NRS 482.087;

(d) A mini motor home as defined in NRS 482.066;

(e) A motor home as defined in NRS 482.071; and

(f) A recreational vehicle as defined in NRS 482.101.

~~[4.]~~ ***5.*** "Person authorizing repairs" means a person who uses the services of a garage. The term includes an insurance company, its agents or representatives, authorizing repairs to motor vehicles under a policy of insurance.

Sec. 3. NRS 597.490 is hereby amended to read as follows:

597.490 1. Each garageman shall display conspicuously in those areas of his place of business frequented by persons seeking repairs on motor vehicles a sign, not less than 22 inches by 28 inches in size, setting forth in boldface letters the following:

STATE OF NEVADA
REGISTERED GARAGE
THIS GARAGE IS REGISTERED WITH THE DEPARTMENT OF MOTOR VEHICLES
NEVADA AUTOMOTIVE REPAIR CUSTOMER BILL OF RIGHTS
AS A CUSTOMER IN NEVADA:
YOU have the right to receive repairs from a business that is ***REGISTERED*** with the Department of Motor Vehicles that will ensure the proper repair of your vehicle. (NRS 597.490)
YOU have the right to receive a ***WRITTEN ESTIMATE*** of charges for repairs made to your vehicle which exceed $50. (NRS 597.510)
YOU have the right to read and understand all documents and warranties ***BEFORE YOU SIGN THEM.*** (NRS 597.490)
YOU have the right to ***INSPECT ALL REPLACED PARTS*** and accessories that are covered by a warranty and for which a charge is made. (NRS 597.550)
YOU have the right to request that all replaced parts and accessories that are not covered by a warranty ***BE RETURNED TO YOU AT THE TIME OF SERVICE.*** (NRS 597.550)
YOU have the right to require authorization ***BEFORE*** any additional repairs are made to your vehicle if the charges for those repairs exceed 20% of the original estimate or $100, whichever is less. (NRS 597.520)
YOU have the right to receive a ***COMPLETED STATEMENT OF CHARGES*** for repairs made to your vehicle. (NRS 487.035)
YOU have the right to a ***FAIR RESOLUTION*** of any dispute that develops concerning the repair of your vehicle. (NRS 597.490)
FOR MORE INFORMATION PLEASE CONTACT:
THE DEPARTMENT OF BUSINESS AND INDUSTRY
CONSUMER AFFAIRS DIVISION
IN CLARK COUNTY: (702) 486-7355
ALL OTHER AREAS TOLL-FREE: 1-800-326-5202

2. ***Each body shop shall display conspicuously in those areas of its place of business frequented by persons seeking repairs on motor vehicles a sign, not less than 22 inches by 28 inches in size, setting forth in boldface letters the following:***

STATE OF NEVADA

LICENSED BODY SHOP
THIS BODY SHOP IS LICENSED BY THE DEPARTMENT OF MOTOR VEHICLES
NEVADA AUTOMOTIVE REPAIR CUSTOMER BILL OF RIGHTS
AS A CUSTOMER IN NEVADA:
YOU have the right to receive repairs from a business that is LICENSED with the Department of Motor Vehicles that will ensure the proper repair of your vehicle. (NRS 597.490)
YOU have the right to receive a WRITTEN ESTIMATE of charges for repairs made to your vehicle which exceed $50. (NRS 597.510)
YOU have the right to read and understand all documents and warranties BEFORE YOU SIGN THEM. (NRS 597.490)
YOU have the right to INSPECT ALL REPLACED PARTS and accessories that are covered by a warranty and for which a charge is made. (NRS 597.550)
YOU have the right to request that all replaced parts and accessories that are not covered by a warranty BE RETURNED TO YOU AT THE TIME OF SERVICE. (NRS 597.550)
YOU have the right to require authorization BEFORE any additional repairs are made to your vehicle if the charges for those repairs exceed 20% of the original estimate or $100, whichever is less. (NRS 597.520)
YOU have the right to receive a COMPLETED STATEMENT OF CHARGES for repairs made to your vehicle. (NRS 487.035)
YOU have the right to a FAIR RESOLUTION of any dispute that develops concerning the repair of your vehicle. (NRS 597.490)
FOR MORE INFORMATION PLEASE CONTACT:
THE DEPARTMENT OF BUSINESS AND INDUSTRY
CONSUMER AFFAIRS DIVISION
IN CLARK COUNTY: (702) 486-7355
ALL OTHER AREAS TOLL-FREE: 1-800-326-5202

3. The sign required pursuant to the provisions of subsection 1 ***or 2*** must include a replica of the great seal of the State of Nevada. The seal must be 2 inches in diameter and be centered on the face of the sign directly above the words "STATE OF NEVADA."

~~[3.]~~ ***4.*** Any person who violates the provisions of this section is guilty of a misdemeanor.

Sec. 4. NRS 597.500 is hereby amended to read as follows:

597.500 Whenever any ***body shop or*** garageman accepts or assumes control of a motor vehicle for the purpose of making or completing any repair, ~~[he]~~ ***the body shop or garageman*** shall comply with the provisions of NRS 597.510 to 597.570, inclusive ~~[.]~~ ***, and section 1 of this act.***

Sec. 5. NRS 597.510 is hereby amended to read as follows:

597.510 1. Except as otherwise provided in NRS 597.530, a person requesting or authorizing the repair of a motor vehicle that is more than $50 must be furnished an estimate or statement signed by the person making the

estimate or statement on behalf of the ***body shop or*** garageman, indicating the total charge for the performance of the work necessary to accomplish the repair, including the charge for labor and all parts and accessories necessary to perform the work.

2. If the estimate is for the purpose of diagnosing a malfunction, the estimate must include the cost of:

(a) Diagnosis and disassembly; and

(b) Reassembly, if the person does not authorize the repair.

3. The provisions of this section do not require a ***body shop or*** garageman to reassemble a motor vehicle if he determines that the reassembly of the motor vehicle would render the vehicle unsafe to operate.

Sec. 6. NRS 597.520 is hereby amended to read as follows:

597.520 Except as otherwise provided in NRS 597.530, if it is determined that additional charges are required to perform the repair authorized, and those additional charges exceed, by 20 percent or $100, whichever is less, the amount set forth in the estimate or statement required to be furnished pursuant to the provisions of NRS 597.510, the ***body shop or*** garageman shall notify the ~~[person authorizing the repairs]~~ ***owner and insurer of the motor vehicle*** of the amount of those additional charges.

Sec. 7. NRS 597.540 is hereby amended to read as follows:

597.540 1. ~~[A person authorizing repairs]~~ ***An owner*** ~~*[or]*~~ ***and the insurer of a motor vehicle*** who ~~[has]~~ ***have*** been notified of additional charges pursuant to NRS 597.520 shall:

(a) Authorize the performance of the repair at the additional expense; or

(b) Without delay, and upon payment of the authorized charges, take possession of the motor vehicle.

2. Until the election provided for in subsection 1 has been made, the ***body shop or*** garageman shall not undertake any repair which would involve such additional charges.

3. If the ~~[person]~~ ***owner or insurer of the motor vehicle*** elects to take possession of the motor vehicle but fails to take possession within a 24-hour period after ~~[such]~~ ***the*** election, the ***body shop or*** garageman may charge for storage of the vehicle.

Sec. 8. NRS 597.550 is hereby amended to read as follows:

597.550 1. Whenever the repair work performed on a motor vehicle requires the replacement of any parts or accessories, the ***body shop or*** garageman shall, at the request of the person authorizing the repairs or any person entitled to possession of the motor vehicle, deliver to ~~[such]~~ ***the*** person all parts and accessories replaced as a result of the work done.

2. The provisions of subsection 1 do not apply to parts or accessories which must be returned to a manufacturer or distributor under a warranty arrangement or which are subject to exchange, but the customer on request is entitled to be shown ~~[such]~~ ***the*** warranty parts for which a charge is made.

Sec. 9. NRS 597.560 is hereby amended to read as follows:

597.560 The ***body shop or*** garageman shall retain copies of any estimate, statement or waiver required by NRS 597.510 to 597.550, inclusive, as an ordinary business record of the ***body shop or*** garage, for a period of not less than 1 year ~~[from]~~ ***after*** the date ~~[such]~~ ***the*** estimate, statement or waiver is signed.

Sec. 10. NRS 597.570 is hereby amended to read as follows:

597.570 In every instance where charges are made for the repair of a motor vehicle ~~[,]~~ ***by a garageman,*** the garageman making the repairs shall comply with the provisions of NRS 487.035 as well as the provisions of NRS 597.510 to 597.550, inclusive. ~~[He]~~ ***A garageman*** is not entitled to detain a motor vehicle by virtue of any common law or statutory lien, or otherwise enforce such ***a*** lien, ~~[nor shall he have the right]~~ ***or*** to sue on any contract for repairs made by him, unless he has complied with the requirements of NRS 597.510 to 597.550, inclusive, in addition to those of NRS 487.035.

Sec. 11. NRS 597.580 is hereby amended to read as follows:

597.580 The Attorney General or any district attorney may bring an action in any court of competent jurisdiction in the name of the State of Nevada on the complaint of the Commissioner of Consumer Affairs or of any person allegedly aggrieved by such violation to enjoin any violation of the provisions of NRS 597.510 to 597.570, inclusive ~~[.]~~ ***, and section 1 of this act.***

Sec. 12. NRS 597.590 is hereby amended to read as follows:

597.590 Any person who knowingly violates any provision of NRS 597.500 to 597.570, inclusive, ***and section 1 of this act*** is liable, in addition to any other penalty or remedy which may be provided by law, to a civil penalty of not more than $500 for each offense, which may be recovered by civil action on complaint of the Commissioner of Consumer Affairs, the Director of the Department of Business and Industry or the district attorney.

Sec. 13. NRS 598.990 is hereby amended to read as follows:

598.990 The Division shall:

1. Establish and maintain a toll-free telephone number for persons to report to the Division information concerning alleged violations of NRS 487.035, 487.530 to 487.570, inclusive, 597.480 to 597.590, inclusive, and ***section 1 of this act, and*** 598.0903 to 598.0999, inclusive.

2. Develop a program to provide information to the public concerning:

(a) The duties imposed on a ***body shop by the provisions of NRS 487.035, 487.610 to 487.690, inclusive, and 597.480 to 597.590, inclusive, and section 1 of this act;***

(b) The duties imposed on a garageman by the provisions of NRS 487.035, 487.530 to 487.570, inclusive, and 597.480 to 597.590, inclusive ~~[;~~ ~~(b)]~~ ***, and section 1 of this act;***

(c) The rights and protections established for a person who uses the services of a garage;

~~[(c)]~~ ***(d)*** The repair of motor vehicles; and

~~[(d)]~~ ***(e)*** Deceptive trade practices relating to the repair of motor vehicles by a garage.

Sec. 14. (Deleted by amendment.)

Sec. 15. (Deleted by amendment.)

Sec. 16. NRS 487.650 is hereby amended to read as follows:

487.650 1. The Department may refuse to issue a license or, after notice and hearing, may suspend, revoke or refuse to renew a license to operate a body shop upon any of the following grounds:

(a) Failure of the applicant or licensee to have or maintain an established place of business in this State.

(b) Conviction of the applicant or licensee or an employee of the applicant or licensee of a felony, or of a misdemeanor or gross misdemeanor for a violation of a provision of this chapter.

(c) Any material misstatement in the application for the license.

(d) Willful failure of the applicant or licensee to comply with the motor vehicle laws of this State and NRS 487.035, 487.610 to 487.690, inclusive, or 597.480 to 597.590, inclusive ~~[.]~~ ***, and section 1 of this act.***

(e) Failure or refusal by the licensee to pay or otherwise discharge any final judgment against him arising out of the operation of the body shop.

(f) Failure or refusal to provide to the Department an authorization for the disclosure of financial records for the business as required pursuant to subsection 2.

(g) A finding of guilt by a court of competent jurisdiction in a case involving a fraudulent inspection, purchase, sale or transfer of a salvage vehicle by the applicant or licensee or an employee of the applicant or licensee.

(h) An improper, careless or negligent inspection of a salvage vehicle pursuant to NRS 487.800 by the applicant or licensee or an employee of the applicant or licensee.

(i) A false statement of material fact in a certification of a salvage vehicle pursuant to NRS 487.800 or a record regarding a salvage vehicle by the applicant or licensee or an employee of the applicant or licensee.

2. Upon the receipt of any report or complaint alleging that an applicant or a licensee has engaged in financial misconduct or has failed to satisfy financial obligations related to the operation of a body shop, the Department may require the applicant or licensee to submit to the Department an authorization for the disclosure of financial records for the business as provided in NRS 239A.090. The Department may use any information obtained pursuant to such an authorization only to determine the suitability of the applicant or licensee for initial or continued licensure. Information obtained pursuant to such an authorization may be disclosed only to those employees of the Department who are authorized to issue a license to an applicant pursuant to NRS 487.610 to 487.690, inclusive, or to determine the suitability of an applicant or a licensee for ~~[such]~~ licensure.

3. As used in this section, "salvage vehicle" has the meaning ascribed to it in NRS 487.770.

Sec. 17. (Deleted by amendment.)

Assemblyman Oceguera moved that the Assembly concur in the Senate amendment to Assembly Bill No. 2.

Remarks by Assemblyman Oceguera.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Anderson gave notice that on the next legislative day he would move to reconsider the vote whereby Senate Bill No. 217 was this day passed.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Resolutions Nos. 14, 15; Senate Concurrent Resolutions Nos. 32, 33, 34, 35, 36, 37, 38 and 39.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Beers, the privilege of the floor of the Assembly Chamber for this day was extended to the following students from Nate Mack Elementary School: Cameron Andrews, Ignacio Arroyo, Brandon Conchas, Charlie Fisher, Jason Fung, Christina Gewerth, Kayla Glenn, Jay Hannom, Katelyn Haro, Mitchell Herbster, Gabriella Hillenbrand, James Holley, Kamil Kowalski, Nickolas Lademan, Sean Macias, Yamely Miranda, Emma Muth, Paxton Schmidt, Arianna Soto, Talika Taylor, Michael Velazquez, Damaris Acosta, Danielle Allen, Yazmin Arambula, Brittan Bascom, Joan Chavarria, Kelly Cooper, Kody Crooks, Peter Denue, Brandon Ehret, Dustin Freeman, Jacob Guy, Laurent Hebert-Michaud, Taryn Kay, Andrew Kennedy, Lillian Kester, Benjamin Lee, Ryan McNinch, Kylie Pease, Devyn Pledger, Gladys Rastegari, Jackalynn Smith, Christian Smoot, Cameron Spatt, Alyssa Timpson, Daniel Witoslawski; teachers Janette Rozgay Miller and Penny Bischsel; chaperones Susan Zannis, Thomas Hannom, Jacqueline Hope, Domenica Hillenbrand, Melanie Schmidt, Nancy Soto, Selicia Ward, Jose Velazquez, Gina Allen, Laura Denue, Brigitte Hebert, Daryn Kay, Michael Kennedy, Roberta Lee, Susan Pease, Ross Rastegari, Donald Smith, Dawn Smoot, Maxine Spatt, Laura Timpson, Christina Ehret, James Bichsel, and Nancey Heavey; the following students from David M. Cox Elementary School: Peter Anderson-Hoelzer, Sidney Bellamy, Emma Boyle, Susannah Boyle, Young Chung, Carli Corpodian, Cody Cronic, Raymond Evans, Robert Hawley, Megan Hill, Trevor Hochman, Coryl Jackson, Melanie Jensen, Michael Lesperance, Austin Madrigale, Mike McCallum, Laura McDowell, Nicholas Moran, Connor

O'Toole, Jalen Rendolph, Ryan Schnitzler, Mackenzie Slater, Claire Nichols, Emily Hodge, Joshua Balum, Adrian Brasi, Matthew Brewer, Rachel Brown, Brooklyn Bryan, Nathan Burgener, Israel Caszatt, Logan Duffy, Cole Gerrard, Kaila Hoffman, Matthew Johnson, Mark Lao, Krista Lee, Jessie Kate Leventis, Joey Malvin, Zenette McCoy, Annalise Michlin, Gavin O'Brien, Lauren Pleimann, Sydni Poots, Gabriel Preciado, Aaron Rozenberg, Molly Sharples, Michael Simpson, Blake Wilcox, Mackenzie Wilson, Bianca Zorzi; teacher Jamie Hannah; chaperones Deanne Bellamy, Consuelo Jensen, Brian Moran, Amy Slater, Abby Corpodian, Tonya Cronic, Michelle Hawley, Lori O'Toole, Charmaine Hochman, Teresa Schnitzler, Michael Hodge, Anissa Cole, Nancy Brown, Doug Gerrard, Hallison DeMann, Scott Johnson, Carl Lee, Christina Leventis, Laurie Michlin, Jennifer Pleimann, Lorraine Romero, Sandy Simpson, Melodee Wilcox, and Cory Jackson.

On request of Assemblyman Hogan, the privilege of the floor of the Assembly Chamber for this day was extended to the following students from John R. Hummel Elementary School: Graciela Banuelos, Lynzee Baptist, Jamie DeShone, Lolybeth Escobar, Mariyah Espinoza, Joseph Frades, Charles Gloria, Jacob Grguric, Grady Jones, Armando Lopez, Johanna Naranjo, Angelica Panes, Bonnie Ramirez, Jasmine Smith, Courtney Strickland, Jacob Tabaczynski, Cody Thompson, Tyler White, Lexington Sharpe, Chasen Wolin, Sierra Harris; teacher Christina Eagar; chaperones Ronald Eagar, Monica Langlands, Joseph Frades III, Jennifer Espinoza, James Deshone, Lynne Jones, Dawn Sanford, Aolelina Ramirez, Shelly Tabaczynski, Arthur Grguric, Jennifer Houser, Niki Wolin, and Stephen Wolin.

On request of Assemblywoman Parnell, the privilege of the floor of the Assembly Chamber for this day was extended to Soraya Aguirre.

Assemblyman Oceguera moved that the Assembly adjourn until Wednesday, May 16, 2007, at 11 a.m.

Motion carried.

Assembly adjourned at 12:38 p.m.

Approved: BARBARA E. BUCKLEY
Speaker of the Assembly

Attest: SUSAN FURLONG REIL
Chief Clerk of the Assembly