

THE SIXTIETH DAY

CARSON CITY (Thursday), April 7, 2005

Senate called to order at 11:01 a.m.

President Hunt presiding.

Roll called.

All present except Senators Care, Mathews and Washington, who were excused.

Prayer by the Chaplain, Father Jeff Paul.

Almighty God, Giver of all good things, we thank You for the natural majesty and beauty of this land. They restore us; though, we often destroy them. We thank You for the great resources of this Nation. They make us rich; though, we often exploit them. We thank You for the wonderful diversity of races and cultures in this world. They are our brothers and sisters; though, we often forget. We thank You for the faith we have inherited in all its rich variety. It sustains our life; though, at times, we are faithless. Help us to finish the work here begun. Strengthen our efforts to blot our ignorance, prejudice and privilege and hasten the day when all people will praise You with many voices in one chorus. All this we ask in Your Name.

AMEN.

Pledge of allegiance to the Flag.

Senator Raggio moved that further reading of the Journal be dispensed with, and the President and Secretary be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Madam President:

Your Committee on Commerce and Labor, to which was referred Senate Bill No. 176, has had the same under consideration, and begs leave to report the same back with the recommendation: Without recommendation and rerefer to the Committee on Taxation.

RANDOLPH J. TOWNSEND, *Chair*

Madam President:

Your Committee on Finance, to which were referred Senate Bills Nos. 328, 496, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Finance, to which was referred Senate Bill No. 90, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

WILLIAM J. RAGGIO, *Chair*

Madam President:

Your Committee on Government Affairs, to which was referred Senate Bill No. 235, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

WARREN B. HARDY II, *Chair*

Madam President:

Your Committee on Human Resources and Education, to which were referred Senate Bills Nos. 57, 261, 401, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MAURICE E. WASHINGTON, *Chair*

Madam President:

Your Committee on Natural Resources, to which was referred Senate Joint Resolution No. 12, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DEAN A. RHOADS, *Chair*

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, April 6, 2005

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day passed Senate Bill No. 85; Assembly Bill No. 125.

Also, I have the honor to inform your honorable body that the Assembly on this day adopted Senate Concurrent Resolution No. 16.

DIANE KEETCH

Assistant Chief Clerk of the Assembly

WAIVERS AND EXEMPTIONS

NOTICE OF EXEMPTION

April 7, 2005

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the exemption of: Senate Bill No. 34.

Also, the Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of: Senate Bills Nos. 286, 310, 315, 325, 341, 347.

GARY GHIGGERI

Fiscal Analysis Division

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 3.

Senator Titus moved the adoption of the resolution, as amended.

Remarks by Senator Titus.

Resolution adopted, as amended.

Resolution ordered transmitted to the Assembly.

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

Motion carried.

Senate in recess at 11:07 a.m.

SENATE IN SESSION

At 11:14 a.m.

President Hunt presiding.

Quorum present.

Senator Townsend moved that Senate Bill No. 176 be rereferred to the Committee on Taxation.

Remarks by Senator Townsend.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Assembly Bill No. 125.

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

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 76.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 156.

Amend section 1, page 2, by deleting lines 16 through 19 and inserting:

"~~[2.]~~

The juvenile court is not required to order such an evaluation if the child has not previously been found to have committed one of those acts and the child resides more than 50 miles from the nearest location at which an evaluation may be conducted."

Senator Amodei moved the adoption of the amendment.

Remarks by Senators Amodei and Carlton.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 111.

Bill read second time.

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

Amendment No. 143.

Amend section 1, page 2, line 9, by deleting: "and may contain" and inserting: ", ~~and may contain~~".

Amend section 1, page 2, by deleting lines 24 through 26 and inserting:

"6. As used in this section:".

Amend the bill as a whole by deleting sec. 2 and renumbering sec. 3 as sec. 2.

Amend the title of the bill to read as follows:

"AN ACT relating to unemployment compensation; requiring certain information to be included in the notice given to employers when a former employee files a claim for unemployment compensation; requiring those employers to submit certain evidence in response to such a notice; and providing other matters properly relating thereto."

Amend the summary of the bill to read as follows:

"SUMMARY—Revises provisions governing procedure for determining claims for unemployment compensation. (BDR 53-320)".

Senator Townsend moved the adoption of the amendment.

Remarks by Senator Townsend.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 122.

Bill read second time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 53.

Amend section 1, page 2, line 22, after "*duty*" by inserting: "*during the period beginning on the date proclaimed by the President of the United States as the date on which Operation Enduring Freedom began*".

Amend section 1, page 2, by deleting line 25 and inserting: "*of months of service equal to the number of full months he served on*".

Amend sec. 2, page 5, line 5, after "*duty*" by inserting: "*during the period beginning on the date proclaimed by the President of the United States as the date on which Operation Enduring Freedom began*".

Amend sec. 2, page 5, by deleting line 7 and inserting: "*months of service equal to the number of full months he served on*".

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

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

Amend the title of the bill, third line, after "*duty*" by inserting: "*during Operation Enduring Freedom*".

Senator Raggio moved the adoption of the amendment.

Remarks by Senator Raggio.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 152.

Bill read second time.

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

Amendment No. 144.

Amend the bill as a whole by deleting section 1 and renumbering sections 2 through 7 as sections 1 through 6.

Amend sec. 3, page 4, by deleting lines 4 through 8 and inserting:

"3. *A person who has applied for licensure as a physical therapist and who meets the qualifications set forth in NRS 640.080, except subsection 3 thereof, is temporarily exempt from licensure and may practice physical therapy during the period of the temporary exemption if:*

(a) The person has submitted a completed application for licensure for the first time and the application has been approved by the Board;"

Amend sec. 3, page 4, by deleting lines 12 through 15 and inserting: "*licensure as a physical therapist;*

(d) The person practices physical therapy under the supervision of a licensed physical therapist and in accordance with the provisions of this chapter and the regulations of the Board; and

(e) The person complies with any other requirements of the Board to practice physical therapy during the period of the temporary exemption.

4. *The temporary exemption authorized by subsection 3 begins on the date on which the Board notifies the person that he may practice physical therapy under the temporary exemption and continues until".*

Amend sec. 3, page 4, line 18, after "examination." by inserting: "*During the period of the temporary exemption, the person:*

(a) Shall not use as his title or professional credentials any words, letters or insignia except for the words "graduate of physical therapy."

(b) Is subject to the regulatory and disciplinary authority of the Board to the same extent as a licensed physical therapist."

Amend sec. 4, page 4, line 21, by deleting : "[A] Using a form provided by the Board, a" and inserting "A".

Amend sec. 5, page 5, line 3, by deleting: "[A] Using a form provided by the Board, a" and inserting "A".

Amend the bill as a whole by deleting sections 8 and 9 and renumbering sec. 10 as sec. 7.

Amend sec. 10, page 6, lines 39 and 40, by deleting: "1 to 4, inclusive, 6, 7 and 8" and inserting: "1, 2, 3, 5 and 6".

Amend sec. 10, page 6, line 41, by deleting: "Sections 4 and 8 of this act expire" and inserting: "Section 3 of this act expires".

Amend sec. 10, page 7, line 7, by deleting: "Sections 5 and 9 of this act become" and inserting: "Section 4 of this act becomes".

Amend the title of the bill to read as follows:

"AN ACT relating to physical therapists; revising the provisions governing the approval of schools and educational curricula for physical therapy; allowing applicants who meet certain qualifications and requirements to practice physical therapy under a temporary exemption from licensure pending the examination for licensure; authorizing the Board to establish a fee to review a course of continuing education; authorizing a civil penalty; and providing other matters properly relating thereto."

Senator Carlton moved the adoption of the amendment.

Remarks by Senator Carlton.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 165.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources:

Amendment No. 134.

Amend section 1, page 2, line 3, after "fees" by inserting: "*and other money*".

Amend sec. 3, page 4, by deleting lines 1 through 4 and inserting: "State ~~[Board]~~ Department of Agriculture. ~~[The State Board of Agriculture shall use all money transferred pursuant to this subsection to pay the expenses incurred in enforcing the provisions of NRS 590.070.]~~".

Amend sec. 3, page 4, line 17, after "6." by inserting: "*All expenses incurred by the Department of Motor Vehicles in carrying out the provisions of this section are a charge against the account created pursuant to section 1 of this act.*

7."

Senator Rhoads moved the adoption of the amendment.

Remarks by Senator Rhoads.

Amendment adopted.

Senator Beers moved that Senate Bill No. 165 be rereferred to the Committee on Finance upon return from reprint.

Remarks by Senator Raggio.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Finance.

Senate Bill No. 170.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 111.

Amend sec. 13, page 4, line 8, after "*NRS 377A.030.*" by inserting: "*The duration of the levy of a tax imposed pursuant to this paragraph must not exceed 30 years.*".

Amend sec. 14, page 4, line 45, after "*NRS 377A.030.*" by inserting: "*The duration of the levy of a tax imposed pursuant to this paragraph must not exceed 30 years.*".

Senator McGinness moved the adoption of the amendment.

Remarks by Senator McGinness.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 186.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 112.

Amend section 1, pages 2 and 3, by deleting lines 18 through 37 on page 2 and lines 1 through 3 on page 3.

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

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

Amend section 1, page 3, by deleting lines 10 and 11 and inserting: "*decision. The scope of such review is limited to questions of law.*".

Amend the title of the bill to read as follows:

"AN ACT relating to taxation; providing that a decision of the State Board of Equalization is a final decision for the purposes of judicial review; providing that certain parties to an action before the State Board that are aggrieved by the decision are entitled to seek judicial review of the decision; limiting the scope of such review to questions of law; and providing other matters properly relating thereto."

Senator McGinness moved the adoption of the amendment.

Remarks by Senators McGinness and Carlton.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 194.

Bill read second time.

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

Amendment No. 125.

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

"Sec. 2. NRS 332.830 is hereby amended to read as follows:

332.830 1. On and after ~~July~~ *October* 1, 2005, a governing body or its authorized representative shall not purchase an information system or system of communication for use by a response agency unless the system complies with the plan established pursuant to subsection 5 of NRS 239C.160.

2. On and after ~~July~~ *October* 1, 2005, any grant or other money received by a local government from the Federal Government for the purchase of an information system or system of communication for use by a response agency must not be used to purchase such a system unless the system complies with the plan established pursuant to subsection 5 of NRS 239C.160.

3. As used in this section:

(a) "Information system" has the meaning ascribed to it in NRS 239C.060.

(b) "Response agency" has the meaning ascribed to it in NRS 239C.080.

(c) "System of communication" has the meaning ascribed to it in NRS 239C.100.

Sec. 3. NRS 333.820 is hereby amended to read as follows:

333.820 1. On and after ~~July~~ *October* 1, 2005, the Chief, the Purchasing Division or a using agency shall not purchase an information system or system of communication for use by a response agency unless the system complies with the plan established pursuant to subsection 5 of NRS 239C.160.

2. On and after ~~July~~ *October* 1, 2005, any grant or other money received by the Chief, the Purchasing Division or a using agency from the Federal Government for the purchase of an information system or system of communication for use by a response agency must not be used to purchase such a system unless the system complies with the plan established pursuant to subsection 5 of NRS 239C.160.

3. As used in this section:

(a) "Information system" has the meaning ascribed to it in NRS 239C.060.

(b) "Response agency" has the meaning ascribed to it in NRS 239C.080.

(c) "System of communication" has the meaning ascribed to it in NRS 239C.100."

Amend the title of the bill by deleting the fourth line and inserting: "systems of communication; revising the date on which certain bodies and agencies must follow certain provisions regarding the purchase of information systems and systems of communication; and providing other matters".

Amend the summary of the bill to read as follows:

"SUMMARY—Revises provisions regarding certain systems of communication related to public safety. (BDR 19-749)".

Senator Nolan moved the adoption of the amendment.

Remarks by Senator Nolan.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 210.

Bill read second time.

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

Amendment No. 108.

Amend section 1, page 3, line 17, by deleting "*system shall:*" and inserting "*system:*".

Amend section 1, page 3, line 19, after "*county,*" by inserting "*shall*".

Amend section 1, page 3, by deleting lines 24 through 28 and inserting: "*territorial boundaries of the county:*

(1) *Shall comply with any regulations and rules of the Public Utilities Commission of Nevada that would apply to a privately held company providing the same communication services;*

(2) *Shall not use any money from the county general fund for the provision of such services; and*

(3) *Shall not engage in any transaction with an affiliated entity at prices and terms that are lower than or more favorable than the prices and terms that the county telephone line or system or the affiliated entity would offer to or charge an unaffiliated third party for such a transaction.*

7. *Nothing in this section requires a county telephone line or system to offer any services to or engage in any transaction with an affiliated entity or an unaffiliated third party.*

8. *Except as otherwise provided in subsections 4 and 6,"*

Amend section 1, page 3, line 31, by deleting "8." and inserting "9."

Amend section 1, page 3, line 34, by deleting "section." and inserting: "section ~~[-]~~ and NRS 710.145.

10. *As used in this section, "affiliated entity" means any entity that is owned, operated or controlled by the same county that owns, operates or controls the county telephone line or system."*

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

"Sec. 2. NRS 710.145 is hereby amended to read as follows:

710.145 1. Notwithstanding the provisions of any other statute, a county telephone line or system ~~[which is under the control and management of a county]~~ may extend its ~~[operation across county]~~ communication services outside the territorial boundaries of the county if:

(a) The ~~[proposed operations]~~ services are not within the scope of activities regulated pursuant to chapter 704 of NRS ~~[;]~~ and the county telephone line or system complies with the provisions of subsection 6 of NRS 710.140;

(b) The Public Utilities Commission of Nevada has, pursuant to subsection 3 of NRS 704.040, determined that the ~~[extended]~~ services are competitive or discretionary and that regulation thereof is unnecessary; or

(c) The Public Utilities Commission of Nevada has, in an action commenced under NRS 704.330 and after 20 days' notice to all telephone utilities providing service in the county into which the ~~[operation]~~ extension is to be ~~[extended]~~ made, determined that no other telephone service can reasonably serve the area into which the extension is to be made and approves the extension of the system. No such extension may be permitted for a distance of more than 10 miles.

2. *If, after October 1, 2005, a county telephone line or system provides any communication services pursuant to paragraph (b) or (c) of subsection 1 outside the territorial boundaries of the county, the county telephone line or system shall:*

(a) *With regard to the facilities and property it maintains outside the territorial boundaries of the county, comply with the same federal, state and local requirements that would apply to a privately held company providing the same communication services; and*

(b) *With regard to the provision of such services outside the territorial boundaries of the county, comply with any regulations and rules of the Public Utilities Commission of Nevada that would apply to a privately held company providing the same communication services.*

3. *If a county telephone line or system and an affiliated entity engage in any transaction to provide communication services outside the territorial boundaries of the county, the Public Utilities Commission of Nevada has jurisdiction over such a transaction to the extent necessary to enforce this section and NRS 710.140.*

4. *Nothing in this section requires a county telephone line or system to offer any services to or engage in any transaction with an affiliated entity or an unaffiliated third party.*

5. Except as otherwise provided in ~~[subsection 1,]~~ subsections 1, 2 and 3, nothing in this section vests jurisdiction over a county telephone line or system in the Public Utilities Commission of Nevada.

6. *As used in this section, "affiliated entity" has the meaning ascribed to it in NRS 710.140."*

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

"Sec. 4. NRS 354.624 is hereby amended to read as follows:

354.624 1. Each local government shall provide for an annual audit of all of its financial statements. A local government may provide for more frequent audits as it deems necessary. Except as otherwise provided in subsection 2, each annual audit must be concluded and the report of the audit submitted to the governing body as provided in subsection 6 not later than 5 months after the close of the fiscal year for which the audit is conducted. An extension of this time may be granted by the Department of Taxation to any local government that submits an application for an extension to the Department. If the local government fails to provide for an audit in accordance with the provisions of this section, the Department of Taxation shall cause the audit to be made at the expense of the local government. All audits must be conducted by a certified public accountant or by a partnership or professional corporation that is registered pursuant to chapter 628 of NRS.

2. The annual audit of a school district must:

(a) Be concluded and the report submitted to the board of trustees as provided in subsection 6 not later than 4 months after the close of the fiscal year for which the audit is conducted.

(b) If the school district has more than 150,000 pupils enrolled, include an audit of the expenditure by the school district of public money used:

(1) To design, construct or purchase new buildings for schools or related facilities;

(2) To enlarge, remodel or renovate existing buildings for schools or related facilities; and

(3) To acquire sites for building schools or related facilities, or other real property for purposes related to schools.

3. The governing body may, without requiring competitive bids, designate the auditor or firm annually. The auditor or firm must be designated, and notification of the auditor or firm designated must be sent to the Department of Taxation not later than 3 months before the close of the fiscal year for which the audit is to be made.

4. Each annual audit must cover the business of the local government during the full fiscal year. It must be a financial audit conducted in accordance with generally accepted auditing standards in the United States, including findings on compliance with statutes and regulations and an expression of opinion on the financial statements. The Department of Taxation shall prescribe the form of the financial statements, and the chart of accounts must be as nearly as possible the same as the chart that is used in the preparation and publication of the annual budget. The report of the audit must include:

(a) A schedule of all fees imposed by the local government which were subject to the provisions of NRS 354.5989;

(b) A comparison of the operations of the local government with the approved budget, including a statement from the auditor that indicates

whether the governing body has taken action on the audit report for the prior year; ~~and~~

(c) If the local government is subject to the provisions of NRS 244.186, a report showing that the local government is in compliance with the provisions of paragraphs (a) and (b) of subsection 1 of NRS 244.186 ~~[]~~; *and*

(d) If the local government is subject to the provisions of NRS 710.140 or 710.145, a report showing that the local government is in compliance with the provisions of those sections with regard to the facilities and property it maintains and the services it provides outside its territorial boundaries.

5. Each local government shall provide to its auditor:

(a) A statement indicating whether each of the following funds established by the local government is being used expressly for the purposes for which it was created, in the form required by NRS 354.6241:

- (1) An enterprise fund.
- (2) An internal service fund.
- (3) A fiduciary fund.
- (4) A self-insurance fund.
- (5) A fund whose balance is required by law to be:

(I) Used only for a specific purpose other than the payment of compensation to a bargaining unit, as defined in NRS 288.028; or

(II) Carried forward to the succeeding fiscal year in any designated amount.

(b) A list and description of any property conveyed to a nonprofit organization pursuant to NRS 244.287 or 268.058.

(c) If the local government is subject to the provisions of NRS 244.186, a declaration indicating that the local government is in compliance with the provisions of paragraph (c) of subsection 1 of NRS 244.186.

(d) If the local government is subject to the provisions of NRS 710.140 or 710.145, a declaration indicating that the local government is in compliance with the provisions of those sections with regard to the facilities and property it maintains and the services it provides outside its territorial boundaries.

6. The opinion and findings of the auditor contained in the report of the audit must be presented at a meeting of the governing body held not more than 30 days after the report is submitted to it. Immediately thereafter, the entire report, together with the management letter required by generally accepted auditing standards in the United States or by regulations adopted pursuant to NRS 354.594, must be filed as a public record with:

- (a) The clerk or secretary of the governing body;
- (b) The county clerk;
- (c) The Department of Taxation; and
- (d) In the case of a school district, the Department of Education.

7. If an auditor finds evidence of fraud or dishonesty in the financial statements of a local government, the auditor shall report such evidence to the appropriate level of management in the local government.

8. The governing body shall act upon the recommendations of the report of the audit within 3 months after receipt of the report, unless prompter action is required concerning violations of law or regulation, by setting forth in its minutes its intention to adopt the recommendations, to adopt them with modifications or to reject them for reasons shown in the minutes."

Amend the title of the bill, twelfth line, after "services;" by inserting: "prohibiting a county-owned telephone system from engaging in certain transactions;"

Senator Hardy moved the adoption of the amendment.

Remarks by Senator Hardy.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 218.

Bill read second time and ordered to third reading.

Senate Bill No. 315.

Bill read second time.

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

Amendment No. 145.

Amend sec. 2, page 1, line 4, after "who," by inserting: "*while acting as a real estate broker, real estate broker-salesman or real estate salesman*".

Amend sec. 5, page 3, line 40, by deleting "*broker,*" and inserting "*broker or*".

Amend sec. 5, page 3, line 41, by deleting: "*salesman or real estate*".

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

"Sec. 10. NRS 645.252 is hereby amended to read as follows:

645.252 A licensee who acts as an agent in a real estate transaction:

1. Shall disclose to each party to the real estate transaction as soon as is practicable:

(a) Any material and relevant facts, data or information which he knows, or which by the exercise of reasonable care and diligence he should have known, relating to the property which is the subject of the transaction.

(b) Each source from which he will receive compensation as a result of the transaction.

(c) That he is a principal to the transaction or has an interest in a principal to the transaction.

(d) Except as otherwise provided in NRS 645.253, that he is acting for more than one party to the transaction. If a licensee makes such a disclosure, he must obtain the written consent of each party to the transaction for whom he is acting before he may continue to act in his capacity as an agent. The written consent must include:

(1) A description of the real estate transaction.

(2) A statement that the licensee is acting for two or more parties to the transaction who have adverse interests and that in acting for these parties, the licensee has a conflict of interest.

(3) A statement that the licensee will not disclose any confidential information for 1 year after the revocation or termination of any brokerage agreement entered into with a party to the transaction, unless he is required to do so by a court of competent jurisdiction or he is given written permission to do so by that party.

(4) A statement that a party is not required to consent to the licensee acting on his behalf.

(5) A statement that the party is giving his consent without coercion and understands the terms of the consent given.

(e) Any changes in his relationship to a party to the transaction.

2. Shall exercise reasonable skill and care with respect to all parties to the real estate transaction.

3. Shall provide ~~to each party to the real estate transaction~~ the appropriate form prepared by the Division pursuant to NRS 645.193 ~~to~~:

(a) *Each party for whom the licensee is acting as an agent in the real estate transaction; and*

(b) *Each unrepresented party to the real estate transaction, if any.*

4. Unless otherwise agreed upon in writing, owes no duty to:

(a) Independently verify the accuracy of a statement made by an inspector certified pursuant to chapter 645D of NRS or another appropriate licensed or certified expert.

(b) Conduct an independent inspection of the financial condition of a party to a real estate transaction."

Amend the title of the bill to read as follows:

"AN ACT relating to real estate; providing for the regulation of certain business brokers; providing for the establishment of certain fees relating to such regulation; revising provisions governing disclosures in certain real estate transactions; providing a penalty; and providing other matters properly relating thereto."

Amend the summary of the bill to read as follows:

"SUMMARY—Provides for regulation of certain business brokers and revises provisions governing disclosures in certain real estate transactions. (BDR 54-1135)".

Senator Carlton moved the adoption of the amendment.

Remarks by Senator Carlton.

Amendment adopted.

Senator Beers moved that Senate Bill No. 315 be rereferred to the Committee on Finance upon return from reprint.

Remarks by Senator Beers.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Finance.

Senate Bill No. 321.

Bill read second time and ordered to third reading.

Senate Bill No. 393.

Bill read second time and ordered to third reading.

Senator Beers moved that Senate Bill No. 393 be taken from the General File and rereferred to the Committee on Finance.

Remarks by Senator Beers.

Motion carried.

Senate Bill No. 417.

Bill read second time.

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

Amendment No. 146.

Amend section 1, page 1, by deleting lines 3 and 4 and inserting:

"1. Each board of county commissioners may, to protect the health and"

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

"Sec. 2. Chapter 268 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The city council or other governing body of each incorporated city in this State, whether or not organized under general law or special charter, may, to protect the health and safety of the public, enact an ordinance which regulates the time, place and manner of the operation of an electric personal assistive mobility device in the city, including, without limitation, by prohibiting the use of an electric personal assistive mobility device in a specified area of the city.

2. As used in this section, "electric personal assistive mobility device" has the meaning ascribed to it in NRS 482.029."

Amend the title of the bill to read as follows:

"AN ACT relating to traffic laws; authorizing the governing bodies of cities and counties to regulate the use of electric personal assistive mobility devices; and providing other matters property relating thereto."

Amend the summary of the bill to read as follows:

"SUMMARY—Authorizes counties and cities to regulate use of electric personal assistive mobility devices. (BDR 20-331)".

Senator Hardy moved the adoption of the amendment.

Remarks by Senators Hardy, Carlton, Coffin and Titus.

Senator Carlton disclosed that her family owns a Segway.

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

SENATOR HARDY:

Currently, these personal transportation vehicles are treated as pedestrians. The committee felt that since most pedestrians cannot run at 15 miles an hour, it was good to have some regulation.

SENATOR CARLTON:

The concern I have is for one of the possible prohibitions. My family uses this device as transportation. I work on the Strip because it is within the range of my home and am able to use this to go to work. I understand the rental problem. I was opposed to the renting of them. It took me weeks to become proficient in using the Segway. The first time my husband rode it, he was thrown. We had to talk our girls into trying it. Every young child who comes to visit wants to play with it. I tell them it is not a toy. You do not hand the keys to your car to a 10-year-old to play with; you should not give a child the key to a Segway to play with. This is a means of transportation for some families, and I would hate to see them barred from being able to use it in a residential setting in order to go to work. Gas prices are going up, and the Segway is getting more use at my house as the prices rise.

SENATOR HARDY:

This amendment is wide open in terms of what local governments can do in terms of ordinances to regulate them. I would like to state for the legislative record that the intent before our committee was clearly that the regulation would be used to regulate and adopt ordinances for uses on the Strip and other places where they were being used as rentals.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 442.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 161.

Amend section 1, page 1, line 9, before "proceedings" by inserting "*formal, public*".

Amend the bill as a whole by deleting sec. 2.

Amend the title of the bill by deleting the second through fifth lines and inserting: "requiring the appointment of two justices of the peace or two municipal judges for formal, public proceedings against such justices or judges; and".

Senator Amodei moved the adoption of the amendment.

Remarks by Senator Amodei.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 483.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Raggio moved that the action whereby Senate Bill No. 393 was rereferred to the Committee on Finance be rescinded.

Remarks by Senator Raggio.

Motion carried.

Senator Raggio moved that Senate Bill No. 393 be placed on the Secretary's desk.

Remarks by Senator Raggio.

Motion carried.

Senator Raggio moved that Senate Bills Nos. 41, 118, 301, 449 be taken from the General File and placed on the General File for the next legislative day.

Remarks by Senator Raggio.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Beers, the privilege of the floor of the Senate Chamber for this day was extended to Kris Munn.

On request of Senator Carlton, the privilege of the floor of the Senate Chamber for this day was extended to Ryan Nassios and Michael Nassios.

On request of Senator McGinness, the privilege of the floor of the Senate Chamber for this day was extended to the following students and teacher from Reed High School: Brian Basallo, Travis Crawford, Stacey Purdy, Garrett Chambers, Charlie South, Jonathan Saini, Rachel Hahn, Lauren Adragna, Nicole Frenza, C.J. Gent, Isidra Almaraz, Jordan Stauss, Nico Valencia, Kimberly Marchant, Rachel Coyner, Lana Zenz, Kaitlyn McQueen, Justin Norton, Elgin Mason, C.J. Blackett, Joshua Kelleher, Sara Millsap, Abdallah Beekun, Lauren Lathrop, Wendy Tran and teacher: Mark Towell.

On request of Senator Titus, the privilege of the floor of the Senate Chamber for this day was extended to a group from the Nevada Association for the Education of Young Children.

Senator Raggio moved that the Senate adjourn until Friday, April 8, 2005, at 11 a.m.

Motion carried.

Senate adjourned at 12 m.

Approved:

LORRAINE T. HUNT
President of the Senate

Attest: CLAIRE J. CLIFT
Secretary of the Senate