

**THE SIXTY-FOURTH DAY**

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CARSON CITY (Monday), April 9, 2007

Assembly called to order at 11:10 a.m.

Madam Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Reverend Marie Hanson.

Please join with me now, taking a moment to go within, connecting with your breath and the Universal Power and Presence that permeates each of us. May we now let go of all that it took to be here today. Distractions, projects, phone calls, meetings—all dissolve in this moment as we accept and know each and every need is met, easily and effortlessly. Let us join our hearts and minds as One. All things are enveloped in Your Love, Father/Mother/Sister/Brother. Our Essential Nature is Love. Being One with It, we lovingly express our thoughts, activities, and words today. We let Joy guide us and inspire us to do that which You would have us accomplish, Great Spirit. There is nothing, no thing, that we cannot do without You. We invite You into our minds, now. Your Peace radiates out into this room, this building, this city, this state, this country, this planet, and beyond. Your wisdom allows us to be that which You are: Peace, Love, and Joy. It is with this intention we move into all our moments today, letting go and letting God, for He exceeds what we can do alone. And so it is.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Ocegüera 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 Assembly Bill No. 404, 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 Assembly Bill No. 295, has had the same under consideration, and begs leave to report the same back with the recommendation: Rerefer to the Committee on Ways and Means.

JOHN OCEGUERA, *Chair*

*Madam Speaker:*

Your Committee on Education, to which were referred Assembly Bills Nos. 212, 242, 512 has had the same under consideration, and begs leave to report the same back with the recommendation: Amended, and do pass as amended.

BONNIE PARNELL, *Chair*

*Madam Speaker:*

Your Committee on Elections, Procedures, Ethics, and Constitutional Amendments, to which was referred Assembly Joint Resolution No. 10, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ELLEN KOIVISTO, *Chair*

*Madam Speaker:*

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 289, 299, 350, 358, 373, 380, 381, 515, 601 has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Government Affairs, to which was referred Assembly Bill No. 530, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, and rerefer to the Committee on Ways and Means.

Also, your Committee on Government Affairs, to which was referred Assembly Bill No. 408, 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 Ways and Means.

MARILYN K. KIRKPATRICK, *Chair*

*Madam Speaker:*

Your Committee on Health and Human Services, to which was referred Assembly Bill No. 575, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

SHEILA LESLIE, *Chair*

*Madam Speaker:*

Your Committee on Judiciary, to which was referred Assembly Bill No. 589, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Judiciary, to which were referred Assembly Bills Nos. 4, 8, 25, 52, 136, 227, 282, 353, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chair*

*Madam Speaker:*

Your Committee on Taxation, to which was referred Assembly Bill No. 356, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

KATHY MCCLAIN, *Chair*

*Madam Speaker:*

Your Committee on Transportation, to which was referred Assembly Bill No. 497, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

KELVIN ATKINSON, *Chair*

## MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 5, 2007

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 330, 433, 498, 518, 554.

CLAIRE CLIFT  
*Secretary of the Senate*

## MOTIONS, RESOLUTIONS AND NOTICES

## NOTICE OF EXEMPTION

April 9, 2007

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Assembly Bill No. 355.

MARK STEVENS  
*Fiscal Analysis Division*

April 9, 2007

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bills Nos. 146, 255, 305, 356, 360, 361, 411, 419, 443, 458, 459, 479, 485, 506, 507, 526, 528, 536, 557, 573, 579, 587, 594, 601 and 602.

MARK STEVENS  
*Fiscal Analysis Division*

Assemblyman Ocegüera moved that Assembly Bill No. 295 be rereferred to the Committee on Ways and Means.

Motion carried.

Assemblywoman Kirkpatrick moved that Assembly Bill No. 408 be rereferred to the Committee on Ways and Means.

Motion carried.

Assemblywoman Kirkpatrick moved that Assembly Bill No. 530 be rereferred to the Committee on Ways and Means.

Motion carried.

## INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 608—AN ACT making supplemental appropriations to the Department of Business and Industry; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 330.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 433.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Bill No. 498.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 518.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 554.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Madam Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:21 a.m.

#### ASSEMBLY IN SESSION

At 11:27 a.m.

Madam Speaker presiding.

Quorum present.

#### MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Ocegüera moved that Assembly Joint Resolution No. 3 be taken from its position on the Second Reading File and placed at the top of the Second Reading File.

Motion carried.

#### SECOND READING AND AMENDMENT

Assembly Joint Resolution No. 3.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 75.

ASSEMBLY JOINT RESOLUTION—Proposing to amend the Nevada Constitution to revise provisions relating to the taking of private property by eminent domain.

Legislative Counsel's Digest:

Section 8 of Article 1 of the Nevada Constitution and the Fifth Amendment to the United States Constitution provide that private property cannot be taken for a public use without just compensation. In *Kelo v. City of New London*, 125 S.Ct. 2655 (2005), the United States Supreme Court ruled that the use of eminent domain to acquire property and transfer it to another private party for the purpose of economic development does not violate the Takings Clause of the Fifth Amendment to the United States Constitution.

This resolution proposes an amendment to the Nevada Constitution to prohibit, except in certain circumstances, the taking of private property if the purpose of the taking is to transfer an interest in that property to another private party.

In addition, the amendment proposed by this resolution requires an entity which is taking property by the exercise of eminent domain to provide the owner of the property with all appraisals of the property obtained by the entity before the entity is allowed to occupy the property. Furthermore, in all eminent domain actions, the owner of the property that is being taken is entitled to a determination of whether the taking is for a public use and the entity that is taking the property has the burden of proving that the taking is for a public use.

The amendment proposed by this resolution provides for the manner of computing the just compensation owed to a person whose property is taken by the exercise of eminent domain. Also, the amendment provides that neither a property owner nor an entity which is taking property by the exercise of eminent domain is liable for the attorney's fees of the other party, except in a certain circumstance. Under the amendment, the owner of property taken by the exercise of eminent domain, or his successor in interest, has the right to reacquire the property for the price paid by the entity which took the property under certain circumstances.

This resolution also proposes to repeal the "People's Initiative to Stop the Taking of Our Land" if that initiative is approved by the voters at the 2008 General Election.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That Section 8 of Article 1 of the Nevada Constitution be amended to read as follows:

Sec. 8. 1. No person shall be tried for a capital or other infamous crime (except in cases of impeachment, and in cases of the militia when in actual service and the land and naval forces in time of war, or which this State may keep, with the consent of Congress, in time of peace, and in cases of petit larceny, under the regulation of the Legislature) except on presentment or indictment of the grand jury, or upon information duly filed by a district attorney, or Attorney General of the State, and in any trial, in any court whatever, the party accused shall be allowed to appear and defend in person, and with counsel, as in civil actions. No person shall be subject to be twice put in jeopardy for the same offense; nor shall he be compelled, in any criminal case, to be a witness against himself.

2. The Legislature shall provide by law for the rights of victims of crime, personally or through a representative, to be:

(a) Informed, upon written request, of the status or disposition of a criminal proceeding at any stage of the proceeding;

(b) Present at all public hearings involving the critical stages of a criminal proceeding; and

(c) Heard at all proceedings for the sentencing or release of a convicted person after trial.

3. Except as otherwise provided in subsection 4, no person may maintain an action against the State or any public officer or employee for damages or injunctive, declaratory or other legal or equitable relief on behalf of a victim of a crime as a result of a violation of any statute enacted by the Legislature pursuant to subsection 2. No such violation authorizes setting aside a conviction or sentence or continuing or postponing a criminal proceeding.

4. A person may maintain an action to compel a public officer or employee to carry out any duty required by the Legislature pursuant to subsection 2.

5. No person shall be deprived of life, liberty, or property, without due process of law.

6. Private property shall not be taken for public use without just compensation having been first made, or secured, except in cases of war, riot, fire, or great public peril, in which case compensation shall be afterward made.

7. *Except as otherwise provided in paragraphs (a) to ~~((d))~~ (e), inclusive, the public uses for which private property may be taken do not include the direct or indirect transfer of any interest in the property to another private person or entity. A transfer of property taken by the exercise of eminent domain to another private person or entity is a public use in the following circumstances:*

*(a) The entity that took the property transfers the property to a private person or entity and the private person or entity uses the property primarily to benefit a public service, including, without limitation, a utility, railroad, public transportation project, pipeline, road, bridge ~~for public~~, airport or facility ~~for~~ that is owned by a governmental entity.*

*(b) The entity that took the property leases the property to a private person or entity that occupies an incidental part of ~~for public~~ an airport or a facility that is owned by a governmental entity and, before leasing the property:*

*(1) Uses its best efforts to notify the person from whom the property was taken that the property will be leased to a private person or entity that will occupy an incidental part of ~~for public~~ an airport or a facility ~~for~~ that is owned by a governmental entity; and*

*(2) Provides the person from whom the property was taken with an opportunity to bid or propose on an equal basis with others.*

*(c) The entity:*

*(1) Took the property in order to acquire property that was abandoned by the owner, abate an immediate threat to the safety of the public or remediate hazardous waste; and*

*(2) Grants a right of first refusal to the person from whom the property was taken that allows that person to reacquire the property on the*

*same terms and conditions that are offered to the other private person or entity.*

*(d) The entity that took the property transfers an interest in the property to a private person or entity in exchange for an interest in the property that was taken, or is being taken, by the exercise of eminent domain or under the threat of the exercise of eminent domain for the purpose of a road or highway, the relocation of public or private structures or to facilitate or avoid payment of excessive compensation or damages.*

*(e) The person from whom the property is taken consents to the taking.*

*8. In all actions in eminent domain:*

*(a) Before the entity that is taking property obtains possession of the property, the entity shall give to the owner of the property a copy of all appraisals of the property obtained by the entity.*

*(b) At the occupancy hearing, the owner of the property that is the subject of the action is entitled, at the property owner's election, to a separate and distinct determination as to whether the property is being taken for a public use.*

*(c) The entity that is taking property has the burden of proving that the taking is for a public use.*

*(d) Except as otherwise provided in this paragraph, neither the entity that is taking property nor the owner of the property is liable for the attorney's fees of the other party. This paragraph does not apply in an inverse condemnation action if the owner of the property that is the subject of the action makes a request for attorney's fees from the other party to the action.*

*9. Except as otherwise provided in this subsection, if a court determines that a taking of property is for public use, the taken or damaged property must be valued at its highest and best use without considering any future dedication requirements imposed by the entity that is taking the property. If property is taken primarily for a profit-making purpose, the property must be valued at the use to which the entity that is taking the property intends to put the property, if such use results in a higher value for the property.*

*10. In all actions in eminent domain, fair market value is the highest price, on the date of valuation, that would be agreed to by a seller, who is willing to sell on the open market and has reasonable time to find a purchaser, and a buyer, who is ready, willing and able to buy, if both the seller and the buyer had full knowledge of all the uses and purposes for which the property is reasonably adaptable and available.*

*11. In all actions in eminent domain, just compensation is that sum of money necessary to place the property owner in the same position monetarily as if the property had never been taken, excluding any governmental offsets except special benefits. Special benefits may only offset severance damages and may not offset the value for the property. Just compensation for the property taken by the exercise of eminent*

*domain must include, without limitation, interest and reasonable costs and expenses, except attorney's fees, incurred by the owner of the property that is the subject of the action. The district court shall determine, in a posttrial hearing, the award of interest and award as interest the amount of money which will put the person from whom the property is taken in as good a position monetarily as if the property had not been taken. The district court shall enter an order concerning:*

- (a) The date on which the computation of interest will commence;*
- (b) The rate of interest to be used to compute the award of interest, which must not be less than the prime rate of interest plus 2 percent; and*
- (c) Whether the interest will be compounded annually.*

*12. Property taken by the exercise of eminent domain must be offered to and reverts to the person from whom the property was taken upon repayment of the original purchase price if, within 15 years after obtaining possession of the property, the entity that took the property:*

*(a) Fails to use the property for the public use for which the property was taken or for any public use reasonably related to the public use for which the property was taken; or*

*(b) Seeks to convey any right, title or interest in all or part of the property to any other person and the conveyance is not occurring pursuant to subsection 7.*

*↪ The entity that has taken the property does not fail to use the property under paragraph (a) if the entity has begun active planning for or design of the public use, the assembling of land in furtherance of planning for or design of the public use or construction related to the public use.*

*13. If any provision of subsections 7 to 12, inclusive, or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect the provisions or application of subsections 7 to 12, inclusive, which can be given effect without the invalid provision or application, and to this end the provisions of subsections 7 to 12, inclusive, are declared to be severable.*

*14. The provisions of subsections 7 to 12, inclusive, apply to an action in eminent domain that is filed on or after January 1, 2011.*

And be it further

RESOLVED, That Section 22 of Article 1 of the Nevada Constitution, commonly known as the "People's Initiative to Stop the Taking of Our Land," if that section is approved and ratified by the voters at the 2008 General Election, is hereby repealed.

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Resolution ordered reprinted, engrossed and to the Concurrent Committee on Elections, Procedures, Ethics, and Constitutional Amendments.

Assembly Bill No. 13.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 87.

SUMMARY—~~Increases the age under which a person on a vessel is required to wear a personal flotation device.~~ Revises provisions governing the use of watercraft (BDR 43-144)

AN ACT relating to watercraft; prohibiting the owner of a boat livery or his agent or employee from renting an aquatic device to any person unless the owner, agent or employee complies with certain requirements; increasing the age under which a person on a vessel is required to wear a personal flotation device; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[This]~~ Section 1 of this bill prohibits the owner of a boat livery or his agent or employee from renting an aquatic device to any person unless the owner or his agent or employee complies with certain requirements, including, without limitation, providing to each person who will use the aquatic device a personal flotation device approved by the United States Coast Guard and giving verbal instructions for the safe use of the aquatic device. An "aquatic device" includes an inner tube or inflatable raft, but does not include a vessel or motorboat or any device used in a designated swimming area. Section 1 also prohibits a person who is less than 13 years of age from using an aquatic device unless the person is wearing a personal flotation device.

Section 2 of this bill changes the age under which a person on the topside of a noncommercial vessel is required to wear a personal flotation device from 12 years of age to 13.

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

*Section 1.* Chapter 488 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The owner of a boat livery or his agent or employee shall not rent an aquatic device to any person unless the owner or his agent or employee:

(a) Provides to each person to whom the aquatic device is rented and to each person who will use the aquatic device:

(1) A personal flotation device of a type approved by the United States Coast Guard and prescribed by regulations adopted by the Commission;

(2) A written summary of the laws and regulations of this State governing the use of the aquatic device; and

(3) Verbal instructions regarding the safe use of the aquatic device;  
and

*(b) Before the aquatic device leaves the control of the owner or his agent or employee, documents the name and age of each person who will use the aquatic device. The person to whom the aquatic device is rented shall ensure that only a person who is documented as a user is allowed to use the aquatic device.*

*2. Each person to whom an aquatic device is rented and each person who uses the aquatic device shall, before using the aquatic device:*

*(a) Review the written summary of the laws and regulations provided to him pursuant to subsection 1; or*

*(b) Provide written proof to the owner or his agent or employee that the person has received previous instruction in the safe use of the aquatic device.*

*3. A person shall not use or authorize another person to use an aquatic device under his control on any waters of this State unless each user of the aquatic device who is less than 13 years of age is wearing a personal flotation device of the type prescribed pursuant to subsection 1.*

*4. As used in this section, "aquatic device" means:*

*(a) An inflatable inner tube;*

*(b) A small, flexible plastic or inflatable raft; or*

*(c) A single-chambered device that is inflated with air.*

→ The term does not include a device which is classified as a vessel or motorboat or which is used in an area that is designated for swimming.

~~{Section 1.}~~ **Sec. 2.** NRS 488.575 is hereby amended to read as follows:

488.575 1. Except as otherwise provided in subsection 2, a person shall not operate or authorize another person to operate a vessel under his ownership or control on any waters of this State unless each person on the vessel who is less than ~~{12}~~ **13** years of age is wearing a personal flotation device of a type approved by the United States Coast Guard and prescribed by the regulations of the Commission while the vessel is under way.

2. The provisions of subsection 1 do not apply to persons on board:

(a) A commercial vessel licensed by the United States Coast Guard for the transportation of passengers for hire; or

(b) Any other vessel who are below the deck or inside a cabin of the vessel.

**Sec. 3. 1. This section and section 1 of this act become effective upon passage and approval for the purpose of adopting regulations pursuant to section 1 of this act and on January 1, 2008, for all other purposes.**

**2. Section 2 of this act becomes effective on October 1, 2007.**

Assemblyman Claborn moved the adoption of the amendment.

Remarks by Assemblyman Claborn.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 14.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 29.

AN ACT relating to crimes; making it unlawful to carry a graffiti implement in plain view in certain ~~public areas without authorization from the relevant governmental entity;~~ **places and in certain circumstances;** providing that a governmental entity which incurs costs in cleaning up or removing graffiti ~~is a victim of graffiti for purposes of receiving;~~ **may receive** restitution ~~if the graffiti was on public property;~~ revising penalties for unlawfully placing graffiti on the property of another; **revising provisions governing the suspension of or delay in issuing a driver's license when a person is convicted for placing graffiti on or defacing property;** providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 2 of this bill creates a new crime for unlawfully possessing **certain** graffiti implements in certain public places. Specifically, section 2 provides that it is a misdemeanor for a person to carry on his person ~~and~~ and in plain view of the public ~~with the intent to vandalize, place graffiti on or otherwise deface property~~ a graffiti implement on certain public **and private** property **or in a public transportation vehicle** without valid authorization from the appropriate governmental entity ~~or person~~. Sections 6-8 of this bill amend existing law to provide that persons who unlawfully possess a graffiti implement in violation of section 2 are treated similarly to persons who unlawfully place graffiti on the property of another in violation of NRS 206.125 or 206.330. Section 6 ~~of this bill~~ requires a person who violates section 2 to pay, in addition to any other fine or penalty, an administrative assessment of \$250 which must be credited to the Graffiti Reward Fund. (NRS 206.340) Section 7 ~~of this bill~~ amends existing law which provides that, under certain circumstances, a person may not sue a public employee, officer or agency for any injury, wrongful death or other damage incurred by a person while committing certain crimes to include the new crime created pursuant to section 2. ~~of this bill~~ (NRS 41.0334) Section 8 ~~of this bill~~ amends existing law which authorizes a court to suspend the driver's license of a child or to delay the issuance of a driver's license to the child if he does not yet possess a driver's license when the child is adjudicated delinquent for engaging in certain acts involving graffiti or defacing property to allow such actions when a child engages in an act prohibited by section 2. ~~of this bill~~ (NRS 62E.690)

Section 3 of this bill requires a person who is ordered to pay restitution for damaging the property of another to pay the restitution to either the owner of the property or, if the damage involves the placement of graffiti on certain property, to the governmental entity that incurred the costs of cleaning up or removing the graffiti.

Section 4 of this bill ~~increases~~ revises the penalty for placing graffiti on, vandalizing, defacing or otherwise damaging: (1) a place of religious worship; (2) a facility used for the purpose of burial or memorializing the dead; or (3) a school, educational facility or community center ~~from a gross misdemeanor to a category E felony.~~ to provide for mandatory fines and community service. Section 4 also adds transportation facilities and public transportation vehicles to the list of entities covered by this section. (NRS 206.125)

Section 5 of this bill amends the threshold amount used to determine the penalty for a person who places graffiti on or otherwise defaces public or private property without the permission of the owner. ~~from a loss of less than \$250 to \$400 for a misdemeanor and from a loss of \$5,000 or more to a loss of \$400 or more for a category E felony and deletes the penalty of gross misdemeanor for a loss of between \$250 and \$5,000.~~ Section 5 also revises the penalties for such an offense to include a mandatory fine and community service, revises the period for the suspension of a driver's license, defines the manner for determining the "value of the loss" and allows for aggregating the amount of damage to determine the value of the loss, but only if the value of the loss when aggregated is \$5,000 or more. (NRS 206.330)

Existing law provides for the suspension or delay in the issuance of a driver's license to a person who commits certain graffiti offenses. Section 8 of this bill adds to the crimes for which a license may be suspended or delayed the new crime of carrying a graffiti implement in certain places and increases the minimum period of the suspension or delay to 1 year. (NRS 62E.690)

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

Section 1. Chapter 206 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. 1. Any person who carries on his person and in plain view to the public a graffiti implement ~~+~~ with the intent to vandalize, place graffiti on or otherwise deface public or private property, real or personal, of another:

(a) While on or under any overpass or bridge or in any flood channel;  
~~for~~

(b) At any public facility, community center, park, playground, swimming pool, transportation facility, beach or recreational area whereon a sign is posted in a location reasonably expected to be viewed by the public which states that it is a misdemeanor to possess a graffiti implement at that public location without valid authorization ~~+~~; or

(c) In a public transportation vehicle wherein a sign is posted that is easily viewed by passengers which states that it is a misdemeanor to possess a graffiti implement in the vehicle without valid authorization,

↪ is guilty of a misdemeanor unless he has first received valid authorization from the governmental entity which has jurisdiction over the public area ~~†~~ or other person who is designated to provide such authorization.

2. As used in this section:

(a) "Broad-tipped indelible marker" means any felt-tipped marker or similar implement which contains a fluid that is not soluble in water and which has a flat or angled writing surface of a width of one-half inch or greater.

(b) "Graffiti implement" means any broad-tipped indelible marker or aerosol paint container ~~†~~ or other item that may be used to propel or apply fluid that is not soluble in water.

(c) "Public transportation vehicle" means a bus, train or other vehicle or instrumentality used to transport persons from a transportation facility to another location.

(d) "Transportation facility" means an airport, marina, bus terminal, train station, bus stop or other facility where a person may go to obtain transportation.

Sec. 3. If a court orders a person who violates the provisions of NRS 206.125 or 206.330 to pay restitution, the person shall pay the restitution to:

1. The owner of the property which was affected by the violation; or

2. If the violation involved the placing of graffiti on any public property, ~~for any property facing and bordering any highway, street, road or alleyway,~~ the governmental entity that incurred expenses for removing, covering or cleaning up the graffiti.

Sec. 4. NRS 206.125 is hereby amended to read as follows:

206.125 1. Unless a greater penalty is provided by law, a person who knowingly vandalizes, places graffiti on, defaces or otherwise damages:

(a) Any church, synagogue or other building, structure or place used for religious worship or other religious purpose;

(b) Any cemetery, mortuary or other facility used for the purpose of burial or memorializing the dead;

(c) Any school, educational facility, transportation facility, public transportation vehicle or community center;

(d) The grounds adjacent to, and owned or rented by, any institution, facility, building, structure or place described in paragraph (a), (b) or (c); or

(e) Any personal property contained in any institution, facility, building, structure or place described in paragraph (a), (b) or (c),

↪ is guilty of a gross misdemeanor. ~~category E felony and shall be punished as provided in NRS 193.130.~~

2. In addition to any other penalty, the court shall order ~~the~~ a person found guilty of a gross misdemeanor pursuant to subsection 1 to pay restitution for the damage ~~†~~ and:

**(a) For the first offense, to pay a fine of not less than \$400 but not more than \$1,000, and to perform 100 hours of community service.**

**(b) For the second offense, to pay a fine of not less than \$750, but not more than \$1,000, and to perform 200 hours of community service.**

**(c) For a third or subsequent offense, to pay a fine of \$1,000, and to perform 200 hours of community service.**

~~2.~~ **3.** A person who is paid money for restitution pursuant to subsection 1 shall use the money to repair or restore the property that was damaged.

**4. As used in this section:**

**(a) "Public transportation vehicle" has the meaning ascribed to it in section 2 of this act.**

**(b) "Transportation facility" has the meaning ascribed to it in section 2 of this act.**

Sec. 5. NRS 206.330 is hereby amended to read as follows:

206.330 1. Unless a greater criminal penalty is provided by a specific statute, a person who places graffiti on or otherwise defaces the public or private property, real or personal, of another, without the permission of the owner:

(a) Where the value of the loss is less than ~~[\$250,] [\$400,] \$1,000~~ is guilty of a misdemeanor.

(b) Where the value of the loss is \$1,000 or more but less than \$5,000, is guilty of a gross misdemeanor.

(c) Where the value of the loss is \$5,000 ~~[\$400]~~ or more or where the damage results in the impairment of public communication, transportation or police and fire protection, is guilty of a category E felony and shall be punished as provided in NRS 193.130. **If the court grants probation to such a person, the court shall require as a condition of probation that the person serve at least 10 days in the county jail.**

2. If a person commits more than one offense pursuant to a scheme or continuing course of conduct, the value of all property damaged or destroyed by that person in the commission of those offenses ~~may~~ **must** be aggregated for the purpose of determining the penalty prescribed in subsection 1 ~~and~~, **but only if the value of the loss when aggregated is \$5,000 or more.**

3. A person who violates subsection 1 shall, in addition to any other fine or penalty imposed:

(a) For the first offense, **pay a fine of not less than \$400 but not more than \$1,000 and** perform ~~[not less than 50 hours, but not more than 99 hours,] **100 hours**~~ of community service.

(b) For the second offense, **pay a fine of not less than \$750 but not more than \$1,000 and** perform ~~[not less than 100 hours, but not more than 199 hours,] **200 hours**~~ of community service.

(c) For the third and each subsequent offense, **pay a fine of \$1,000 and** perform ~~[not less than] 200 hours of community service.~~

↪ The community service assigned pursuant to this subsection must, if possible, be related to the abatement of graffiti.

4. The parent or legal guardian of a person under the age of 18 years who violates this section is liable for all fines and penalties imposed against the person. If the parent or legal guardian is unable to pay the fine and penalties resulting from a violation of this section because of financial hardship, the court may require the parent or legal guardian to perform community service.

5. If a person who is 18 years of age or older is found guilty of violating this section, the court ~~may~~ **shall, in addition to any other penalty imposed,** issue an order suspending the driver's license of the person for ~~a period not to exceed~~ **not less than** 6 months ~~in addition to any other penalty imposed.~~ **but not more than 2 years.** ~~If such an order is issued, the~~ **The** court shall require the person to surrender all driver's licenses then held by the person. If the person does not possess a driver's license, the court ~~may~~ **shall** issue an order prohibiting the person from applying for a driver's license ~~within the~~ **for not less than** 6 months ~~immediately following the date of the order.~~ **but not more than 2 years.** The court shall, within 5 days after issuing the order, forward to the Department of Motor Vehicles any licenses together with a copy of the order.

6. The Department of Motor Vehicles:

(a) Shall not treat a violation of this section in the manner statutorily required for a moving traffic violation.

(b) Shall report the suspension of a driver's license pursuant to this section to an insurance company or its agent inquiring about the person's driving record. An insurance company shall not use any information obtained pursuant to this paragraph for purposes related to establishing premium rates or determining whether to underwrite the insurance.

7. A criminal penalty imposed pursuant to this section is in addition to any civil penalty or other remedy available pursuant to another statute for the same conduct.

8. As used in this section ~~the "impairment"~~ :

**(a) "Impairment"** means the disruption of ordinary and incidental services, the temporary loss of use or the removal of the property from service for repair of damage.

**(b) "Value of the loss" means the cost of repairing, restoring or replacing the property, including, without limitation, the cost of any materials and labor necessary to repair, restore or replace the item.**

Sec. 6. NRS 206.340 is hereby amended to read as follows:

206.340 1. The Graffiti Reward Fund is hereby created in the State General Fund.

2. When a defendant pleads or is found guilty of violating NRS 206.125 or 206.330 ~~or~~ **section 2 of this act,** the court shall include an administrative assessment of \$250 for each violation in addition to any other fine or penalty. The money collected must be paid by the clerk of the court to the State Controller on or before the fifth day of each month for the preceding month for credit to the Graffiti Reward Fund.

3. All money received pursuant to subsection 2 must be deposited with the State Controller for credit to the Graffiti Reward Fund. The money in the Fund must be used to pay a reward to a person who, in response to the offer of a reward, provides information which results in the identification, apprehension and conviction of a person who violates NRS 206.125 or 206.330 ~~†~~ **or section 2 of this act.**

4. If sufficient money is available in the Graffiti Reward Fund, a state law enforcement agency may offer a reward, not to exceed \$1,000, for information leading to the identification, apprehension and conviction of a person who violates NRS 206.125 or 206.330 ~~†~~ **or section 2 of this act.** The reward must be paid out of the Graffiti Reward Fund upon approval by the State Board of Examiners.

Sec. 7. NRS 41.0334 is hereby amended to read as follows:

41.0334 1. Except as otherwise provided in subsection 2, no action may be brought under NRS 41.031 or against an officer or employee of the State or any of its agencies or political subdivisions for injury, wrongful death or other damage sustained in or on a public building or public vehicle by a person who was engaged in any criminal act proscribed in NRS 202.810, 205.005 to 205.080, inclusive, 205.220, 205.226, 205.228, 205.240, 205.271 to 205.2741, inclusive, 206.310, 206.330, 207.210, 331.200 or 393.410 ~~†~~ **or section 2 of this act**, at the time the injury, wrongful death or damage was caused.

2. Subsection 1 does not apply to any action for injury, wrongful death or other damage:

(a) Intentionally caused or contributed to by an officer or employee of the State or any of its agencies or political subdivisions; or

(b) Resulting from the deprivation of any rights, privileges or immunities secured by the United States Constitution or the Constitution of the State of Nevada.

3. As used in this section:

(a) "Public building" includes every house, shed, tent or booth, whether or not completed, suitable for affording shelter for any human being or as a place where any property is or will be kept for use, sale or deposit, and the grounds appurtenant thereto; and

(b) "Public vehicle" includes every device in, upon or by which any person or property is or may be transported or drawn upon a public highway, waterway or airway,

↳ owned, in whole or in part, possessed, used by or leased to the State or any of its agencies or political subdivisions.

Sec. 8. NRS 62E.690 is hereby amended to read as follows:

62E.690 1. Except as otherwise provided in this section, if a child is adjudicated delinquent for the unlawful act of placing graffiti on or otherwise defacing public or private property owned or possessed by another person in violation of NRS 206.125 or 206.330 ~~†~~ **or for the unlawful act of carrying**

*a graffiti implement in certain places without valid authorization in violation of section 2 of this act*, the juvenile court ~~may~~ **shall**:

(a) If the child possesses a driver's license, issue an order suspending the driver's license of the child for at least ~~90 days~~ **1 year** but not more than 2 years; or

(b) If the child does not possess a driver's license and the child is or will be eligible to receive a driver's license within the 2 years immediately following the date of the order, issue an order prohibiting the child from receiving a driver's license for a period specified by the juvenile court which must be at least ~~90 days~~ **1 year** but not more than 2 years:

(1) Immediately following the date of the order, if the child is eligible to receive a driver's license; or

(2) After the date the child will be eligible to receive a driver's license, if the child is not eligible to receive a license on the date of the order.

2. If the child is already the subject of a court order suspending or delaying the issuance of his driver's license, the juvenile court shall order the additional suspension or delay, as appropriate, to apply consecutively with the previous order.

Sec. 9. NRS 483.250 is hereby amended to read as follows:

483.250 The Department shall not issue any license pursuant to the provisions of NRS 483.010 to 483.630, inclusive:

1. To any person who is under the age of 18 years, except that the Department may issue:

(a) A restricted license to a person between the ages of 14 and 18 years pursuant to the provisions of NRS 483.267 and 483.270.

(b) An instruction permit to a person who is at least 15 1/2 years of age pursuant to the provisions of subsection 1 of NRS 483.280.

(c) A restricted instruction permit to a person under the age of 18 years pursuant to the provisions of subsection 3 of NRS 483.280.

(d) A driver's license to a person who is 16 or 17 years of age pursuant to NRS 483.2521.

2. To any person whose license has been revoked until the expiration of the period during which he is not eligible for a license.

3. To any person whose license has been suspended, but upon good cause shown to the Administrator, the Department may issue a restricted license to him or shorten any period of suspension.

4. To any person who has previously been adjudged to be afflicted with or suffering from any mental disability or disease and who has not at the time of application been restored to legal capacity.

5. To any person who is required by NRS 483.010 to 483.630, inclusive, to take an examination, unless he has successfully passed the examination.

6. To any person when the Administrator has good cause to believe that by reason of physical or mental disability that person would not be able to operate a motor vehicle safely.

7. To any person who is not a resident of this State.

8. To any child who is the subject of a court order issued pursuant to title 5 of NRS which delays his privilege to drive.

9. To any person who is the subject of a court order issued pursuant to NRS 206.330 which ~~[suspends or]~~ delays his privilege to drive until the expiration of the period of ~~[suspension or]~~ delay.

10. To any person who is not eligible for the issuance of a license pursuant to NRS 483.283.

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 20.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 30.

AN ACT relating to juries; revising the provisions pertaining to travel costs that jurors are entitled to receive; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill decreases the required distance a juror's home must be located from the court in order to receive travel costs from 65 miles or more to ~~[45]~~ **30** miles or more. (NRS 6.150)

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

Section 1. NRS 6.150 is hereby amended to read as follows:

6.150 1. Each person summoned to attend as a grand juror or a trial juror in the district court or justice court is entitled to a fee of \$40 for each day after the second day of jury selection that he is in attendance in response to the venire or summons, including Sundays and holidays.

2. Each grand juror and trial juror in the district court or justice court actually sworn and serving is entitled to a fee of \$40 a day as compensation for each day of service.

3. In addition to the fees specified in subsections 1 and 2, a board of county commissioners may provide that, for each day of such attendance or service, each person is entitled to be paid a per diem allowance in an amount equal to the allowance for meals provided for state officers and employees generally while away from the office and within this State pursuant to subsection 1 of NRS 281.160.

4. Each person summoned to attend as a grand juror or a trial juror in the district court or justice court and each grand juror and trial juror in the district court or justice court is entitled to receive 36.5 cents a mile for each mile necessarily and actually traveled if the home of the person summoned or serving as a juror is ~~[65]~~ ~~[45]~~ **30** miles or more from the place of trial.

5. If the home of a person summoned or serving as such a juror is 65 miles or more from the place of trial and the selection, inquiry or trial lasts more than 1 day, he is entitled to receive an allowance for lodging at the rate provided by law for state employees, in addition to his daily compensation for attendance or service, for each day on which he does not return to his home.

6. In civil cases, any fee, per diem allowance or other compensation due each juror engaged in the trial of the cause must be paid each day in advance to the clerk of the court, or the justice of the peace, by the party who has demanded the jury. If the party paying this money is the prevailing party, the money is recoverable as costs from the losing party. If the jury from any cause is discharged in a civil action without finding a verdict and the party who demands the jury subsequently obtains judgment, the money so paid is recoverable as costs from the losing party.

7. The money paid by a county clerk to jurors for their services in a civil action or proceeding, which he has received from the party demanding the jury, must be deducted from the total amount due them for attendance as such jurors, and any balance is a charge against the county.

**Sec. 2. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.**

~~{Sec. 2.}~~ **Sec. 3.** This act becomes effective on July 1, 2007.

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 55.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 45.

SUMMARY—~~{Provides for the use of voice writing by}~~ ***Makes various changes concerning*** court reporters. (BDR 54-765)

AN ACT relating to court reporting; expanding the definition of “practice of court reporting” to include reporting by the use of voice writing; expanding the definition of “stenographic notes” to include certain records produced by voice writing; revising the circumstances under which a person ~~{who has received a passing grade on an examination for certified verbatim reporters}~~ may be admitted for examination in this State for a certified court reporter’s certificate; establishing designations for certain court reporters; authorizing the use of certain abbreviations by certain court reporters; prohibiting certified court reporters-voice writers from practicing court reporting by using any method of court reporting other than voice writing; requiring an official reporter to make a record of certain proceedings; ***exempting certain persons who operate sound recording equipment or***

transcribe sound recordings from the requirement to be a certified court reporter; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the certification of court reporters. (Chapter 656 of NRS) Section 1 of this bill expands the definition of "practice of court reporting" to include the making of a verbatim record of a court proceeding by speaking into a device that either digitally translates the words into text or makes a tape or digital recording of the words. Section 1 also expands the definition of "stenographic notes" to include such a record. Existing law requires applicants for certification as court reporters to have fulfilled one of a number of specified obligations before being permitted to take the certification test. (NRS 656.170) Section 2 of this bill allows a person ~~[who]~~ to take the certification test if the person has passed an examination administered by the National Verbatim Reporters Association ~~[to take the certification test.]~~ or the National Court Reporters Association or has received a certificate from either association, and the examination or certificate has been approved by the Certified Court Reporters' Board of Nevada.

Current law requires a person who has been issued a certificate of registration as a certified court reporter to be designated a "certified court reporter" and authorizes such a person to use the abbreviation "C.C.R." in connection with the practice of court reporting. (NRS 656.310) Section 3 of this bill provides that a person who only used voice writing technology to pass the court reporter test be designated a "certified court reporter-voice writer," and that such a person may use the abbreviation "C.C.R.-V.," may not use the abbreviation "C.C.R.," and may only use voice writing in the practice of court reporting.

Existing law authorizes a court or judge to appoint or designate certain persons to operate sound recording equipment used to record certain civil and criminal proceedings and certain persons to read and transcribe the recording. (NRS 3.380) Section 5 of this bill provides that each such person appointed or designated to operate sound recording equipment or to transcribe a recording is not required to be a certified court reporter.

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

Section 1. NRS 656.030 is hereby amended to read as follows:

656.030 As used in this chapter, unless the context otherwise requires:

1. "Board" means the Certified Court Reporters' Board of Nevada.
2. "Certificate" means a certified court reporter's certificate issued under the provisions of this chapter.

3. ~~["Court]~~ "Certified court reporter" or "court reporter" means a person who is technically qualified and registered under this chapter to practice court reporting.

4. "Court reporting firm" means a person who, for compensation, provides or arranges for the services of a court reporter or provides referral services for court reporters.

5. "Designated representative of a court reporting firm" means the person designated to act as the representative of a court reporting firm pursuant to NRS 656.186.

6. "License" means a license issued under the provisions of this chapter to conduct business as a court reporting firm.

7. "Licensee" means a person to whom a license has been issued.

8. "Practice of court reporting" means reporting by the use of *voice writing or* any system of manual or mechanical shorthand writing:

(a) Grand jury proceedings;

(b) Court proceedings;

(c) Pretrial examinations, depositions, motions and related proceedings of like character; or

(d) Proceedings of an administrative agency if the final decision of the agency with reference thereto is subject to judicial review.

9. "Stenographic notes" means ~~the~~ :

(a) *The* original manually or mechanically produced notes in shorthand or shorthand writing taken by a court reporter while in attendance at a proceeding to report the proceeding ~~+~~; *or*

(b) *The record produced by the use of voice writing by a court reporter while in attending.*

10. "Voice writing" means *the making of a verbatim record of a proceeding by repeating the words of the speaker into a device that is capable of:*

(a) *Digitally translating the words into text; or*

(b) *Making a tape or digital recording of those words.*

Sec. 2. NRS 656.170 is hereby amended to read as follows:

656.170 1. Examinations must be held no less than twice a year at such times and places as the Board may designate.

2. No person may be admitted to the examination unless he first presents satisfactory evidence to the Board that he has:

(a) Received a passing grade on the National Court Reporters Association's examination for registered professional reporters ~~+~~, *if the Board has approved the examination;*

(b) *Received a passing grade on the National Verbatim Reporters Association's examination for certified verbatim reporters, if the Board has approved the examination;*

(c) A certificate of satisfactory completion of a prescribed course of study from a school for court reporters which includes English grammar, reading, spelling and vocabulary, medical and legal terminology, transcription, and court reporting at 200 words per minute with an accuracy of 97.5 percent;

~~(e)~~ (d) A certificate as a registered professional reporter or a certificate of merit from the National Court Reporters Association. ~~+~~

~~(d)~~ *, if the Board has approved each such certificate;*

*(e) A certificate as a certified verbatim reporter or a certificate of merit from the National Verbatim Reporters Association, if the Board has approved each such certificate;*

*(f) A valid certificate or license to practice court reporting issued by another state; or*

~~(e)~~ *(g) One year of continuous experience as a full-time court reporter using voice writing or any system of manual or mechanical shorthand writing*

~~*(f) Received a passing grade on the National Verbatim Reporters Association's examination for certified verbatim reporters.*~~

Sec. 3. NRS 656.310 is hereby amended to read as follows:

656.310 1. ~~Every~~ *Except as otherwise provided in subsection 2, each* person to whom a valid existing certificate of registration as a certified court reporter has been issued under this chapter ~~must~~:

*(a) Must be designated as a certified court reporter [and not otherwise, and any such registered certified court reporter may.];*

*(b) May, in connection with his practice of court reporting, use the abbreviation "C.C.R.;" and*

*(c) Shall not, in connection with his practice of court reporting, use the abbreviation "C.C.R.-V."*

2. *Each person to whom a valid existing certificate of registration as a certified court reporter has been issued under this chapter and who has only passed the portion of the examination required pursuant to paragraph (b) of subsection 2 of NRS 656.160 through the use of voice writing:*

*(a) Must be designated as a certified court reporter-voice writer;*

*(b) May, in connection with his practice of court reporting, use the abbreviation "C.C.R.-V.;"*

*(c) Shall not, in connection with his practice of court reporting, use the abbreviation "C.C.R.;" and*

*(d) Shall engage in the practice of court reporting only through the use of voice writing.*

3. No person other than the holder of a valid existing certificate of registration under this chapter may use the title or designation of "certified court reporter," ~~for "C.C.R.,"~~ *"certified court reporter-voice writer," "C.C.R." or "C.C.R.-V.,"* either directly or indirectly, in connection with his profession or business.

~~2.~~ 4. Every holder of a certificate shall place the number of his certificate:

*(a) On the cover page and certificate page of all transcripts of proceedings; and*

*(b) On all business cards.*

Sec. 4. NRS 3.320 is hereby amended to read as follows:

3.320 1. The judge or judges of any district court may appoint, subject to the provisions of this chapter and other laws as to the qualifications and

examinations of the appointee, one certified court reporter, to be known as official reporter of the court or department and to hold office during the pleasure of the judge appointing him. The appointee may be any business organization if the person representing it, who actually performs the reporting service, is a certified court reporter.

2. The official reporter, or any one of them if there are two or more, shall:

(a) At the request of either party or of the court in a civil action or proceeding, and on the order of the court, the district attorney or the attorney for the defendant in a criminal action or proceeding, ~~take down in shorthand~~ **make a record of** all the testimony, the objections made, the rulings of the court, the exceptions taken, all arraignments, pleas and sentences of defendants in criminal cases, and all statements and remarks made by the district attorney or judge, and all oral instructions given by the judge; and

(b) If directed by the court or requested by either party, within such reasonable time after the trial of the case as may be designated by law or, in the absence of any law relating thereto, by the court, write out the ~~shorthand copy,~~ **record**, or such specific portions thereof as may be requested, in plain and legible longhand, or by typewriter or other printing machine. The reporter shall certify to that copy as being correctly reported and transcribed ~~[-]~~ and, when directed by the law or court, **shall** file it with the clerk of the court.

Sec. 5. NRS 3.380 is hereby amended to read as follows:

3.380 1. The judge or judges of any district court may, with the approval of the board of county commissioners of any one or more of the counties comprising such district, in addition to the appointment of a court reporter as in this chapter provided, enter an order for the installation of sound recording equipment for use in any of the instances recited in NRS 3.320, for the recording of any civil and criminal proceedings, testimony, objections, rulings, exceptions, arraignments, pleas, sentences, statements and remarks made by the district attorney or judge, oral instructions given by the judge and any other proceedings occurring in civil or criminal actions or proceedings, or special proceedings whenever and wherever and to the same extent as any of such proceedings have heretofore under existing statutes been recorded by the official reporter or any special reporter or any reporter pro tempore appointed by the court.

2. For the purpose of operating such sound recording equipment, the court or judge may appoint or designate the official reporter or a special reporter or reporter pro tempore or the county clerk or clerk of the court or deputy clerk. The person so operating such sound recording equipment ***is not required to be a certified court reporter and*** shall subscribe to an oath that he will well and truly operate the equipment so as to record all of the matters and proceedings.

3. The court may then designate the person operating such equipment or any other competent person to read the recording and to transcribe it into typewriting. The person transcribing the recording ***is not required to be a certified court reporter and*** shall subscribe to an oath that he has truly and correctly transcribed it.

4. The transcript may be used for all purposes for which transcripts have heretofore been received and accepted under then existing statutes, including transcripts of testimony and transcripts of proceedings as constituting bills of exceptions or part of the bill of exceptions on appeals in all criminal cases and transcripts of the evidence or proceedings as constituting the record on appeal in civil cases and including transcripts of preliminary hearings before justices of the peace and other committing magistrates, and are subject to correction in the same manner as transcripts under existing statutes.

5. In civil and criminal cases when the court has ordered the use of such sound recording equipment, any party to the action, at his own expense, may provide a certified court reporter to ~~take down in shorthand~~ ***make a record of*** and transcribe all the matters of the proceeding. In such a case, the record prepared by sound recording is the official record of the proceedings, unless it fails or is incomplete because of equipment or operational failure, in which case the record prepared by the certified court reporter shall be deemed, for all purposes, the official record of the proceedings.

Sec. 6. This act becomes effective on July 1, 2007.

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 68.

Bill read second time.

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

Amendment No. 8.

AN ACT relating to public health; expanding the grounds for which the Health Division of the Department of Health and Human Services is authorized to deny, suspend or revoke a license to operate certain medical and care facilities and agencies; expanding the grounds for which termination of an employee or independent contractor of such a facility or agency is required; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, grounds for which the Health Division of the Department of Health and Human Services may deny, suspend or revoke a license to operate a facility for intermediate care, facility for skilled nursing or residential facility for groups include conviction of certain crimes by the applicant or licensee or continued employment by the licensee of persons convicted of those crimes. In addition, grounds for which the Health Division

may deny, suspend or revoke a license to operate an agency to provide personal care services in the home or an agency to provide nursing in the home include continued employment by the licensee of a person convicted of certain crimes. (NRS 449.160, 449.188) If the administrator of, or the person licensed to operate, such a facility or agency receives information or evidence that an employee or independent contractor has been convicted of certain crimes, the administrator or licensee is required to terminate the employment or contract of that person. (NRS 449.185) This bill expands the list of crimes for which such action is authorized or required to include the abuse, neglect, exploitation or isolation of elderly or vulnerable persons, violations of provisions relating to the State Plan for Medicaid, and any ***criminal*** act concerning Medicaid or Medicare ~~that is unauthorized or fraudulent.~~

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

Section 1. NRS 449.188 is hereby amended to read as follows:

449.188 1. In addition to the grounds listed in NRS 449.160, the Health Division may deny a license to operate a facility for intermediate care, facility for skilled nursing or residential facility for groups to an applicant or may suspend or revoke the license of a licensee to operate such a facility if:

(a) The applicant or licensee has been convicted of:

- (1) Murder, voluntary manslaughter or mayhem;
- (2) Assault with intent to kill or to commit sexual assault or mayhem;
- (3) Sexual assault, statutory sexual seduction, incest, lewdness, indecent exposure or any other sexually related crime;
- (4) Abuse or neglect of a child or contributory delinquency;
- (5) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS, within the past 7 years;

(6) ~~[A]~~ ***Abuse, neglect, exploitation or isolation of older persons or vulnerable persons, including, without limitation, a violation of any provision of NRS ~~{200.50955 or 200.5099;}~~ 200.5091 to 200.50995, inclusive, or a law of any other jurisdiction that prohibits the same or similar conduct;***

(7) ***A violation of any provision of law relating to the State Plan for Medicaid, including, without limitation, a violation of any provision of NRS 422.450 to 422.590, inclusive, or a law of any other jurisdiction that prohibits the same or similar conduct ~~{,}~~, within the immediately preceding 7 years;***

(8) ~~[An act that is unauthorized or fraudulent]~~ ***A criminal offense under the laws governing Medicaid or Medicare ~~{,}~~, within the immediately preceding 7 years;***

(9) Any offense involving fraud, theft, embezzlement, burglary, robbery, fraudulent conversion or misappropriation of property, within the immediately preceding 7 years; or

~~{(8)}~~ (10) Any other felony involving the use of a firearm or other deadly weapon, within the immediately preceding 7 years; or

(b) The licensee has continued to employ a person who has been convicted of a crime listed in paragraph (a).

2. In addition to the grounds listed in NRS 449.160, the Health Division may deny a license to operate an agency to provide personal care services in the home or an agency to provide nursing in the home to an applicant or may suspend or revoke the license of a licensee to operate such an agency if the licensee has continued to employ a person who has been convicted of a crime listed in paragraph (a) of subsection 1.

3. *As used in this section:*

(a) ~~”Medicaid” [means the program established pursuant to Title XIX of the Social Security Act, 42 U.S.C. §§ 1396 et seq., to provide assistance for part or all of the cost of medical care rendered on behalf of indigent persons.]~~ has the meaning ascribed to it in NRS 439B.120.

(b) ~~”Medicare” [means the program of health insurance for aged and disabled persons established pursuant to Title XVIII of the Social Security Act, 42 U.S.C. §§ 1395 et seq.]~~ has the meaning ascribed to it in NRS 439B.130.

Sec. 2. This act becomes effective on July 1, 2007.

Assemblywoman Leslie moved the adoption of the amendment.

Remarks by Assemblywoman Leslie.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 75.

Bill read second time.

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

Amendment No. 7.

AN ACT relating to anatomical gifts; revising the provisions governing the use of money in the Anatomical Gift Account; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Under existing law, up to 5 percent of the average balance of the Anatomical Gift Account for each fiscal year may be used to pay the costs incurred by the University of Nevada School of Medicine to administer programs relating to anatomical gifts. (NRS 460.150) This bill increases the maximum percentage of the average balance that may be used for such administrative costs to 20 percent.

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

Section 1. NRS 460.150 is hereby amended to read as follows:

460.150 1. The School of Medicine may apply for and accept any gifts, grants, appropriations or donations to assist the School of Medicine in carrying out programs relating to anatomical gifts.

2. Any money received by the School of Medicine for programs relating to anatomical gifts must be deposited in the State Treasury for credit to the Anatomical Gift Account which is hereby created in the State General Fund. The Dean shall administer the Account.

3. The money in the Account must only be used to:

- (a) Carry out the provisions of NRS 460.140; and
- (b) Pay the costs ~~[, not to exceed] [5] [20 percent of the average balance of the Account for each fiscal year,]~~ incurred by the School of Medicine to administer programs relating to anatomical gifts. **The total amount paid pursuant to this paragraph in any one fiscal year must not exceed 20 percent of the average balance of the Account for the immediately preceding fiscal year.**

4. The money in the Account must:

- (a) Be invested as money in other state accounts is invested; and
- (b) Remain in the Account and does not revert to the State General Fund at the end of any fiscal year.

5. Each claim against the Account must be:

- (a) Approved by the Dean before the claim is paid; and
- (b) Paid as other claims against the State are paid.

Sec. 2. This act becomes effective on July 1, 2007.

Assemblywoman Leslie moved the adoption of the amendment.

Remarks by Assemblywoman Leslie.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 90.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 48.

AN ACT relating to crimes; prohibiting a person from engaging in certain acts to cause the results of a test for genetic identification which is given to determine paternity to be inaccurate; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill creates the crime of paternity fraud, making it a misdemeanor to engage in certain acts which are intended to make the results of a test given for genetic identification to determine the paternity of a child to be inaccurate.

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

Section 1. Chapter 201 of NRS is hereby amended by adding thereto a new section to read as follows:

**1. A person is guilty of paternity fraud if he:**

(a) Is ordered by a court to submit, or agrees to submit, to a test for genetic identification to determine the paternity of a child and ~~he~~ knowingly assists, aids, abets, solicits or conspires with another person to have ~~any person~~ someone other than himself submit to the test ~~for his behalf~~ for the purpose of ~~rendering the results of the test inaccurate;~~ preventing a determination that he is the father of the child; or

(b) Submits ~~for on behalf of another person,~~ to a test for genetic identification to determine the paternity of a child in place of the person who has been ordered to submit, or who has agreed to submit, to a test for genetic identification to determine the paternity of a child for the purpose of ~~rendering the results of the test inaccurate;~~ preventing a determination that the person for whom he is taking the test is the father of the child.

**2. A person who violates this section is guilty of a misdemeanor.**

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 102.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 47.

**SUMMARY—~~Prohibits use of eminent domain to acquire property for economic development.~~ Makes various changes to provisions relating to eminent domain.** (BDR 3-38)

AN ACT relating to eminent domain; prohibiting the use of eminent domain to acquire property for the purpose of ~~economic development;~~ **transferring an interest in the property to a private person or entity except in certain circumstances; making various other changes relating to eminent domain;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law lists the purposes for which the power of eminent domain may be exercised. (NRS 37.010) In *Kelo v. City of New London*, 125 S.Ct. 2655 (2005), the United States Supreme Court ruled that private property may be acquired by eminent domain and transferred to a private party for the purpose of obtaining the benefits of economic development. **Assembly Joint Resolution No. 3 proposes an amendment to the Nevada Constitution concerning eminent domain.** This bill enacts into statute the provisions of **Assembly Joint Resolution No. 3.**

**Section 4 of this bill** prohibits, **except in certain circumstances,** the exercise of eminent domain to acquire property if the entity acquiring the property ~~plans to~~ **will** transfer any interest in the property to a private

person or entity . ~~[and the primary public benefit of the acquisition is economic development.]~~ In addition, section 4 of this bill provides that the entity that is taking the property has the burden of proving that the taking is for a public use.

Existing law allows an entity which is taking property by the exercise of eminent domain to move the court for an order allowing the entity to occupy the property, pending a final judgment in the action. (NRS 37.100) Section 5 of this bill requires an entity which is taking property by the exercise of eminent domain to provide the owner of the property with all appraisals of the property obtained by the entity before the entity is allowed to occupy the property. Furthermore, section 5 of this bill requires the court to determine at the occupancy hearing whether the taking is for a public use, if the owner of the property that is the subject of the action requests such a determination.

Sections 2, 6 and 7 of this bill provide for the manner of computing the just compensation owed to the person whose property is taken by the exercise of eminent domain. Section 1 of this bill provides that neither the property owner nor an entity which is taking property by the exercise of eminent domain is liable for the attorney's fees of the other party, except in certain circumstances. Section 9 of this bill provides that the owner of property taken by the exercise of eminent domain, or his successor in interest, has the right to reacquire the property for the price paid by the entity which took the property under certain circumstances.

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

Section 1. Chapter 37 of NRS is hereby amended by adding thereto a new section to read as follows:

**Except as otherwise provided in this section, in all actions in eminent domain, neither the entity that is taking property nor the owner of the property is liable for the attorney's fees of the other party. This section does not apply in an inverse condemnation action if the owner of the property that is the subject of the action makes a request for attorney's fees from the other party to the action.**

Sec. 2. NRS 37.009 is hereby amended to read as follows:

37.009 As used in this chapter, unless the context otherwise requires:

1. "Date of valuation" means the date on which the value of the property actually taken, and the damages, if any, to the remaining property, must be determined.
2. "Final judgment" means a judgment which cannot be directly attacked by appeal, motion for new trial or motion to vacate the judgment.
3. "Judgment" means the judgment determining the right to condemn property and fixing the amount of compensation to be paid by the plaintiff.
4. "Partnership" includes a limited partnership.

5. "Person" includes a government, governmental agency or political subdivision of a government.

6. "Value" means the ~~most probable price which a property would bring in a competitive and open market under the conditions of a fair sale, without the price being affected by undue stimulus, whereby the sale is consummated on a specified date and the title to the property is passed from the seller to the buyer under the following conditions:~~

- ~~(a) The buyer and seller are acting prudently and knowledgeably;~~
- ~~(b) The buyer and seller are typically motivated;~~
- ~~(c) The buyer and seller are well informed or well advised and acting in what they consider are their own best interests;~~
- ~~(d) A reasonable time is allowed to expose the property for sale on the open market;~~
- ~~(e) Payment is made with United States dollars in cash or pursuant to another financial arrangement comparable thereto; and~~
- ~~(f) The sale price represents the normal consideration for the property and is unaffected by special or creative financing or sales concessions granted by any person associated with the sale.~~ **highest price, on the date of valuation, that would be agreed to by a seller, who is willing to sell on the open market and has reasonable time to find a purchaser, and a buyer, who is ready, willing and able to buy, if both the seller and the buyer had full knowledge of all the uses and purposes for which the property is reasonably adaptable and available. In determining value, except as otherwise provided in this subsection, the property sought to be condemned must be valued at its highest and best use without considering any future dedication requirements imposed by the entity that is taking the property. If the property is condemned primarily for a profit-making purpose, the property sought to be condemned must be valued at the use to which the entity that is condemning the property intends to put the property, if such use results in a higher value for the property.**

Sec. 3. NRS 37.0095 is hereby amended to read as follows:

37.0095 1. Except as otherwise provided in subsection 2, only a public agency may exercise the power of eminent domain pursuant to the provisions of this chapter.

2. Except as otherwise provided in NRS 37.0097, the power of eminent domain may be exercised by a person who is not a public agency pursuant to NRS 37.230 and ~~subsections 6, 8, 10, 13 and 16~~ **paragraphs (f), (h), (j), (m) and (p) of subsection 1** of NRS 37.010.

3. As used in this section, "public agency" means an agency or political subdivision of this State or the United States.

Sec. 4. NRS 37.010 is hereby amended to read as follows:

37.010 **I.** Subject to the provisions of this chapter ~~and the limitation~~ **limitations in subsections 2 and 3,** the right of eminent domain may be exercised in behalf of the following public ~~purposes:~~ **uses:**

~~{1-}~~ (a) Federal activities. All public purposes authorized by the Government of the United States.

~~{2-}~~ (b) State activities. Public buildings and grounds for the use of the State, the Nevada System of Higher Education and all other public purposes authorized by the Legislature.

~~{3-}~~ (c) County, city, town and school district activities. Public buildings and grounds for the use of any county, incorporated city or town, or school district, reservoirs, water rights, canals, aqueducts, flumes, ditches or pipes for conducting water for the use of the inhabitants of any county, incorporated city or town, for draining any county, incorporated city or town, for raising the banks of streams, removing obstructions therefrom, and widening, deepening or straightening their channels, for roads, streets and alleys, and all other public purposes for the benefit of any county, incorporated city or town, or the inhabitants thereof.

~~{4-}~~ (d) Bridges, toll roads, railroads, street railways and similar uses. Wharves, docks, piers, chutes, booms, ferries, bridges, toll roads, byroads, plank and turnpike roads, roads for transportation by traction engines or locomotives, roads for logging or lumbering purposes, and railroads and street railways for public transportation.

~~{5-}~~ (e) Ditches, canals, aqueducts for smelting, domestic uses, irrigation and reclamation. Reservoirs, dams, water gates, canals, ditches, flumes, tunnels, aqueducts and pipes for supplying persons, mines, mills, smelters or other works for the reduction of ores, with water for domestic and other uses, for irrigating purposes, for draining and reclaiming lands, or for floating logs and lumber on streams not navigable.

~~{6-}~~ (f) Mining, smelting and related activities. Mining, smelting and related activities as follows:

~~{(a)}~~ (1) Mining and related activities, which are recognized as the paramount interest of this State.

~~{(b)}~~ (2) Roads, railroads, tramways, tunnels, ditches, flumes, pipes, reservoirs, dams, water gates, canals, aqueducts and dumping places to facilitate the milling, smelting or other reduction of ores, the working, reclamation or dewatering of mines, and for all mining purposes, outlets, natural or otherwise, for the deposit or conduct of tailings, refuse, or water from mills, smelters, or other work for the reduction of ores from mines, mill dams, pipelines, tanks or reservoirs for natural gas or oil, an occupancy in common by the owners or possessors of different mines, mills, smelters or other places for the reduction of ores, or any place for the flow, deposit or conduct of tailings or refuse matter and the necessary land upon which to erect smelters and to operate them successfully, including the deposit of fine flue dust, fumes and smoke.

~~{7-}~~ (g) Byroads. Byroads leading from highways to residences and farms.

~~{8-}~~ (h) Public utilities. Lines for telegraph, telephone, electric light and electric power and sites for plants for electric light and power.

~~{9.}~~ (i) Sewerage. Sewerage of any city, town, settlement of not less than 10 families or any public building belonging to the State or college or university.

~~{10.}~~ (j) Water for generation and transmission of electricity. Canals, reservoirs, dams, ditches, flumes, aqueducts and pipes for supplying and storing water for the operation of machinery to generate and transmit electricity for power, light or heat.

~~{11.}~~ (k) Cemeteries, public parks. Cemeteries or public parks.

~~{12.}~~ (l) Pipelines of beet sugar industry. Pipelines to conduct any liquids connected with the manufacture of beet sugar.

~~{13.}~~ (m) Pipelines for petroleum products, natural gas. Pipelines for the transportation of crude petroleum, petroleum products or natural gas, whether interstate or intrastate.

~~{14.}~~ (n) Aviation. Airports, facilities for air navigation and aerial rights-of-way.

~~{15.}~~ (o) Monorails. Monorails and any other overhead or underground system used for public transportation.

~~{16.}~~ (p) Community antenna television companies. Community antenna television companies which have been granted a franchise from the governing body of the jurisdictions in which they provide services. The exercise of the power of eminent domain may include the right to use the wires, conduits, cables or poles of any public utility if:

~~{(a)}~~ (1) It creates no substantial detriment to the service provided by the utility;

~~{(b)}~~ (2) It causes no irreparable injury to the utility; and

~~{(c)}~~ (3) The Public Utilities Commission of Nevada, after giving notice and affording a hearing to all persons affected by the proposed use of the wires, conduits, cables or poles, has found that it is in the public interest.

~~{17.}~~ (q) Redevelopment. The acquisition of property pursuant to NRS 279.382 to 279.685, inclusive.

**~~2. Notwithstanding any other provision of law ~~of the State, a political subdivision of the State and any other entity which has the power to acquire property by the exercise of eminent domain shall not acquire property by the exercise of eminent domain if:~~~~**

**~~(a) The State, political subdivision or entity plans to transfer any interest in the property acquired by the exercise of eminent domain to a private entity; and~~**

**~~(b) The sole or primary benefit to the public from the acquisition of the property is economic development that increases the tax base, tax revenues, the level of employment or the general economic health of a community; and except as otherwise provided in this subsection, the public uses for which private property may be taken by the exercise of eminent domain do not include the direct or indirect transfer of any interest in the property to another private person or entity. Property taken by the exercise of eminent~~**

domain may be transferred to another private person or entity in the following circumstances:

(a) The entity that took the property transfers the property to a private person or entity and the private person or entity uses the property primarily to benefit a public service, including, without limitation, a utility, railroad, public transportation project, pipeline, road, bridge, airport or facility that is owned by a governmental entity.

(b) The entity that took the property leases the property to a private person or entity that occupies an incidental part of an airport or a facility that is owned by a governmental entity and, before leasing the property:

(1) Uses its best efforts to notify the person from whom the property was taken that the property will be leased to a private person or entity that will occupy an incidental part of an airport or facility that is owned by a governmental entity; and

(2) Provides the person from whom the property was taken with an opportunity to bid or propose on an equal basis with others.

(c) The entity that took the property:

(1) Took the property in order to acquire property that was abandoned by the owner, abate an immediate threat to the safety of the public or remediate hazardous waste; and

(2) Grants a right of first refusal to the person from whom the property was taken that allows that person to reacquire the property on the same terms and conditions that are offered to the other private person or entity.

(d) The entity that took the property transfers an interest in the property to a private person or entity in exchange for an interest in the property that was taken, or is being taken, by the exercise of eminent domain or under the threat of the exercise of eminent domain for the purpose of a road or highway, the relocation of public or private structures or to facilitate or avoid payment of excessive compensation or damages.

(e) The person from whom the property is taken consents to the taking.

3. The entity that is taking property by the exercise of eminent domain has the burden of proving that the taking is for a public use.

4. For the purposes of this section, an airport authority or any public airport is not a private person or entity.

Sec. 5. NRS 37.100 is hereby amended to read as follows:

37.100 1. Before the plaintiff obtains possession of the property, the plaintiff shall give to the owner of the property a copy of all appraisals of the property obtained by the plaintiff.

2. The plaintiff may move the court or a judge thereof at any time after the commencement of suit, on notice for such time as the court or judge may direct to the defendant if he is a resident of the county or has appeared in the action, otherwise by serving a notice directed to him on the clerk of the court, for an order permitting the plaintiff to occupy the premises sought to be condemned, pending the entry of judgment, and to do such work thereon as

may be required for the easement, fee, or property rights sought, according to its nature.

~~{2. The}~~

**3. At the occupancy hearing, the court shall make a separate and distinct determination as to whether the property is being taken for a public use pursuant to NRS 37.010, if the defendant requests such a determination.**

**4. If the defendant does not request a determination pursuant to subsection 3 or if the court determines that the property is being taken for a public use pursuant to NRS 37.010, the** court or judge shall take proof, by affidavit or otherwise, of the value of the premises sought to be condemned, the damages which will accrue from the condemnation and the reasons for requiring a speedy occupation, and shall grant or refuse the motion according to the equity of the case and the relative damages which may accrue to the parties.

~~{3.}~~ **5.** If the motion is granted, the court or judge shall require the plaintiff to execute and file in court a bond to the defendant, with sureties, to be approved by the court or judge in a penal sum to be fixed by the court or judge, not less than double the value of the premises sought to be condemned and the damages which will ensue from condemnation and occupation, as the value and damages may appear to the court or judge on the hearing, and conditioned to pay the adjudged value of the premises and all damages if the property is condemned, and to pay all damages arising from occupation before judgment if the premises are not condemned, and all costs adjudged to the defendant in the action. The sureties shall justify before the court or judge, after a reasonable notice to the defendant of the time and place of justification.

~~{4.}~~ **6.** In lieu of a bond the plaintiff, with the consent of the court, may deposit with the clerk of the court a sum equal to the value of the premises plus damages, as appraised by the plaintiff. Upon application of the defendant and upon notice to all parties, the court or judge may order the money deposited with the clerk of the court or any part thereof to be paid to the defendant. If the amount of the compensation awarded upon judgment is less than the sum deposited and paid to the defendant, the court shall enter judgment in favor of the plaintiff and against the defendant for the amount of the excess. Application by the defendant to the court for withdrawal of part or all of the money deposited and the payment of that money to the defendant does not prejudice the right of the defendant to contest the amount of compensation to be finally awarded. The receipt by the defendant of a part or all of the money deposited must be conditioned upon the waiver of all defenses except those relating to the amount of compensation.

~~{5.}~~ **7.** The amount of the penal bond or the deposit is for the purpose of the motion only and is not admissible in evidence on final hearing.

~~6.1~~ 8. The court or judge may also restrain the defendant from hindering or interfering with the occupation of the premises and the doing thereon of the work required for the easement, fee, or property rights.

~~7.1~~ 9. The provisions of this section requiring the execution and filing of a bond do not apply in any action or proceeding in which the State of Nevada is the plaintiff, but the public faith and credit of the State of Nevada, is hereby pledged as security in lieu of the bond. The provisions of this subsection do not prevent the State of Nevada from depositing, in lieu of a pledge of the public faith and credit, with the clerk of the court a sum equal to the value of the premises plus any damages as appraised by the State.

Sec. 6. NRS 37.120 is hereby amended to read as follows:

37.120 1. To assess compensation and damages as provided in NRS 37.110, the date of the first service of the summons is the date of valuation, except that, if the action is not tried within 2 years after the date of the first service of the summons, and the court makes a written finding that the delay is caused primarily by the plaintiff or is caused by congestion or backlog in the calendar of the court, the date of valuation is the date of the actual commencement of the trial. If a new trial is ordered by a court, the date of valuation used in the new trial must be the date of valuation used in the original trial.

2. No improvements put upon the property after the date of the service of the summons may be included in the assessment of compensation or damages, regardless of the date of valuation.

3. *In all actions in eminent domain, the court shall award just compensation to the owner of the property that is being taken. Just compensation is that sum of money necessary to place the property owner in the same position monetarily as if the property had never been taken, excluding any governmental offsets except special benefits. Special benefits may only offset severance damages and may not offset the value for the property. Just compensation for the property taken by the exercise of eminent domain must include, without limitation, interest computed pursuant to NRS 37.175 and reasonable costs and expenses, except attorney's fees, incurred by the owner of the property that is the subject of the action.*

4. As used in this section, "primarily" means the greater amount, quantity or quality of acts of the plaintiff or the defendant or, if there is more than one defendant, the total delay caused by all the defendants, that would cause the date of the trial to be continued past 2 years after the date of the first service of the summons.

Sec. 7. NRS 37.175 is hereby amended to read as follows:

37.175 1. Except as otherwise provided in this section, the plaintiff shall pay interest on the final judgment ~~for the difference between the amount deposited pursuant to NRS 37.100 or 37.170 and the sum of the amount awarded for the taking~~ and any damages awarded for the severance of the property, excluding costs and attorney's fees, from the date ~~for the first~~

~~service of the summons]~~ **ordered by the district court pursuant to paragraph (a) of subsection 2** until the date the judgment is satisfied, at the rate provided in ~~[NRS 17.130.]~~ **paragraph (b) of subsection 2.**

2. The ~~[plaintiff is not required to pay interest on any amount deposited pursuant to the provisions of NRS 37.100 or 37.170.~~

~~3. No interest is required to be paid for the period from the date of a trial which is continued past 2 years after the date of the first service of the summons, until the date of entry of judgment, if the continuance was caused primarily by the defendant or, if there is more than one defendant, the total delay caused by all the defendants. As used in this subsection, "primarily" means the greater amount, quantity or quality of acts of the plaintiff or the defendant or, if there is more than one defendant, the total delay caused by all defendants, that would cause the trial to be continued past 2 years after the date of the first service of the summons.]~~ **court shall determine, in a posttrial hearing, the award of interest and award as interest the amount of money which will put the person from whom the property is taken in as good a position monetarily as if the property had not been taken. The district court shall enter an order concerning:**

**(a) The date on which the computation of interest will commence;**

**(b) The rate of interest to be used to compute the award of interest, which must not be less than the prime rate of interest plus 2 percent; and**

**(c) Whether the interest will be compounded annually.**

Sec. 8. NRS 37.260 is hereby amended to read as follows:

37.260 1. ~~[Any]~~ **Except as otherwise provided in NRS 37.270, any** real property, interest therein or improvement thereon which has been acquired in accordance with the provisions of this chapter or purchased under the threat of eminent domain proceedings by an association, commission, corporation, partnership or political subdivision other than a county or incorporated city may be disposed of as surplus by that entity only in accordance with the provisions of this section.

2. The governing body of the entity desiring to dispose of the property **pursuant to this section** must first adopt a resolution declaring that the property is no longer required for the purposes for which it was acquired or for other reasonable public use.

3. The property, interest or improvement **disposed of pursuant to this section** must be sold by the entity to the highest bidder bidding for the property, either at public auction or by sealed bids, the notice and terms of which must be published in a newspaper of general circulation in the county where the property is situated at least once not less than 15 nor more than 45 days before the sale. When, in the opinion of the governing body of the entity, the property cannot be sold by means of public auction or sealed bids without working an undue hardship upon a property owner either as a result of a severance of that owner's property or a denial of access to a public street or highway, the governing body may first offer the property to that owner at

a price determined by the governing body to be in the best interest of the corporation, partnership, association, commission or political subdivision.

4. ~~HH~~ **If property is disposed of pursuant to this section, it is conclusively presumed in favor of any purchaser for value and without notice of any such real property, interest therein or improvement thereon conveyed pursuant to this section that the entity disposing of it acted within its lawful authority in acquiring and disposing of the property, and that the officers thereof acted within their lawful authority in executing any conveyance vesting title in the purchaser. All such conveyances must be quitclaim in nature and must not carry any warranty of title.**

Sec. 9. NRS 37.270 is hereby amended to read as follows:

37.270 Notwithstanding any other provision of law, ~~[if the State of Nevada, any political subdivision of the State or other governmental entity that has acquired property]~~ **property taken** pursuant to the provisions of this chapter ~~[]~~ **must be offered to and reverts to the person from whom the property was taken upon repayment of the original purchase price if, within 15 years after obtaining possession of the property, the entity that took the property:**

1. Fails to use the property for the public ~~[purpose for which it was acquired, and]~~ **use for which the property was taken or for any public use reasonably related to the public use for which the property was taken; or**

2. Seeks to convey the right, title or interest in all or part of that property to any person ~~;~~

~~↪ within 15 years after the property is acquired, the person from whom the property was acquired or his successor in interest must be granted the right of first refusal to purchase the right, title or interest in the property sought to be conveyed for fair market value which shall be deemed to be an amount which does not exceed the proportional amount paid by the State, political subdivision or other governmental entity for the acquisition of the property.]~~ **and the conveyance is not occurring pursuant to subsection 2 of NRS 37.010.**

~~↪~~ **The entity that has taken the property does not fail to use the property under subsection 1 if the entity has begun active planning for or design of the public use, the assembling of land in furtherance of planning for or design of the public use or construction related to the public use.**

Sec. 10. NRS 279.471 is hereby amended to read as follows:

279.471 1. Except as otherwise provided in this subsection, an agency may exercise the power of eminent domain to acquire property for a redevelopment project only if the agency adopts a resolution that includes a written finding by the agency that a condition of blight exists for each individual parcel of property to be acquired by eminent domain. An agency may exercise the power of eminent domain to acquire a parcel of property that is not blighted for a redevelopment project if the agency adopts a resolution that includes a written finding by the agency that a condition of

blight exists for at least two-thirds of the property within the redevelopment area at the time the redevelopment area was created.

2. In addition to the requirement set forth in subsection 1, an agency may exercise the power of eminent domain to acquire property for a redevelopment project only if:

(a) The property sought to be acquired is necessary to carry out the redevelopment plan;

(b) The agency has adopted a resolution of necessity that complies with the requirements set forth in subsection 3; and

(c) The agency has complied with the provisions of NRS 279.4712.

3. A resolution of necessity required pursuant to paragraph (b) of subsection 2 must set forth:

(a) A statement that the property will be acquired for purposes of redevelopment as authorized pursuant to ~~subsection 17~~ **paragraph (q) of subsection 1** of NRS 37.010 and subsection 2 of NRS 279.470;

(b) A reasonably detailed description of the property to be acquired;

(c) A finding by the agency that the public interest and necessity require the acquisition of the property;

(d) A finding by the agency that acquisition of the property will be the option for redevelopment that is most compatible with the greatest public good and the least private injury; and

(e) A finding by the agency that acquisition of the property is necessary for purposes of redevelopment.

4. After an agency adopts a resolution pursuant to subsection 1 or 2, the resolution so adopted and the findings set forth in the resolution are final and conclusive and are not subject to judicial review unless credible evidence is adduced to suggest that the resolution or the findings set forth therein were procured through bribery or fraud.

Sec. 11. **NRS 37.112 and 37.190 are hereby repealed.**

Sec. 12. The amendatory provisions of this act apply to an action in eminent domain that is filed on or after October 1, 2007.

#### TEXT OF REPEALED SECTIONS

**37.112 Valuation of property subject to condemnation as result of public work or project.**

1. Except as otherwise provided in subsection 2, if the property is subject to condemnation as a result of a public work or public improvement, any decrease or increase in the fair market value of the property before the date of valuation which is caused by:

(a) The public work or public improvement for which the property is acquired; or

(b) The likelihood that the property would be acquired for such a purpose,

↪ must be disregarded when assessing the value of the property pursuant to NRS 37.110.

2. Any decrease or increase in the fair market value of the property before the date of valuation resulting from physical deterioration within the reasonable control of the owner is not required to be disregarded pursuant to subsection 1.

**37.190 Costs: Allowance and apportionment.** Costs may be allowed or not, and if allowed may include a maximum of \$350 for appraisal reports used at the trial and \$150 for fees of expert witnesses who testify at the trial, and may be apportioned between the parties on the same or adverse sides, in the discretion of the court.

Assemblyman Horne moved the adoption of the amendment.

Remarks by Assemblyman Horne.

Amendment adopted.

Assemblyman Anderson moved that upon return from the printer Assembly Bill No. 102 be rereferred to the Committee on Ways and Means.

Motion carried.

Bill ordered reprinted, engrossed, and to the Committee on Ways and Means.

Assembly Bill No. 104.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 85.

SUMMARY—Provides additional benefits to members of the Nevada National Guard ~~and their dependents~~ under certain circumstances. (BDR 34-835)

AN ACT relating to the state militia; providing that the Board of Regents of the University of Nevada may grant a waiver of certain fees for the ~~dependents~~ **child, widow or widower** of a person who was killed while he was performing his duties as a member of the Nevada National Guard; authorizing payments for courses on reintegration to certain members of the Nevada National Guard; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Board of Regents of the University of Nevada to waive certain fees for a member of the Nevada National Guard or a recruit for the Nevada National Guard. (NRS 396.544) Additionally, existing law requires the Board of Regents to pay certain fees for the dependent child of a police officer, firefighter, officer of the Nevada Highway Patrol or volunteer ambulance driver or attendant killed while performing his duties. (NRS 396.545) Section 1 of this bill authorizes the Board of Regents to waive certain fees for any ~~dependent~~ **child, widow or widower** of a person who was killed while he was performing his duties as a member of the Nevada National Guard.

Existing law authorizes the payment of various benefits to members of the Nevada National Guard from the Patriot Relief Account. (NRS 412.1435)

Section 2 of this bill authorizes payment of \$100 from that account to certain members of the Nevada National Guard to attend a class on reintegrating into society after leaving active service.

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

Section 1. Chapter 396 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The Board of Regents may grant a waiver of registration fees and laboratory fees for any ~~dependent~~ child, widow or widower of a person who was killed while he was performing his duties as a member of the Nevada National Guard. For the purpose of assessing fees and charges against a person to whom such a waiver is granted, including, without limitation, tuition charges pursuant to NRS 396.540, the person shall be deemed to be a bona fide resident of this State.*

2. ~~For a~~ *A person is eligible for a waiver pursuant to subsection 1 ~~if a person must maintain~~ if he maintains at least a 2.0 grade point average, on a 4.0 grading scale, each semester, or the equivalent of a 2.0 grade point average if a different grading scale is used ~~and~~:*

*(a) Is the widow or widower of the member of the Nevada National Guard; or*

*(b) Is the child of the member of the Nevada National Guard.*

3. *A widow or widower is eligible for 10 years after the date of the death of the member. A child is eligible for 10 years after he attains the age of 18 years or, if he enrolls in the System before the age of 18 years, for 10 years after the date of such enrollment.*

4. *The Board of Regents may request the Adjutant General to verify that a person is the ~~dependent~~ widow, widower or child of a person who was killed while he was performing his duties as a member of the Nevada National Guard. The Adjutant General shall, upon receiving such a request, notify the Board of Regents in writing concerning the status of that person.*

Sec. 2. NRS 412.1435 is hereby amended to read as follows:

412.1435 1. The Patriot Relief Account is hereby created as a special account in the State General Fund.

2. The money in the Patriot Relief Account does not lapse to the State General Fund at the end of any fiscal year. The interest and income earned on the money in the Patriot Relief Account, after deducting any applicable charges, must be credited to the Account. All claims against the Patriot Relief Account must be paid as other claims against the State are paid.

3. The Office may accept gifts, grants and donations from any source for deposit in the Patriot Relief Account.

4. The money in the Patriot Relief Account may only be used to provide:

(a) Reimbursement to members of the Nevada National Guard for the cost of:

(1) Premiums on a policy of group life insurance purchased pursuant to the provisions of 38 U.S.C. §§ 1965 et seq.; and

(2) Textbooks required for a course of study in which the member is enrolled at an institution within the Nevada System of Higher Education; ~~and~~

(b) Monetary relief from economic hardships experienced by members of the Nevada National Guard who have been called into active service ~~[-];~~ **and**

(c) **A payment of \$100 to a member of the Nevada National Guard who leaves active service if:**

**(1) The member was on active service in full-time National Guard duty, as defined in 10 U.S.C. § 101(d)(5), for 120 days or more; and**

**(2) Not more than 30 days after leaving active service, the member attends a course on reintegration.**

5. The Adjutant General shall adopt any regulations necessary to determine eligibility for reimbursement or monetary relief from the Patriot Relief Account and to carry out a program to provide such reimbursement and monetary relief.

6. **As used in this section, “course on reintegration” means a class designed to provide a member of the Nevada National Guard who is leaving active service with skills and training focused on returning to a life that does not include being in active service.**

Assemblywoman Smith moved the adoption of the amendment.

Remarks by Assemblywoman Smith.

Amendment adopted.

Bill ordered reprinted, engrossed and to Concurrent Committee on Ways and Means.

Assembly Bill No. 105.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 86.

AN ACT relating to wildlife; revising provisions that provide certain benefits for licenses, tags or permits for hunting, fishing or trapping to certain members of the Armed Forces of the United States and their families to provide those benefits to certain members of the Nevada National Guard and their families; **authorizing the Department of Wildlife to issue a fishing or hunting license to a member of the Nevada National Guard who is a bona fide resident of this State under certain circumstances;** and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law provides certain benefits relating to obtaining licenses, tags or permits for hunting, fishing or trapping to certain members of the Armed Forces of the United States and their families. (NRS 502.070, 502.290) This

bill extends those benefits to certain members of the Nevada National Guard and their families.

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

Section 1. NRS 502.070 is hereby amended to read as follows:

502.070 1. The Department shall issue to any member of the Armed Forces of the United States who has been assigned to permanent duty, as opposed to temporary or casual duty, within the State of Nevada *or to any member in good standing of the Nevada National Guard who has served on active duty* all necessary hunting or fishing licenses, tags or permits for fishing, hunting or trapping in the State of Nevada. A like privilege must be extended to spouses and dependents, under the age of 21, of ~~such~~ *those* members of the Armed Forces ~~[-] or the Nevada National Guard. [All such]~~ *The* licenses, tags or permits must be issued on the same terms and conditions and at the same costs as licenses, tags or permits are issued to Nevada residents, except that the 6 months' residence requirement must be waived.

2. The issuance of ~~all such~~ *the* licenses, tags and permits must be made by application upon a form provided for that purpose by the Department. The application must include such proof of assignment to permanent duty within the State of Nevada *or proof of service on active duty and membership in good standing in the Nevada National Guard* as may be deemed necessary by the Department to determine whether or not an applicant is ~~factually so assigned.]~~ *eligible for a license, tag or permit pursuant to subsection 1.*

Sec. 2. NRS 502.290 is hereby amended to read as follows:

502.290 1. The ~~Commission is authorized to issue to those persons serving in the Armed Forces of the United States who are bona fide residents of the State of Nevada]~~ *Department may issue* fishing or hunting licenses, upon the payment of \$5 for each license, ~~[provided those persons requesting the licenses are at the time on]~~ *to any person who is a bona fide resident of the State of Nevada and is:*

(a) *On* active duty in the Armed Forces of the United States ~~[and are not stationed in the State of Nevada.] ; or~~

(b) *A member in good standing of the Nevada National Guard who has served on active* ~~[service in full-time National Guard duty, as defined in 10 U.S.C. § 101(d)(5).] duty.~~

2. The ~~Commission]~~ *Department* may require whatever proof it deems necessary to determine whether ~~[such persons come within]~~ *a person is subject to* the provisions of this section.

3. *If the Department incurs a deficiency caused by the issuance of licenses pursuant to this section, the Department may request an allocation from the Contingency Fund pursuant to NRS 353.266, 353.268 and 353.269 to reimburse the Department for the amount of the deficiency.*

4. Any person who is guilty of giving false information to obtain a license as provided in this section is guilty of a misdemeanor.

Assemblywoman Smith moved the adoption of the amendment.

Remarks by Assemblywoman Smith.

Amendment adopted.

Assemblywoman Smith moved that upon return from the printer Assembly Bill No. 105 be rereferred to the Committee on Ways and Means.

Motion carried.

Bill ordered reprinted, engrossed, and to the Committee on Ways and Means.

Assembly Bill No. 117.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 78.

AN ACT relating to divorce; providing that the parents, guardians, ~~and~~ siblings and witnesses of parties to an action for divorce must not be excluded from observing the proceedings ~~but~~ under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law allows a court in any action for a divorce to exclude certain persons from the proceedings upon demand of either party. (NRS 125.080) This bill provides that the parents, guardians, ~~and~~ siblings and witnesses of the parties must not be excluded from observing the proceedings ~~but~~ unless good cause is shown.

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

Section 1. NRS 125.080 is hereby amended to read as follows:

125.080 *1.* In any action for divorce, the court shall, upon demand of either party, direct that the trial and issue or issues of fact joined therein be private. ~~and upon such direction~~

*2.* ~~Upon~~ Except as otherwise provided in subsection 3, upon such demand of either party, all persons ~~shall~~ must be excluded from the court or chambers wherein the action is tried, except ~~the officers of the court, the parties, and their witnesses and counsel.~~ :

(a) *The officers of the court;*

(b) *The parties;*

(c) *The counsel for the parties;*

(d) *The witnesses for the parties;*

(e) *The parents or guardians of the parties; and*

(f) *The siblings of the parties.*

*3. The court may, upon oral or written motion of either party, order a hearing to determine whether to exclude the parents, guardians or siblings of either party, or witnesses for either party, from the court or chambers*

**wherein the action is tried. If good cause is shown for the exclusion of any such person, the court shall exclude any such person from the court or chambers wherein the action is tried.**

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

#### REPORTS OF COMMITTEES

*Madam Speaker:*

Your Concurrent Committee on Transportation, to which was referred Assembly Bill No. 595, has had the same under consideration, and begs leave to report the same back with the recommendation: Without recommendation.

KELVIN ATKINSON, *Chair*

#### MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Atkinson moved that the action whereby Assembly Bill No. 595 was referred to the Concurrent Committee on Taxation be rescinded.

Motion carried.

Assemblyman Atkinson moved that Assembly Bill No. 595 be rereferred to the Committee on Transportation.

Motion carried.

Madam Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 12:02 p.m.

#### ASSEMBLY IN SESSION

At 12:08 p.m.

Madam Speaker presiding.

Quorum present.

#### SECOND READING AND AMENDMENT

Assembly Bill No. 148.

Bill read second time.

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

Amendment No. 123.

AN ACT relating to controlled substances; requiring entities that sell certain products that are precursors to methamphetamine to place such products in an area to which the public does not have direct access, to limit the quantity of such products sold or transferred to the same person during any ~~24-hour period,~~ **calendar day**, to maintain a list of sales of such products and to ensure that certain information is entered in that list; prohibiting a person from acquiring more than a certain amount of certain

products that are precursors to methamphetamine; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill establishes restrictions on the sale and purchase of products that contain materials that can be used to manufacture methamphetamine.

Section 6 of this bill requires sellers of a product that contains certain materials that can be used to manufacture methamphetamine to keep the product in a locked case or cabinet or behind a store counter so that the public does not have direct access to the product. Section 7 of this bill establishes limits on the quantity of certain chemicals that can be sold to the same person during a ~~(24-hour period)~~ calendar day. Section 8 of this bill requires sellers of a product that contains materials that can be used to manufacture methamphetamine to maintain a logbook of sales and transfers of the product and to ensure that certain information is entered in the logbook.

If a seller of a product that contains materials that can be used to manufacture methamphetamine violates section 6, 7 or 8 of this bill, section 9 of this bill provides that the seller is subject to a civil penalty of not more than ~~(\$25,000)~~ \$250,000 for each violation. Moreover, if certain sellers knowingly or intentionally violate section 6, 7 or 8, then those sellers are subject to both civil penalties and criminal penalties.

Section 10 of this bill prohibits a person from knowingly or intentionally purchasing or otherwise acquiring a certain amount of certain chemicals that can be used to manufacture methamphetamine. A person who violates this provision is subject to criminal penalties.

Section 11 of this bill prohibits a person from knowingly or intentionally entering false information in the logbook. A person who violates this provision is guilty of a category D felony.

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

Section 1. Chapter 453 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 11, inclusive, of this act.

Sec. 2. *As used in sections 2 to 11, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3, 4 and 5 of this act have the meanings ascribed to them in those sections.*

Sec. 3. *"Logbook" means a written or electronic list of each sale or transfer of a product that is a precursor to methamphetamine.*

Sec. 4. *"Product that is a precursor to methamphetamine" means a product that contains ephedrine, pseudoephedrine or phenylpropanolamine or the salts, optical isomers or salts of optical isomers of such chemicals and may be marketed or distributed lawfully in the United States under the Federal Food, Drug and Cosmetic Act, 21 U.S.C. §§ 301 et seq., as a nonprescription drug.*

Sec. 5. "Retail distributor" means a grocery store, general merchandise store, drugstore, pharmacy or other entity or person whose activities as a distributor of a product that is a precursor to methamphetamine are limited exclusively or almost exclusively to sales for personal use by an ultimate user, both in number of sales and volume of sales, either directly to walk-in customers or in face-to-face transactions by direct sales.

Sec. 6. A retail distributor shall keep, store or place a product that is a precursor to methamphetamine in a locked case or cabinet or behind a counter so that the public does not have direct access to the product before a sale or transfer is made.

Sec. 7. 1. Except as otherwise provided in subsection 2, a retail distributor shall not ~~sell~~ :

(a) Sell or transfer to the same person during any ~~[24-hour period]~~ calendar day, without regard to the number of transactions, more than 3.6 grams of ephedrine, pseudoephedrine or phenylpropanolamine or the salts, optical isomers or salts of optical isomers of such chemicals in a product that is a precursor to methamphetamine.

(b) Sell at retail and in nonliquid form a product that is a precursor to methamphetamine, including, without limitation, gel caps, unless:

(1) The product is packaged in blister packs, each blister containing not more than two dosage units; or

(2) If the use of blister packs is technically infeasible, the product is packaged in unit dosage packets or pouches.

2. The provisions of subsection 1 do not apply if, pursuant to 21 U.S.C. § 830(e)(3), the Attorney General of the United States has determined that a product that is a precursor to methamphetamine cannot be used to manufacture methamphetamine and provided by regulation that the product is exempt from the provisions of 21 U.S.C. § 830(d).

Sec. 8. 1. A retail distributor shall maintain a logbook.

2. At the time of a sale or transfer of a product that is a precursor to methamphetamine, a retail distributor shall ensure that the following information is entered in the logbook:

(a) The name of the product sold or transferred;

(b) The quantity of the product sold or transferred;

(c) The name and address of the purchaser or transferee; and

(d) The date and time of the sale or transfer.

3. A retail distributor shall not sell or transfer a product that is a precursor to methamphetamine unless:

(a) The prospective purchaser or transferee:

(1) Presents an identification card that provides a photograph and is issued by the Government of the United States or the government of this State or any other state, or a document that, with respect to identification, is considered acceptable pursuant to 21 U.S.C. § 830(e)(1); and

(2) Signs his name in the logbook; and

(b) The retail distributor determines that the name entered in the logbook corresponds to the name provided on the identification presented by the prospective purchaser or transferee.

4. The logbook must include a notice to a prospective purchaser or transferee that entering a false statement or representation in the logbook may subject the prospective purchaser or transferee to criminal penalties ~~pursuant to~~ under state law, as set forth in section 11 of this act, and under federal law, as set forth in 18 U.S.C. § 1001.

5. A retail distributor shall maintain each entry in the logbook for not less than 2 years after the date on which the entry is made.

6. A retail distributor shall not access, use or share the information in the logbook unless the purpose of accessing, using or sharing the information is to ensure compliance with this chapter or to facilitate a product recall to protect the health and safety of the public.

7. Upon ~~the request of~~ a request, which is made for the purpose of enforcing the provisions of sections 2 to 11, inclusive, of this act, by a law enforcement agency of this State or a political subdivision thereof or a law enforcement agency of the Federal Government, a retail distributor shall disclose the information in the logbook to the law enforcement agency.

Sec. 9. 1. Unless a greater penalty is provided in subsection 2, ~~3 or 4,~~ if a retail distributor violates any provision of section 6, 7 or 8 of this act, the retail distributor is subject ~~only~~ to a civil penalty pursuant to the provisions of NRS 453.553 to 453.5533, inclusive.

2. ~~Unless a greater penalty is provided in subsection 3 or 4, if a retail distributor knowingly violates any provision of section 6, 7 or 8 of this act, the retail distributor:~~

~~(a) Is subject to a civil penalty pursuant to the provisions of NRS 453.553 to 453.5533, inclusive; and~~

~~(b) Is guilty of a misdemeanor.~~

3. ~~Unless a greater penalty is provided in subsection 4, if a retail distributor knowingly violates any provision of section 6, 7 or 8 of this act after a prior conviction under this chapter or the law of the United States or of any state, territory or district relating to a controlled substance has become final, the retail distributor:~~

~~(a) Is subject to a civil penalty pursuant to the provisions of NRS 453.553 to 453.5533, inclusive; and~~

~~(b) Is guilty of a gross misdemeanor.~~

4. If a retail distributor knowingly violates any provision of section 6, 7 or 8 of this act after being ordered on two or more prior occasions to pay a civil penalty for violating section 6, 7 or 8 of this act or after two or more prior convictions under this chapter or the law of the United States or of any state, territory or district relating to a controlled substance, or a combination of two or more such prior convictions, have become final, the retail distributor:

*(a) Is subject to a civil penalty pursuant to the provisions of NRS 453.553 to 453.5533, inclusive; and*

*(b) Is guilty of a category D felony and shall be punished as provided in NRS 193.130.*

Sec. 10. 1. *Except as otherwise provided in subsection 2, a person shall not knowingly or intentionally purchase, receive or otherwise acquire:*

*(a) During any ~~[24-hour period,]~~ calendar day more than 3.6 grams of ephedrine, pseudoephedrine or phenylpropanolamine or the salts, optical isomers or salts of optical isomers of such chemicals in a product that is a precursor to methamphetamine; or*

*(b) During any 30-day period, more than 9 grams of ephedrine, pseudoephedrine or phenylpropanolamine or the salts, optical isomers or salts of optical isomers of such chemicals in a product that is a precursor to methamphetamine.*

2. *The provisions of this section do not apply if the person purchasing, receiving or otherwise acquiring a product that is a precursor to methamphetamine is a pharmacy, practitioner, retail distributor or dispenser that is purchasing, receiving or otherwise acquiring the product for the purpose of administering, distributing or dispensing it in a lawful manner.*

3. *A person who violates any of the provisions of this section is guilty of a misdemeanor, except that:*

*(a) If the person violates any of the provisions of this section after a prior conviction under this chapter or the law of the United States or of any state, territory or district relating to a controlled substance has become final, the person is guilty of a gross misdemeanor; and*

*(b) If the person violates any of the provisions of this section after two or more prior convictions under this chapter or the law of the United States or of any state, territory or district relating to a controlled substance, or a combination of two or more such prior convictions, have become final, the person is guilty of a category D felony and shall be punished as provided in NRS 193.130.*

Sec. 11. *Any person who knowingly or intentionally enters a false statement or representation in a logbook is guilty of a category D felony and shall be punished as provided in NRS 193.130.*

Sec. 12. NRS 453.553 is hereby amended to read as follows:

453.553 1. In addition to any criminal penalty imposed for a violation of the provisions of NRS 453.011 to 453.552, inclusive, **and sections 2 to 11, inclusive, of this act**, any person who *violates section 6, 7 or 8 of this act*, unlawfully sells, manufactures, delivers or brings into this State, possesses for sale or participates in any way in a sale of a controlled substance listed in schedule I, II or III or who engages in any act or transaction in violation of the provisions of NRS 453.3611 to 453.3648, inclusive, is subject to a civil penalty for each violation. This penalty must be recovered in a civil action,

brought in the name of the State of Nevada by the Attorney General or by any district attorney in a court of competent jurisdiction.

2. As used in ~~[this section and NRS 453.5531, 453.5532 and 453.5533.]~~  
***NRS 453.553 to 453.5533, inclusive:***

(a) "Each violation" includes a continuous or repetitive violation arising out of the same act.

(b) "Sell" includes exchange, barter, solicitation or receipt of an order, transfer to another for sale or resale and any other transfer for any consideration or a promise obtained directly or indirectly.

(c) "Substitute" means a substance which:

(1) Was manufactured by a person who at the time was not currently registered with the Secretary of Health and Human Services; and

(2) Is an imitation of or intended for use as a substitute for a substance listed in schedule I, II or III.

Sec. 13. NRS 453.5531 is hereby amended to read as follows:

453.5531 1. The State of Nevada is entitled, in a civil action brought pursuant to NRS 453.553 involving marijuana, to a civil penalty in an amount:

(a) Not to exceed \$350,000, if the quantity involved is 100 pounds or more, but less than 2,000 pounds.

(b) Not to exceed \$700,000, if the quantity involved is 2,000 pounds or more, but less than 10,000 pounds.

(c) Not to exceed \$1,000,000, if the quantity involved is 10,000 pounds or more.

2. The State of Nevada is entitled, in a civil action brought pursuant to NRS 453.553 involving a controlled substance, except marijuana, which is listed in schedule I or a substitute therefor, to a civil penalty in an amount:

(a) Not to exceed \$350,000, if the quantity involved is 4 grams or more, but less than 14 grams.

(b) Not to exceed \$700,000, if the quantity involved is 14 grams or more, but less than 28 grams.

(c) Not to exceed \$1,000,000, if the quantity involved is 28 grams or more.

3. The State of Nevada is entitled, in a civil action brought pursuant to NRS 453.553 involving a controlled substance which is listed in schedule II or III or a substitute therefor, to a civil penalty in an amount:

(a) Not to exceed \$350,000, if the quantity involved is 28 grams or more, but less than 200 grams.

(b) Not to exceed \$700,000, if the quantity involved is 200 grams or more, but less than 400 grams.

(c) Not to exceed \$1,000,000, if the quantity involved is 400 grams or more.

4. Unless a greater civil penalty is authorized by another provision of this section, the State of Nevada is entitled, in a civil action brought pursuant to NRS 453.553 involving any act or transaction in violation of the provisions

of NRS 453.3611 to 453.3648, inclusive, to a civil penalty in an amount not to exceed \$350,000.

**5. *The State of Nevada is entitled, in a civil action brought pursuant to NRS 453.553 involving any act or transaction in violation of the provisions of section 6, 7 or 8 of this act, to a civil penalty in an amount not to exceed ~~[\$25,000] \$250,000 for each violation.~~***

Sec. 14. NRS 453.5533 is hereby amended to read as follows:

453.5533 1. A civil action brought pursuant to NRS 453.553 must be brought within 3 years after the conduct in violation of the provisions of NRS 453.011 to 453.552, inclusive, **and sections 2 to 11, inclusive, of this act** occurs.

2. Such a civil action is not barred by a prior acquittal of the defendant in a criminal action arising out of the same act, transaction or occurrence. A final judgment or decree rendered in favor of the State in any criminal proceeding arising out of the same act, transaction or occurrence estops the defendant in a subsequent civil action from denying the essential allegations of the criminal offense.

Assemblywoman Leslie moved the adoption of the amendment.

Remarks by Assemblywoman Leslie.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 244.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 82.

AN ACT relating to education; revising provisions governing the review of school districts based upon certain financial management principles; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that to the extent money is made available by the Legislature, each school district in this State must undergo a review every 6 years to determine whether the school district is successfully carrying out certain financial management principles. (NRS 387.602-387.644) A school district may, under certain circumstances, be exempt from the 6-year review and undergo the review every 12 years. (NRS 387.631, 387.639) Upon completion of the review of a school district, the consultant who conducted the review must submit a preliminary report of the review to the superintendent of schools of the school district for the superintendent to prepare a written response. The preliminary report and the final report must be made available to the general public. (NRS 387.631) This bill revises provisions governing the preliminary report of the review and requires the consultant to submit the preliminary report to the superintendent of the school district ~~[rather than the superintendent]~~ or the superintendent's

*designee* for preparation of a written response ~~[ ]~~ of the school district. This bill also makes the preliminary report confidential.

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

Section 1. NRS 387.631 is hereby amended to read as follows:

387.631 1. The consultant shall complete the review of a school district within 6 months after the date on which the review is commenced. The consultant shall prepare a final written report of the review that:

(a) Is documented by sufficient, competent and relevant evidence to provide a reasonable basis for the findings and conclusions of the consultant.

(b) If the consultant determines that the school district is not successfully carrying out the management principles in one or more of the areas set forth in subsection 2 of NRS 387.622, includes a plan for corrective action for the school district to carry out successfully the management principles in each area within 2 years. The plan must:

(1) Be logically connected to and substantiated by the results of the review;

(2) Be specific and detailed; and

(3) Identify methods for the school district to reduce its costs and expenses.

(c) Includes the written response of the school district prepared pursuant to subsection 2.

2. The consultant shall furnish a copy of the preliminary report of the review to the superintendent of schools of the school district or the superintendent's designee and discuss the report with the ~~[superintendent.]~~ ~~[school district.]~~ superintendent or the superintendent's designee. Within 30 days after receipt of the preliminary report, the superintendent ~~[school district shall]~~ ~~[, in consultation with the board of trustees of the school district.]~~ or the superintendent's designee shall prepare a written response to the preliminary report that includes a statement of explanation or rebuttal of any findings contained in the preliminary report. The consultant shall include the written response of the school district in his final written report submitted pursuant to subsection 1.

3. The final written report of the consultant must be submitted to the board of trustees of the school district, the State Board, the Legislative Auditor and the Director of the Legislative Counsel Bureau for transmission to the Legislature within 60 days after the review is complete.

4. If the consultant determines that a school district is successfully carrying out the management principles for each of the areas set forth in subsection 2 of NRS 387.622, the school district is exempt from its next 6-year review unless the Legislature subsequently determines that the conditions or circumstances occurring within the school district warrant another review pursuant to NRS 387.602 to 387.644, inclusive. If a school district is exempt pursuant to this subsection, the exemption is valid for only

one review and the school district must undergo a review at least once every 12 years.

5. The preliminary report ~~and the~~ *is confidential. The* final report must be made available to the general public.

Sec. 2. This act becomes effective on July 1, 2007.

Assemblywoman Parnell moved the adoption of the amendment.

Remarks by Assemblywoman Parnell.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 250.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 83.

AN ACT relating to education; revising the requirements relating to emergency drills for pupils in private elementary and secondary educational institutions; revising provisions relating to the inspection of such institutions; revising the provision governing the fees relating to such institutions; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires every private school to provide emergency drills for pupils at least twice each month during the school year. (NRS 394.170) Section 1 of this bill reduces the minimum number of required emergency drills each month to one drill.

The Private Elementary and Secondary Education Authorization Act governs the operation of private elementary and secondary educational institutions in this State. (NRS 394.201-394.351) Certain institutions are exempt from the Act, including institutions offering religious or sectarian instruction. (NRS 394.211) Section 2 of this bill exempts institutions maintained by another state or the District of Columbia and supported by public money.

To obtain and maintain their exempt status, eligible institutions must initially file an exemption with the State Board of Education and file a renewal of the exemption with the Board every 2 years. Section 2 of this bill requires the Superintendent of Public Instruction, upon receipt of an exemption or renewal of an exemption for an institution, to cause an inspection of the exempt institution to be conducted to ensure compliance with all applicable laws, including laws relating to health and safety.

Under existing law, a license other than a provisional license to operate a nonexempt private elementary or secondary educational institution is effective for a term of not more than 2 years unless authorization is given in certain circumstances for a term of not more than 4 years. (NRS 394.251) Existing law requires the Superintendent of Public Instruction to cause an inspection of each licensed institution to be conducted at least every 2 years. (NRS 394.245) Section 3 of this bill eliminates the 2-year requirement for

inspections and requires the Superintendent of Public Instruction to cause an inspection to be conducted upon receipt of an application for a license or renewal of a license to operate. Section 4 of this bill also specifically authorizes the Superintendent to cause an inspection of a licensed institution to be conducted upon receipt of a verified complaint against the institution.

~~{Under existing law, a person who represents a private elementary or secondary educational institution must obtain an agent's permit from the State Board of Education. (NRS 394.261) Section 5 of this bill increases the fee for the initial issuance and for the renewal of an agent's permit from \$50 to \$100. (NRS 394.331)}~~

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

Section 1. NRS 394.170 is hereby amended to read as follows:

394.170 1. The authorities in charge of every private school within this State shall provide drills for the pupils in the schools at least ~~{twice}~~ **once** in each month during the school year to instruct those pupils in the appropriate procedures to be followed in the event of a fire or other emergency, except a crisis governed by NRS 394.168 to 394.1699, inclusive. Not more than ~~{three}~~ **two** of those drills may include instruction in the appropriate procedures to be followed in the event of a chemical explosion, related emergencies and other natural disasters.

2. In all cities or towns which have regularly organized, paid fire departments or voluntary fire departments, the drills required by subsection 1 must be conducted under the supervision of the chief of the fire department of the city or town.

3. The State Fire Marshal shall prescribe general regulations governing the drills required by subsection 1 and shall, with the cooperation of the Superintendent of Public Instruction, arrange for the supervision of drills in schools where the drills are not supervised pursuant to subsection 2.

4. A copy of this section must be kept posted in every classroom of every private school by the principal or teacher in charge thereof.

5. The principal, teacher or other person in charge of each school building shall cause the provisions of this section to be enforced.

6. Any violation of the provisions of this section is a misdemeanor.

Sec. 2. NRS 394.211 is hereby amended to read as follows:

394.211 1. The following persons and educational institutions are exempt from the provisions of the Private Elementary and Secondary Education Authorization Act:

(a) Institutions exclusively offering instruction at any level of postsecondary education.

(b) Institutions maintained by ~~{the}~~ **this State**, **another state or the District of Columbia** or any ~~{of its}~~ political subdivisions **thereof** and supported by public funds.

(c) Institutions exclusively offering religious or sectarian studies.

(d) Elementary and secondary educational institutions operated by churches, religious organizations and faith-based ministries.

(e) Institutions licensed by the Commission.

(f) Institutions operated by or under the direct administrative supervision of the Federal Government.

(g) Natural persons who instruct pupils in their homes or in the pupils' own homes, if this is not the only instruction those pupils receive.

(h) Fraternal or benevolent institutions offering instruction to their members or their immediate relatives, if the instruction is not operated for profit.

(i) Institutions offering instruction solely in avocational and recreational areas.

(j) Institutions or school systems in operation before July 1, 1975, as to courses of study approved by the Board pursuant to NRS 394.130, but those institutions or school systems are not exempt as to substantial changes in their nature or purpose on or after that date. The official literature of an institution or school system describing the nature and purpose of the institution or school system as of June 30, 1975, is prima facie evidence of the nature and purpose on that date for the purposes of this chapter.

2. Each person or educational institution claiming an exemption pursuant to the provisions of subsection 1 must file with the Board the exemption upon forms provided by the Department or in a letter containing the required information and signed by the person claiming the exemption or the person in charge of the educational institution claiming the exemption. The exemption expires 2 years after the last day of the calendar month in which the filing is made. The filing of a renewal of the exemption must be made not less than 60 days before the exemption expires.

3. *Upon receipt of an exemption or a renewal of an exemption, the Superintendent shall cause an inspection of the educational institution to ensure that the institution operates in accordance with the provisions of all laws, regulations and ordinances that are applicable to the educational institution, including, without limitation, those provisions relating to the health and safety of persons on the premises of the educational institution.*

4. Before a child enrolls in an institution that is exempt pursuant to this section, the institution shall provide written notice to the parents or legal guardian of the child that the institution is exempt from the Private Elementary and Secondary Education Authorization Act.

Sec. 3. NRS 394.245 is hereby amended to read as follows:

394.245 The Superintendent shall cause an inspection of ~~each~~ **an** elementary or secondary educational institution to be conducted ~~at least every 2 years~~ **upon receipt of an application for a license or for renewal of a license from that institution** to ensure that the institution:

1. ~~Is operated~~ **Operates** in accordance with the provisions of all laws, regulations and ordinances relating to the health and safety of persons on the premises.

2. ~~Is maintaining]~~ **Maintains** the records required by the regulations of the Board relating to administrators, supervisors, instructors and other educational personnel.

3. Has in force the insurance coverage required by the regulations of the Board. ***The institution shall provide to the person conducting the inspection an affidavit signed by the owner or administrator of the institution affirming that the insurance coverage for the institution is current.***

Sec. 4. NRS 394.311 is hereby amended to read as follows:

394.311 1. Any person claiming damage either individually or as a representative of a class of complainants as a result of any act by an elementary or secondary educational institution or its agent, or both, which is a violation of the Private Elementary and Secondary Education Authorization Act or regulations promulgated under it, may file with the Superintendent a verified complaint against the institution, its agent or both. The complaint ~~shall~~ **must** set forth the alleged violation and contain other information as required by regulations of the Board. A complaint may also be filed by the Superintendent on his own motion or by the Attorney General.

2. The Superintendent shall investigate any verified complaint and may, ~~at his discretion,~~ ***as part of the investigation, cause an inspection of the elementary or secondary educational institution to be conducted. The Superintendent may*** attempt to effectuate a settlement by persuasion and conciliation. The Board may consider a complaint after 10 days' written notice by certified mail to the institution or to the agent, or both, as appropriate, giving notice of a time and place for a hearing.

3. If, after consideration of all evidence presented at a hearing, the Board finds that an elementary or secondary educational institution or its agent, or both, has engaged in any act which violates the Private Elementary and Secondary Education Authorization Act or regulations promulgated under it, the Board shall issue and the Superintendent shall serve upon the institution or agent, or both, an order to cease and desist from such act. The Board may also, as appropriate, based on the Superintendent's investigation or the evidence adduced at the hearing, or both, institute an action to revoke an institution's license or an agent's permit.

Sec. 5. NRS 394.331 is hereby amended to read as follows:

394.331 All fees collected pursuant to the provisions of the Private Elementary and Secondary Education Authorization Act must be deposited in the State Treasury for credit to the appropriate account of the Department of Education, and no fees so collected are subject to refund. The fees to be collected by the Superintendent must accompany an application for a license to operate or for renewal of the license ~~]~~ **or** an application for an agent's permit or for renewal of the permit, ~~for a filing for an exemption or for renewal of the exemption,~~ in accordance with the following schedule:

1. The application fee for ***the initial license of*** an elementary or secondary educational institution is \$300.

2. The renewal fee for *the license of* an elementary or secondary educational institution is \$250.

3. The application fee for a new license by reason of a change of ownership is \$250.

4. The fee for an agent's permit or for renewal of the permit is \$50.  
~~[\$100.]~~

Sec. 6. This act becomes effective on July 1, 2007.

Assemblywoman Smith moved the adoption of the amendment.

Remarks by Assemblywoman Smith.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 323.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 79.

AN ACT relating to witnesses; revising the amount paid to witnesses for mileage in traveling to and from a proceeding; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill revises the amount paid to a witness who attends a proceeding before a court or grand jury from 19 cents for each mile necessarily and actually traveled to and from his place of residence to the standard mileage reimbursement rate for which a deduction is allowed for the purposes of federal income tax for each mile so traveled. (NRS 50.225)

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

Section 1. NRS 50.225 is hereby amended to read as follows:

50.225 1. For attending the courts of this State in any criminal case, or civil suit or proceeding before a court of record, master, commissioner, justice of the peace, or before the grand jury, in obedience to a subpoena, each witness is entitled:

(a) To be paid a fee of \$25 for each day's attendance, including Sundays and holidays.

(b) Except as otherwise provided in this paragraph, to be paid for attending a court of the county in which he resides at the *standard mileage reimbursement* rate ~~{of 19 cents a mile}~~ *for which a deduction is allowed for the purposes of federal income tax* for each mile necessarily and actually traveled from and returning to the place of residence by the shortest and most practical route. A board of county commissioners may provide that, for each mile so traveled to attend a court of the county in which he resides, each witness is entitled to be paid an amount equal to the allowance for travel by private conveyance provided for state officers and employees generally pursuant to subsection 3 of NRS 281.160. If the board so provides, each

witness at any other hearing or proceeding held in that county who is entitled to receive the payment for mileage specified in this paragraph must be paid mileage in an amount equal to the allowance for travel by private conveyance provided for state officers and employees generally pursuant to subsection 3 of NRS 281.160.

2. In addition to the fee and payment for mileage specified in subsection 1, a board of county commissioners may provide that, for each day of attendance in a court of the county in which he resides, each witness is entitled to be paid a per diem allowance in an amount equal to the per diem allowance provided for state officers and employees generally while away from the office and within this State pursuant to subsection 1 of NRS 281.160. If the board so provides, each witness at any other hearing or proceeding held in that county who is a resident of that county and who is entitled to receive the fee specified in paragraph (a) of subsection 1 ~~§~~ must be paid, in addition to that fee, a per diem allowance in an amount equal to the per diem allowance provided in this subsection.

3. If a witness is from without the county ~~§~~ or, being a resident of another state, voluntarily appears as a witness at the request of the Attorney General or the district attorney and the board of county commissioners of the county in which the court is held, he is entitled to reimbursement for the actual and necessary expenses for going to and returning from the place where the court is held. He is also entitled to receive the same allowances for subsistence and lodging as are provided for state officers and employees generally.

4. Any person in attendance at a trial who is sworn as a witness is entitled to the fees, the per diem allowance, if any, travel expenses and any other reimbursement set forth in this section, irrespective of the service of a subpoena.

5. Witness fees, per diem allowances, travel expenses and other reimbursement in civil cases must be taxed as disbursement costs against the defeated party upon proof by affidavit that they have been actually incurred. Costs must not be allowed for more than two witnesses to the same fact or series of facts, and a party plaintiff or defendant must not be allowed any fees, per diem allowance, travel expenses or other reimbursement for attendance as a witness in his own behalf.

6. A person is not obligated to appear in a civil action or proceeding unless he has been paid an amount equal to 1 day's fees, the per diem allowance provided by the board pursuant to subsection 2, if any, and the travel expenses reimbursable pursuant to this section.

**Sec. 2. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.**

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Assemblyman Anderson moved that upon return from the printer Assembly Bill No. 323 be rereferred to the Committee on Ways and Means.

Motion carried.

Bill ordered reprinted, engrossed, and to the Committee on Ways and Means.

Assembly Bill No. 333.

Bill read second time.

The following amendment was proposed by the Committee on Education:  
Amendment No. 97.

AN ACT relating to education; requiring the Legislative Committee on Education to study certain issues during the 2007-2009 interim; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Legislative Committee on Education is a permanent statutory committee of Legislators that meets during the interim between legislative sessions to study various issues relating to education. (NRS 218.5351-218.5355) This bill requires the Committee, during the 2007-2009 interim, to study the governance of public schools, including the *governance structure for kindergarten through grade 12 and the* feasibility and desirability of implementing a program of local autonomy for public schools. This bill also requires the Chairman of the Committee to appoint a subcommittee to study charter schools during the 2007-2009 interim.

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

Section 1. 1. The Legislative Committee on Education shall, during the 2007-2009 interim, conduct a study of the governance of the public schools in this State, including, without limitation, ~~in the~~ :

(a) ~~The~~ feasibility and desirability of implementing a program of local autonomy for public schools ~~and~~ ; and

**(b) A review of the system of public education for kindergarten through grade 12 to ensure that the structure of governance is organized in a manner which provides for efficient operation and which meets the educational needs of the residents of this State.**

2. The study must include, without limitation, a review of:

(a) Accountability measures that should be carried out by public schools that participate in a program of local autonomy;

(b) The provision of professional development for educational personnel in public schools that participate in a program of local autonomy in a manner that ensures effective school leaders;

(c) The effect of a program of local autonomy on existing collective bargaining agreements;

(d) The feasibility of performance-based contracts for employees of public schools that participate in a program of local autonomy;

(e) The duties, responsibilities and powers of principals of public schools that participate in a program of local autonomy;

(f) The role of teachers, parents and the community in decision making in public schools that participate in a program of local autonomy;

(g) The proposed effect of a program of local autonomy on the success and achievement of pupils;

(h) Guidelines for budgets for individual schools that participate in a program of local autonomy;

(i) The progress of the pilot project carried out in the Clark County School District referred to as "empowerment schools," including, without limitation, the identification of successful measures used in that pilot project which may be carried out as part of a statewide program of local autonomy for public schools; and

(j) The feasibility of authorizing individual teachers to negotiate year-round contracts with the school districts that employ the teachers.

➤ **The Committee's review of the items set forth in this subsection must be made in recognition of the provisions of chapter 288 of NRS.**

~~§ 3.~~ **3.** The Legislative Committee on Education shall submit a report of the results of the study conducted pursuant to ~~subsection 1~~ **this section** and any recommendations for legislation to the Director of the Legislative Counsel Bureau for transmission to the 75th Session of the Nevada Legislature.

Sec. 2. 1. The Chairman of the Legislative Committee on Education shall appoint a subcommittee of the members of the Committee to study charter schools operating in this State.

2. The subcommittee appointed pursuant to subsection 1 shall:

(a) Review the accountability of charter schools and determine whether measures should be carried out to improve accountability;

(b) Review the money available for the operation of charter schools;

(c) Review the ability of charter schools to acquire suitable facilities and determine measures that may increase the availability of suitable facilities for charter schools;

(d) Review the governance structure of charter schools;

(e) Identify any restrictions on the operation of charter schools that should be revised or eliminated; and

(f) Identify practices carried out in other states to ensure the success of charter schools and determine the feasibility of carrying out those practices in this State.

3. On or before August 1, 2008, the subcommittee appointed pursuant to subsection 1 shall submit to the Legislative Committee on Education:

(a) A report of its findings; and

(b) Requests for the drafting of not more than five legislative measures which relate to matters within the scope of the study conducted by the subcommittee. Such requests are in addition to the number of requests

authorized for the Legislative Committee on Education in paragraph (a) of subsection 3 of NRS 218.2429.

4. The Legislative Committee on Education shall:

(a) Approve or deny the requests for the drafting of legislative measures of the subcommittee; and

(b) On or before February 1, 2009, submit the report of the subcommittee to the Director of the Legislative Counsel Bureau for transmission to the 75th Session of the Nevada Legislature.

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

Assemblywoman Parnell moved the adoption of the amendment.

Remarks by Assemblywoman Parnell.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 485.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 98.

AN ACT relating to education; revising provisions relating to reports of accountability to include information relating to pupils who drop out of school in grade 8; revising provisions governing the attendance and truancy of pupils; authorizing a juvenile court to order a parent or guardian of a child to pay a fine under certain circumstances if the child is a habitual truant; authorizing a juvenile court to waive certain fines ~~ordered against a child~~ if the parent or guardian is ordered to pay fines in a court of competent jurisdiction; requiring the Legislative Committee on Education to study issues relating to truancy; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Sections 1 and 2 of this bill require a report of pupils who drop out of school in grade 8 to be included in the reports of accountability prepared by the State Board of Education and the boards of trustees of school districts. (NRS 385.3469, 385.347)

Section 3 of this bill requires the board of trustees of a school district located in a county whose population is 100,000 or more (currently Clark and Washoe Counties) to establish a school attendance council. A board of trustees of a school district located in a county whose population is less than 100,000 (currently counties other than Clark and Washoe Counties) is authorized to establish a school attendance council. A school attendance council is required to implement a program to reduce the truancy of pupils and to monitor incidents of truancy of pupils within the district.

Existing law requires an advisory board to review school attendance created pursuant to NRS 392.126 to establish programs to reduce the truancy of pupils in the school district. (NRS 392.128) Section 5 of this bill requires

those programs to include the coordination of community services that provide assistance for pupils who are truant from school.

Section 6 of this bill requires the board of trustees of each school district to establish procedures to monitor the attendance and truancy of pupils within the school district.

Existing law makes it unlawful for a person to induce or attempt to induce a child to be unlawfully absent from school. (NRS 392.220) **Section 7 of this bill makes the inducement or attempt unlawful if the person knowingly induces or attempts to induce the child to be unlawfully absent from school.** Section 7 of this bill **also** clarifies that a parent or guardian may be in violation of this law if the parent **knowingly** induces or attempts to induce a child to be unlawfully absent from school.

Under existing law a child who is adjudicated to be in need of supervision because the child is a habitual truant may be ordered to pay a fine. (NRS 62A.430) Section 9 of this bill authorizes the juvenile court to order the parent or ~~legal~~ guardian of the child to pay a fine ~~if~~ **if the parent or guardian knowingly induced the child to be a habitual truant.** Section 9 also authorizes the juvenile court to waive a fine if a parent or guardian is ordered, by a court of competent jurisdiction, to pay a fine arising out of the same circumstances.

Section 11 of this bill requires the Legislative Committee on Education to form a subcommittee to study the issue of truancy and report its findings to the Committee on or before August 1, 2008.

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

Section 1. NRS 385.3469 is hereby amended to read as follows:

385.3469 1. The State Board shall prepare an annual report of accountability that includes, without limitation:

(a) Information on the achievement of all pupils based upon the results of the examinations administered pursuant to NRS 389.015 and 389.550, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(b) Except as otherwise provided in subsection 2, pupil achievement, reported separately by gender and reported separately for the following subgroups of pupils:

- (1) Pupils who are economically disadvantaged, as defined by the State Board;
- (2) Pupils from major racial and ethnic groups, as defined by the State Board;
- (3) Pupils with disabilities;
- (4) Pupils who are limited English proficient; and
- (5) Pupils who are migratory children, as defined by the State Board.

(c) A comparison of the achievement of pupils in each subgroup identified in paragraph (b) of subsection 1 of NRS 385.361 with the annual measurable objectives of the State Board.

(d) The percentage of all pupils who were not tested, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(e) Except as otherwise provided in subsection 2, the percentage of pupils who were not tested, reported separately by gender and reported separately for the subgroups identified in paragraph (b).

(f) The most recent 3-year trend in the achievement of pupils in each subject area tested and each grade level tested pursuant to NRS 389.015 and 389.550, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole, which may include information regarding the trend in the achievement of pupils for more than 3 years, if such information is available.

(g) Information on whether each school district has made adequate yearly progress, including, without limitation, the name of each school district, if any, designated as demonstrating need for improvement pursuant to NRS 385.377 and the number of consecutive years that the school district has carried that designation.

(h) Information on whether each public school, including, without limitation, each charter school, has made adequate yearly progress, including, without limitation, the name of each public school, if any, designated as demonstrating need for improvement pursuant to NRS 385.3623 and the number of consecutive years that the school has carried that designation.

(i) Information on the results of pupils who participated in the examinations of the National Assessment of Educational Progress required pursuant to NRS 389.012.

(j) The ratio of pupils to teachers in kindergarten and at each grade level for all elementary schools, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole, and the average class size for each core academic subject, as set forth in NRS 389.018, for each secondary school, reported for each school district and for this State as a whole.

(k) For each school district, including, without limitation, each charter school in the district, and for this State as a whole, information on the professional qualifications of teachers employed by the school districts and charter schools, including, without limitation:

(1) The percentage of teachers who are:

(I) Providing instruction pursuant to NRS 391.125;

(II) Providing instruction pursuant to a waiver of the requirements for licensure for the grade level or subject area in which the teachers are employed; or

(III) Otherwise providing instruction without an endorsement for the subject area in which the teachers are employed;

(2) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, in this State that are not taught by highly qualified teachers;

(3) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, in this State that are not taught by highly qualified teachers, in the aggregate and disaggregated by high-poverty compared to low-poverty schools, which for the purposes of this subparagraph means schools in the top quartile of poverty and the bottom quartile of poverty in this State;

(4) For each middle school, junior high school and high school:

(I) On and after July 1, 2005, the number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level and subject area; and

(II) On and after July 1, 2006, the number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level and subject area; and

(5) For each elementary school:

(I) On and after July 1, 2005, the number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level; and

(II) On and after July 1, 2006, the number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level.

(l) The total expenditure per pupil for each school district in this State, including, without limitation, each charter school in the district. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, the State Board shall use that statewide program in complying with this paragraph. If a statewide program is not available, the State Board shall use the Department's own financial analysis program in complying with this paragraph.

(m) The total statewide expenditure per pupil. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, the State Board shall use that statewide program in complying with this paragraph. If a statewide program is not available, the State Board shall use the Department's own financial analysis program in complying with this paragraph.

(n) For all elementary schools, junior high schools and middle schools, the rate of attendance, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(o) The annual rate of pupils who drop out of school in *grade 8 and a separate reporting of the annual rate of pupils who drop out of school in grades 9 to 12, inclusive*, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole. ~~Excluding~~ *The reporting for pupils in grades 9 to 12, inclusive, excludes* pupils who:

(1) Provide proof to the school district of successful completion of the examinations of general educational development.

(2) Are enrolled in courses that are approved by the Department as meeting the requirements for an adult standard diploma.

(3) Withdraw from school to attend another school.

(p) The attendance of teachers who provide instruction, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(q) Incidents involving weapons or violence, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(r) Incidents involving the use or possession of alcoholic beverages or controlled substances, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(s) The suspension and expulsion of pupils required or authorized pursuant to NRS 392.466 and 392.467, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(t) The number of pupils who are deemed habitual disciplinary problems pursuant to NRS 392.4655, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(u) The number of pupils in each grade who are retained in the same grade pursuant to NRS 392.033 or 392.125, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(v) The transiency rate of pupils, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole. For the purposes of this paragraph, a pupil is not a transient if he is transferred to a different school within the school district as a result of a change in the zone of attendance by the board of trustees of the school district pursuant to NRS 388.040.

(w) Each source of funding for this State to be used for the system of public education.

(x) A compilation of the programs of remedial study purchased in whole or in part with money received from this State that are used in each school district, including, without limitation, each charter school in the district. The compilation must include:

(1) The amount and sources of money received for programs of remedial study.

(2) An identification of each program of remedial study, listed by subject area.

(y) The percentage of pupils who graduated from a high school or charter school in the immediately preceding year and enrolled in remedial courses in reading, writing or mathematics at a university, state college or community college within the Nevada System of Higher Education, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(z) The technological facilities and equipment available for educational purposes, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(aa) For each school district, including, without limitation, each charter school in the district, and for this State as a whole, the number and percentage of pupils who received:

(1) A standard high school diploma.

(2) An adjusted diploma.

(3) A certificate of attendance.

(bb) The number and percentage of pupils who did not receive a high school diploma because the pupils failed to pass the high school proficiency examination, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(cc) The number of habitual truants who are reported to a school police officer or local law enforcement agency pursuant to paragraph (a) of subsection 2 of NRS 392.144 and the number of habitual truants who are referred to an advisory board to review school attendance pursuant to paragraph (b) of subsection 2 of NRS 392.144, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(dd) Information on the paraprofessionals employed at public schools in this State, including, without limitation, the charter schools in this State. The information must include:

(1) The number of paraprofessionals employed, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole; and

(2) For each school district, including, without limitation, each charter school in the district, and for this State as a whole, the number and percentage of all paraprofessionals who do not satisfy the qualifications set forth in 20 U.S.C. § 6319(c). The reporting requirements of this subparagraph apply to paraprofessionals who are employed in programs supported with Title I money and to paraprofessionals who are not employed in programs supported with Title I money.

(ee) An identification of appropriations made by the Legislature to improve the academic achievement of pupils and programs approved by the Legislature to improve the academic achievement of pupils.

(ff) A compilation of the special programs available for pupils at individual schools, listed by school and by school district, including, without limitation, each charter school in the district.

2. A separate reporting for a subgroup of pupils must not be made pursuant to this section if the number of pupils in that subgroup is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual pupil. The State Board shall prescribe a mechanism for determining the minimum number of pupils that must be in a subgroup for that subgroup to yield statistically reliable information.

3. The annual report of accountability must:

(a) Comply with 20 U.S.C. § 6311(h)(1) and the regulations adopted pursuant thereto;

(b) Be prepared in a concise manner; and

(c) Be presented in an understandable and uniform format and, to the extent practicable, provided in a language that parents can understand.

4. On or before September 1 of each year, the State Board shall:

(a) Provide for public dissemination of the annual report of accountability by posting a copy of the report on the Internet website maintained by the Department; and

(b) Provide written notice that the report is available on the Internet website maintained by the Department. The written notice must be provided to the:

(1) Governor;

(2) Committee;

(3) Bureau;

(4) Board of Regents of the University of Nevada;

(5) Board of trustees of each school district; and

(6) Governing body of each charter school.

5. Upon the request of the Governor, an entity described in paragraph (b) of subsection 4 or a member of the general public, the State Board shall provide a portion or portions of the annual report of accountability.

6. As used in this section:

(a) "Highly qualified" has the meaning ascribed to it in 20 U.S.C. § 7801(23).

(b) "Paraprofessional" has the meaning ascribed to it in NRS 391.008.

Sec. 2. NRS 385.347 is hereby amended to read as follows:

385.347 1. The board of trustees of each school district in this State, in cooperation with associations recognized by the State Board as representing licensed *educational* personnel ~~[in education]~~ in the district, shall adopt a program providing for the accountability of the school district to the residents of the district and to the State Board for the quality of the schools and the

educational achievement of the pupils in the district, including, without limitation, pupils enrolled in charter schools in the school district. The board of trustees of each school district shall:

(a) Report the information required by subsection 2 for each charter school that is located within the school district, regardless of the sponsor of the charter school.

(b) For the information that is reported in an aggregated format, include the data that is applicable to the charter schools sponsored by the school district but not the charter schools that are sponsored by the State Board.

(c) Denote separately in the report those charter schools that are located within the school district and sponsored by the State Board.

2. The board of trustees of each school district shall, on or before August 15 of each year, prepare an annual report of accountability concerning:

(a) The educational goals and objectives of the school district.

(b) Pupil achievement for each school in the district and the district as a whole, including, without limitation, each charter school in the district. The board of trustees of the district shall base its report on the results of the examinations administered pursuant to NRS 389.015 and 389.550 and shall compare the results of those examinations for the current school year with those of previous school years. The report must include, for each school in the district, including, without limitation, each charter school in the district, and each grade in which the examinations were administered:

(1) The number of pupils who took the examinations;

(2) A record of attendance for the period in which the examinations were administered, including an explanation of any difference in the number of pupils who took the examinations and the number of pupils who are enrolled in the school;

(3) Except as otherwise provided in this paragraph, pupil achievement, reported separately by gender and reported separately for the following subgroups of pupils:

(I) Pupils who are economically disadvantaged, as defined by the State Board;

(II) Pupils from major racial and ethnic groups, as defined by the State Board;

(III) Pupils with disabilities;

(IV) Pupils who are limited English proficient; and

(V) Pupils who are migratory children, as defined by the State Board;

(4) A comparison of the achievement of pupils in each subgroup identified in paragraph (b) of subsection 1 of NRS 385.361 with the annual measurable objectives of the State Board;

(5) The percentage of pupils who were not tested;

(6) Except as otherwise provided in this paragraph, the percentage of pupils who were not tested, reported separately by gender and reported separately for the subgroups identified in subparagraph (3);

(7) The most recent 3-year trend in pupil achievement in each subject area tested and each grade level tested pursuant to NRS 389.015 and 389.550, which may include information regarding the trend in the achievement of pupils for more than 3 years, if such information is available;

(8) Information that compares the results of pupils in the school district, including, without limitation, pupils enrolled in charter schools in the district, with the results of pupils throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison; and

(9) For each school in the district, including, without limitation, each charter school in the district, information that compares the results of pupils in the school with the results of pupils throughout the school district and throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

↪ A separate reporting for a subgroup of pupils must not be made pursuant to this paragraph if the number of pupils in that subgroup is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual pupil. The State Board shall prescribe the mechanism for determining the minimum number of pupils that must be in a subgroup for that subgroup to yield statistically reliable information.

(c) The ratio of pupils to teachers in kindergarten and at each grade level for each elementary school in the district and the district as a whole, including, without limitation, each charter school in the district, and the average class size for each core academic subject, as set forth in NRS 389.018, for each secondary school in the district and the district as a whole, including, without limitation, each charter school in the district.

(d) Information on the professional qualifications of teachers employed by each school in the district and the district as a whole, including, without limitation, each charter school in the district. The information must include, without limitation:

(1) The percentage of teachers who are:

(I) Providing instruction pursuant to NRS 391.125;

(II) Providing instruction pursuant to a waiver of the requirements for licensure for the grade level or subject area in which the teachers are employed; or

(III) Otherwise providing instruction without an endorsement for the subject area in which the teachers are employed;

(2) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, that are not taught by highly qualified teachers;

(3) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, that are not taught by highly qualified teachers, in the aggregate and disaggregated by high-poverty compared to low-poverty

schools, which for the purposes of this subparagraph means schools in the top quartile of poverty and the bottom quartile of poverty in this State;

(4) For each middle school, junior high school and high school:

(I) On and after July 1, 2005, the number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level and subject area; and

(II) On and after July 1, 2006, the number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level and subject area; and

(5) For each elementary school:

(I) On and after July 1, 2005, the number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level; and

(II) On and after July 1, 2006, the number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level.

(e) The total expenditure per pupil for each school in the district and the district as a whole, including, without limitation, each charter school in the district. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, each school district shall use that statewide program in complying with this paragraph. If a statewide program is not available, each school district shall use its own financial analysis program in complying with this paragraph.

(f) The curriculum used by the school district, including:

(1) Any special programs for pupils at an individual school; and

(2) The curriculum used by each charter school in the district.

(g) Records of the attendance and truancy of pupils in all grades, including, without limitation:

(1) The average daily attendance of pupils, for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

(2) For each elementary school, middle school and junior high school in the district, including, without limitation, each charter school in the district that provides instruction to pupils enrolled in a grade level other than high school, information that compares the attendance of the pupils enrolled in the school with the attendance of pupils throughout the district and throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(h) The annual rate of pupils who drop out of school in *grade 8 and a separate reporting of the annual rate of pupils who drop out of school in grades 9 to 12, inclusive*, for each such grade, for each school in the district and for the district as a whole . ~~[-excluding]~~ ***The reporting for pupils in grades 9 to 12, inclusive, excludes*** pupils who:

(1) Provide proof to the school district of successful completion of the examinations of general educational development.

(2) Are enrolled in courses that are approved by the Department as meeting the requirements for an adult standard diploma.

(3) Withdraw from school to attend another school.

(i) Records of attendance of teachers who provide instruction, for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

(j) Efforts made by the school district and by each school in the district, including, without limitation, each charter school in the district, to increase:

(1) Communication with the parents of pupils in the district; and

(2) The participation of parents in the educational process and activities relating to the school district and each school, including, without limitation, the existence of parent organizations and school advisory committees.

(k) Records of incidents involving weapons or violence for each school in the district, including, without limitation, each charter school in the district.

(l) Records of incidents involving the use or possession of alcoholic beverages or controlled substances for each school in the district, including, without limitation, each charter school in the district.

(m) Records of the suspension and expulsion of pupils required or authorized pursuant to NRS 392.466 and 392.467.

(n) The number of pupils who are deemed habitual disciplinary problems pursuant to NRS 392.4655, for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

(o) The number of pupils in each grade who are retained in the same grade pursuant to NRS 392.033 or 392.125, for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

(p) The transiency rate of pupils for each school in the district and the district as a whole, including, without limitation, each charter school in the district. For the purposes of this paragraph, a pupil is not transient if he is transferred to a different school within the school district as a result of a change in the zone of attendance by the board of trustees of the school district pursuant to NRS 388.040.

(q) Each source of funding for the school district.

(r) A compilation of the programs of remedial study that are purchased in whole or in part with money received from this State, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. The compilation must include:

(1) The amount and sources of money received for programs of remedial study for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

(2) An identification of each program of remedial study, listed by subject area.

(s) For each high school in the district, including, without limitation, each charter school in the district, the percentage of pupils who graduated from that high school or charter school in the immediately preceding year and enrolled in remedial courses in reading, writing or mathematics at a university, state college or community college within the Nevada System of Higher Education.

(t) The technological facilities and equipment available at each school, including, without limitation, each charter school, and the district's plan to incorporate educational technology at each school.

(u) For each school in the district and the district as a whole, including, without limitation, each charter school in the district, the number and percentage of pupils who received:

(1) A standard high school diploma.

(2) An adjusted diploma.

(3) A certificate of attendance.

(v) For each school in the district and the district as a whole, including, without limitation, each charter school in the district, the number and percentage of pupils who did not receive a high school diploma because the pupils failed to pass the high school proficiency examination.

(w) The number of habitual truants who are reported to a school police officer or law enforcement agency pursuant to paragraph (a) of subsection 2 of NRS 392.144 and the number of habitual truants who are referred to an advisory board to review school attendance pursuant to paragraph (b) of subsection 2 of NRS 392.144, for each school in the district and for the district as a whole.

(x) The amount and sources of money received for the training and professional development of teachers and other educational personnel for each school in the district and for the district as a whole, including, without limitation, each charter school in the district.

(y) Whether the school district has made adequate yearly progress. If the school district has been designated as demonstrating need for improvement pursuant to NRS 385.377, the report must include a statement indicating the number of consecutive years the school district has carried that designation.

(z) Information on whether each public school in the district, including, without limitation, each charter school in the district, has made adequate yearly progress, including, without limitation:

(1) The number and percentage of schools in the district, if any, that have been designated as needing improvement pursuant to NRS 385.3623; and

(2) The name of each school, if any, in the district that has been designated as needing improvement pursuant to NRS 385.3623 and the number of consecutive years that the school has carried that designation.

(aa) Information on the paraprofessionals employed by each public school in the district, including, without limitation, each charter school the district. The information must include:

(1) The number of paraprofessionals employed at the school; and

(2) The number and percentage of all paraprofessionals who do not satisfy the qualifications set forth in 20 U.S.C. § 6319(c). The reporting requirements of this subparagraph apply to paraprofessionals who are employed in positions supported with Title I money and to paraprofessionals who are not employed in positions supported with Title I money.

(bb) For each high school in the district, including, without limitation, each charter school that operates as a high school, information that provides a comparison of the rate of graduation of pupils enrolled in the high school with the rate of graduation of pupils throughout the district and throughout this State. The information required by this paragraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(cc) An identification of the appropriations made by the Legislature that are available to the school district or the schools within the district and programs approved by the Legislature to improve the academic achievement of pupils.

(dd) Such other information as is directed by the Superintendent of Public Instruction.

3. The records of attendance maintained by a school for purposes of paragraph (i) of subsection 2 must include the number of teachers who are in attendance at school and the number of teachers who are absent from school. A teacher shall be deemed in attendance if the teacher is excused from being present in the classroom by the school in which he is employed for one of the following reasons:

(a) Acquisition of knowledge or skills relating to the professional development of the teacher; or

(b) Assignment of the teacher to perform duties for cocurricular or extracurricular activities of pupils.

4. The annual report of accountability prepared pursuant to subsection 2 must:

(a) Comply with 20 U.S.C. § 6311(h)(2) and the regulations adopted pursuant thereto; and

(b) Be presented in an understandable and uniform format and, to the extent practicable, provided in a language that parents can understand.

5. The Superintendent of Public Instruction shall:

(a) Prescribe forms for the reports required pursuant to subsection 2 and provide the forms to the respective school districts.

(b) Provide statistical information and technical assistance to the school districts to ensure that the reports provide comparable information with

respect to each school in each district and among the districts throughout this State.

(c) Consult with a representative of the:

- (1) Nevada State Education Association;
- (2) Nevada Association of School Boards;
- (3) Nevada Association of School Administrators;
- (4) Nevada Parent Teacher Association;
- (5) Budget Division of the Department of Administration; and
- (6) Legislative Counsel Bureau,

↪ concerning the program and consider any advice or recommendations submitted by the representatives with respect to the program.

6. The Superintendent of Public Instruction may consult with representatives of parent groups other than the Nevada Parent Teacher Association concerning the program and consider any advice or recommendations submitted by the representatives with respect to the program.

7. On or before August 15 of each year, the board of trustees of each school district shall submit to each advisory board to review school attendance created in the county pursuant to NRS 392.126 the information required in paragraph (g) of subsection 2.

8. On or before August 15 of each year, the board of trustees of each school district shall:

(a) Provide written notice that the report required pursuant to subsection 2 is available on the Internet website maintained by the school district, if any, or otherwise provide written notice of the availability of the report. The written notice must be provided to the:

- (1) Governor;
- (2) State Board;
- (3) Department;
- (4) Committee; and
- (5) Bureau.

(b) Provide for public dissemination of the annual report of accountability prepared pursuant to subsection 2 in the manner set forth in 20 U.S.C. § 6311(h)(2)(E) by posting a copy of the report on the Internet website maintained by the school district, if any. If a school district does not maintain a website, the district shall otherwise provide for public dissemination of the annual report by providing a copy of the report to the schools in the school district, including, without limitation, each charter school in the district, the residents of the district, and the parents and guardians of pupils enrolled in schools in the district, including, without limitation, each charter school in the district.

9. Upon the request of the Governor, an entity described in paragraph (a) of subsection 8 or a member of the general public, the board of trustees of a school district shall provide a portion or portions of the report required pursuant to subsection 2.

10. As used in this section:

(a) "Highly qualified" has the meaning ascribed to it in 20 U.S.C. § 7801(23).

(b) "Paraprofessional" has the meaning ascribed to it in NRS 391.008.

Sec. 3. Chapter 392 of NRS is hereby amended by adding thereto a new section to read as follows:

**1. The board of trustees of a school district located:**

*(a) In a county whose population is 100,000 or more, shall establish not less than one school attendance council within the school district.*

*(b) In a county whose population is less than 100,000, may establish a school attendance council within the school district.*

**2. A school attendance council established by the board of trustees must consist of members whose professional responsibilities relate to the prevention of truancy and the enforcement of laws relating to truancy, which may include, without limitation, a person in charge of monitoring attendance within the school district or a school, a representative from an agency which provides child welfare services, a representative from a law enforcement agency and a representative of the district attorney.**

**3. A school attendance council shall:**

*(a) Assist in the implementation of a program to reduce the truancy of pupils adopted by the advisory board to review school attendance pursuant to NRS 392.128.*

*(b) Monitor each incident involving the truancy of a pupil within the school district and document the efforts made by each school and the school district to assist the pupil in attending school.*

*(c) Monitor excessive absences of pupils within the school district and document the efforts made by each school and the school district to assist pupils in attending school.*

~~*(d)*~~ *(d) Prepare an annual report which includes a compilation of the disposition of incidences involving the truancy of pupils during the immediately preceding school year. On or before August 1 of each year the report must be submitted to the Department and the Legislative Committee on Education. The annual report must not disclose the identity of an individual pupil.*

~~*(e)*~~ *(e) Receive and retain a report from a family resource center or other provider of community services that assists pupils who are truant. As used in this paragraph, "family resource center" has the meaning ascribed to it in NRS 430A.040.*

Sec. 4. NRS 392.127 is hereby amended to read as follows:

392.127 The board of trustees of each school district shall provide administrative support to ~~each advisory~~ :

**1. Each advisory board** to review school attendance created in its county pursuant to NRS 392.126.

**2. If applicable, each school attendance council established pursuant to section 3 of this act.**

Sec. 5. NRS 392.128 is hereby amended to read as follows:

392.128 1. Each advisory board to review school attendance created pursuant to NRS 392.126 shall:

(a) Review the records of the attendance and truancy of pupils submitted to the advisory board to review school attendance by the board of trustees of the school district pursuant to subsection 7 of NRS 385.347;

(b) Identify factors that contribute to the truancy of pupils in the school district;

(c) Establish programs to reduce the truancy of pupils in the school district ~~and~~, ***including, without limitation, the coordination of services available in the community to assist with the intervention, diversion and discipline of pupils who are truant;***

(d) At least annually, evaluate the effectiveness of those programs;

(e) Establish a procedure for schools and school districts for the reporting of the status of pupils as habitual truants; and

(f) Inform the parents and legal guardians of the pupils who are enrolled in the schools within the district of the policies and procedures adopted pursuant to the provisions of this section.

2. The chairman of an advisory board may divide the advisory board into subcommittees. The advisory board may delegate one or more of the duties of the advisory board to a subcommittee of the advisory board, including, without limitation, holding hearings pursuant to NRS 392.147. If the chairman of an advisory board divides the advisory board into subcommittees, the chairman shall notify the board of trustees of the school district of this action. Upon receipt of such a notice, the board of trustees shall establish rules and procedures for each such subcommittee. A subcommittee shall abide by the applicable rules and procedures when it takes action or makes decisions.

3. ***An advisory board to review school attendance may work with a family resource center or other provider of community services to provide assistance to pupils who are truant. The advisory board shall identify areas within the school district in which community services are not available to assist pupils who are truant. As used in this subsection, "family resource center" has the meaning ascribed to it in NRS 430A.040.***

4. An advisory board to review school attendance created in a county pursuant to NRS 392.126 may use money appropriated by the Legislature and any other money made available to the advisory board for the use of programs to reduce the truancy of pupils in the school district. The advisory board to review school attendance shall, on a quarterly basis, provide to the board of trustees of the school district an accounting of the money used by the advisory board to review school attendance to reduce the truancy of pupils in the school district.

Sec. 6. NRS 392.150 is hereby amended to read as follows:

392.150 1. The board of trustees of a school district may ~~fr~~

1. ~~Appoint~~ **appoint** an attendance officer ~~for~~ **for the school district**, who need not be a licensed employee of the school district, except that in any school district where a system of classified employment is in effect, attendance officers must be classified employees of the school district. ***If the board of trustees appoints an attendance officer for the school district, the board of trustees may:***

~~{2.}~~ (a) Fix his compensation ~~for~~ ;  
~~{3.}~~ (b) Prescribe his duties ~~for~~ ; **and**  
~~{4.}~~ (c) Adopt regulations not inconsistent with law for the performance of his duties.

2. ***The board of trustees of each school district shall:***

(a) ***Establish procedures to monitor the attendance and truancy of pupils, including, without limitation, a standard method for reporting the truancy of pupils and a standard method for reporting excessive absences of pupils throughout the school district;***

(b) ***Coordinate efforts to refer pupils who are truant to appropriate providers of community services; and***

(c) ***Determine, based on the attendance and truancy of pupils at each school within the school district, whether to employ an attendance clerk for a particular school or group of schools whose primary responsibility is to monitor the attendance and truancy of pupils.***

Sec. 7. NRS 392.220 is hereby amended to read as follows:

392.220 1. Any person , ***including, without limitation, a parent or legal guardian of a child, who knowingly induces or attempts to induce any child to be absent from school unlawfully, including, without limitation, requiring the child to provide care for a sibling while school is in session,*** or who knowingly employs or harbors, while school is in session, any child absent unlawfully from school, is guilty of a misdemeanor.

2. The attendance officer ***for the school district, an attendance clerk*** or any other school officer is empowered to visit any place or establishment where minor children are employed to ascertain whether the provisions of this title of NRS are complied with fully, and may demand from all employers of such children a list of children employed, with their names and ages.

Sec. 8. NRS 62E.270 is hereby amended to read as follows:

62E.270 1. If the juvenile court imposes a fine against:

(a) A delinquent child pursuant to NRS 62E.730;

(b) A child who has committed a minor traffic offense, except an offense related to metered parking, pursuant to NRS 62E.700; or

(c) A child in need of supervision , ***or the parent or guardian of the child,*** because the child is a habitual truant pursuant to NRS 62E.430,

↪ the juvenile court shall order the child or the parent or guardian of the child to pay an administrative assessment of \$10 in addition to the fine.

2. The juvenile court shall state separately on its docket the amount of money that the juvenile court collects for the administrative assessment.

3. If the child is found not to have committed the alleged act or the charges are dropped, the juvenile court shall return to the child or the parent or guardian of the child any money deposited with the juvenile court for the administrative assessment.

4. On or before the fifth day of each month for the preceding month, the clerk of the court shall pay to the county treasurer the money the juvenile court collects for administrative assessments.

5. On or before the 15th day of each month, the county treasurer shall deposit the money in the county general fund for credit to a special account for the use of the county's juvenile court or for services to delinquent children.

Sec. 9. NRS 62E.430 is hereby amended to read as follows:

62E.430 1. If a child is adjudicated to be in need of supervision because the child is a habitual truant, the juvenile court shall:

(a) The first time the child is adjudicated to be in need of supervision because the child is a habitual truant:

(1) Order ~~the child~~ to:

~~(I) Pay for the parent or guardian of the child:~~

**(I) The child to pay** a fine of not more than \$100 and the administrative assessment required by NRS 62E.270 ~~or~~ **or if the parent or guardian of the child knowingly induced the child to be a habitual truant, order the parent or guardian to pay the fine and the administrative assessment;** or

~~(II) Perform~~

~~f (2) Order the~~ **The child to perform** not less than 8 hours but not more than 16 hours of community service; and

~~(2) If~~ ~~(3)~~ If the child is 14 years of age or older, order the suspension of the driver's license of the child for at least 30 days but not more than 6 months. If the child does not possess a driver's license, the juvenile court shall prohibit the child from applying for a driver's license for 30 days:

(I) Immediately following the date of the order if the child is eligible to apply for a driver's license; or

(II) After the date the child becomes eligible to apply for a driver's license if the child is not eligible to apply for a driver's license.

(b) The second or any subsequent time the child is adjudicated to be in need of supervision because the child is a habitual truant:

(1) Order ~~the child~~ to:

~~(I) Pay:~~

**(I) The child** ~~for the parent or guardian of the child~~ **to pay** a fine of not more than \$200 and the administrative assessment required by NRS 62E.270 ~~or~~ **or if the parent or guardian of the child knowingly induced the child to be a habitual truant, order the parent or guardian to pay the fine and the administrative assessment;**

~~(II) Perform~~

~~f~~ ~~(II)~~ *The child to perform* not more than 10 hours of community service; or

(III) ~~Comply~~ *Compliance* with the requirements set forth in both sub-subparagraphs (I) and (II); and

(2) If the child is 14 years of age or older, order the suspension of the driver's license of the child for at least 60 days but not more than 1 year. If the child does not possess a driver's license, the juvenile court shall prohibit the child from applying for a driver's license for 60 days:

(I) Immediately following the date of the order if the child is eligible to apply for a driver's license; or

(II) After the date the child becomes eligible to apply for a driver's license if the child is not eligible to apply for a driver's license.

2. The juvenile court may suspend the payment of a fine ordered pursuant to paragraph (a) of subsection 1 if the child attends school for 60 consecutive school days, or its equivalent in a school district operating under an alternative schedule authorized pursuant to NRS 388.090, after the imposition of the fine, or has a valid excuse acceptable to his teacher or the principal for any absence from school within that period.

3. *The juvenile court may suspend the payment of a fine ordered pursuant to this section if the parent or guardian of a child is ordered to pay a fine by another court of competent jurisdiction in a case relating to or arising out of the same circumstances that caused the juvenile court to adjudicate the child in need of supervision.*

4. The community service ordered pursuant to this section must be performed at the child's school of attendance, if practicable.

Sec. 10. NRS 430A.160 is hereby amended to read as follows:

430A.160 1. Each family resource center shall provide referrals to obtain, if available, the following services:

- (a) Education on caring for infants and day care services for infants;
- (b) Education on parenting;
- (c) Health care services for children, including all required immunizations;
- (d) Programs to identify and assist developmentally disabled infants and young children of up to 5 years of age;
- (e) Day care for children who are old enough to attend school, both before and after school;
- (f) Programs to assist senior citizens;
- (g) Programs to supplement formal education, including, without limitation, mentor programs for pupils in elementary and secondary schools, literacy programs, programs that encourage parental involvement in school, programs that teach English as a second language, programs to assist in the naturalization process and other alternative educational programs;
- (h) Programs to teach adults and children skills for employment and self-sufficiency;

(i) Services that will assist families with physical and mental health issues, the special needs of children, food and nutritional needs, recreational needs, housing problems, domestic violence and substance abuse;

(j) Programs designed to reduce the rate of pregnancies in unmarried teenage girls;

(k) Programs designed to *assist pupils who are truant from school and to* reduce the rate at which pupils drop out of school;

(l) Transportation services, particularly to assist people in traveling to the social service agencies from which they may be receiving services pursuant to this section;

(m) Classes that teach alternative means of resolving disputes that arise in the family; and

(n) Any other services for which the communities that the family resource center serves have a need.

2. Each family resource center may offer services directly through its own employees and resources or contract with social service agencies to provide services, or may do both.

3. Any family resource center that offers services directly through its own employees and resources shall comply with all applicable state and federal laws and regulations regarding the delivery of the services.

Sec. 11. 1. The Chairman of the Legislative Committee on Education shall appoint a subcommittee of the members of the Committee to study issues relating to truancy during the 2007-2009 interim.

2. The subcommittee appointed pursuant to subsection 1 shall:

(a) Study and evaluate truancy and issues relating to pupils who are truant from school, including, without limitation, measures of prevention, intervention and diversion and the imposition of appropriate discipline.

(b) Examine the effectiveness of existing programs designed to reduce the number of pupils who are truant from school and identify programs throughout the State or in other states that are effective.

(c) Develop recommendations for a plan to reduce the number of pupils who are truant from school.

3. On or before August 1, 2008, the subcommittee appointed pursuant to subsection 1 shall submit to the Legislative Committee on Education:

(a) A report of its findings; and

(b) Requests for the drafting of not more than five legislative measures which relate to matters within the scope of the study conducted by the subcommittee. Such requests are in addition to the number of requests authorized for the Legislative Committee on Education in paragraph (a) of subsection 3 of NRS 218.2429.

4. The Legislative Committee on Education shall:

(a) Approve or deny the requests for the drafting of legislative measures of the subcommittee; and

(b) On or before February 1, 2009, submit the report of the subcommittee to the Director of the Legislative Counsel Bureau for transmission to the 75th Session of the Nevada Legislature.

Sec. 12. The provisions of section 9 of this act do not apply to a parent or guardian of a child who is adjudicated in need of supervision because he is a habitual truant if all acts of truancy occurred before July 1, 2007.

Sec. 13. This act becomes effective on July 1, 2007.

Assemblywoman Smith moved the adoption of the amendment.

Remarks by Assemblywoman Smith.

Amendment adopted.

Assemblyman Ocegüera moved that upon return from the printer Assembly Bill No. 485 be rereferred to the Committee on Ways and Means.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Ways and Means.

Assembly Bill No. 493.

Bill read second time and ordered to third reading.

Assembly Bill No. 562.

Bill read second time and ordered to third reading.

Assembly Bill No. 566.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 133.

AN ACT relating to education; making an appropriation to ComputerCorps to provide refurbished computers to certain pupils and their families; 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 ComputerCorps the sum of \$1,953,000.

2. ComputerCorps shall use the money appropriated by subsection 1 to:

(a) Provide refurbished computers to pupils enrolled in public schools in this State and their families for use at home, based upon the recommendation of the school districts concerning the need of certain pupils and their families for a computer at home; **and**

(b) Provide **one-time group** training to the pupils and their families who receive a refurbished computer concerning the ~~use of the computer; and~~

~~(c) Provide technology training for youth through the ComputerCorps "TechCamp."~~ **set-up and basic operation of the computer system.**

3. Upon acceptance of the money appropriated by subsection 1, ComputerCorps shall:

(a) Prepare and transmit a report to the Interim Finance Committee on or before December 15, 2008, that describes each expenditure made from the money appropriated by subsection 1 from the date on which the money was received by ComputerCorps through December 1, 2008;

(b) Prepare and transmit a final report to the Interim Finance Committee on or before September 18, 2009, that describes each expenditure made from the money appropriated by subsection 1 from the date on which the money was received by ComputerCorps through June 30, 2009; and

(c) Upon request of the Legislative Commission, make available to the Legislative Auditor any of the books, accounts, claims, reports, vouchers or other records of information, confidential or otherwise, of ComputerCorps, regardless of their form or location, that the Legislative Auditor deems necessary to conduct an audit of the use of the money appropriated pursuant to subsection 1.

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 on July 1, 2007.

Assemblywoman Parnell moved the adoption of the amendment.

Remarks by Assemblywoman Parnell.

Amendment adopted.

Bill ordered reprinted, engrossed and to the Concurrent Committee on Ways and Means.

Assembly Bill No. 582.

Bill read second time and ordered to third reading.

#### MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Ocegüera moved that Assembly Bill No. 582 be taken from the General File and rereferred to the Committee on Ways and Means.

Motion carried.

#### GENERAL FILE AND THIRD READING

Assembly Bill No. 18.

Bill read third time.

Remarks by Assemblyman Mabey.

Roll call on Assembly Bill No. 18:

YEAS—41.

NAYS—Gerhardt.

Assembly Bill No. 18 having received a constitutional majority,  
Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 30.

Bill read third time.

Remarks by Assemblyman Anderson.

Roll call on Assembly Bill No. 30:

YEAS—42.

NAYS—None.

Assembly Bill No. 30 having received a constitutional majority,  
Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 92.

Bill read third time.

Remarks by Assemblymen Anderson and Weber.

Roll call on Assembly Bill No. 92:

YEAS—42.

NAYS—None.

Assembly Bill No. 92 having received a constitutional majority,  
Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 112.

Bill read third time.

Remarks by Assemblywoman Parnell.

Roll call on Assembly Bill No. 112:

YEAS—42.

NAYS—None.

Assembly Bill No. 112 having received a constitutional majority,  
Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 364.

Bill read third time.

Remarks by Assemblymen Horne, Cobb, and Carpenter.

Roll call on Assembly Bill No. 364:

YEAS—34.

NAYS—Beers, Christensen, Cobb, Gansert, Mabey, Marvel, Settlemeyer, Stewart—8.

Assembly Bill No. 364 having received a constitutional majority,  
Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 482.

Bill read third time.

Remarks by Assemblyman Mabey.

Roll call on Assembly Bill No. 482:

YEAS—42.

NAYS—None.

Assembly Bill No. 482 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Allen, the privilege of the floor of the Assembly Chamber for this day was extended to Jenny Ricci, Emily Gadbois, and Jake Bayliss.

On request of Assemblywoman Gansert, the privilege of the floor of the Assembly Chamber for this day was extended to the following students from Brown Elementary School: Mercedes Anderson, Kai Arnone, Aamir Aziz, David Bang, Annie Beckstrand, Adam Bright, Caty Eisele, Bryce Fording, Alexis Iacoboni, Daniel Lofstrand, Ian Meintjes, Heather Metcalfe, Wyatt Nebe, Evelyne Oppliger, Garrison Oppliger, Ayden Paiva, Zoe Ramirez, Joshua Ramos, Carly Roth, Geno Savini, Christopher Serio, Cooper Small, Connor Speir, Bryce Tomaszewski, Melissa Tuttle, Michael Church, Meagan Aceves, Tommy Anantasomboon, Schuyler Davis, Jenna Edmondo, Byrne Falke, Grant Goff, Patricia Jacobson, Carson Le Houillier, Zackary Lessinger, Macy Mackay, Andrew Maienschein, Alexis Negrón, Katherine Osgood, Kaleigh Reynolds, Steven Rose, Evan Seward, Mason Sizemore, Chance Stewart, Whitney Sturges, Kate Taormina, Lauren Tran-Oberding, Gregorio Alvarez, Chase Wetherington, Angela Wong, Amanda Wood, Avneet Chhabra, Judy Garcia, Janel Blanco, Haley Johnson, Jared Blake, Kalin Bland, David Catalano, Hunter Fehr, David Gonzalez, Joshua Lopey, Eric Mena, Luke Morse, Aimee Nguyen, Lyndsay Olive, Alexis Orellana, Gabriel Ortega, Caitlin Parenti, Celeste Pasillas, Ethan Poulton, Emma Stigall, Whitney Sturges, Divya Tanneti, Nathan Trimm, Jordan Weaver, Charles Dauwalter, Kevin Salazar, Nathan Kelly, Jayde Mitchell, Brendan Morris, Noah Blajos, Stefan Arnone, Samantha Bird, Thomas Bock, Emily Etter, Tyler Ewing, Daniel Grady, Sophia Grohs, Graham Gunderson, Austin Kelley, Jennifer Mamola, Alyssa Marlow, Eiledon McAvay, Mackenzi McKee, Aaron McWatt, Kenneth Method, Coleman Monahan, Daniel Pierrott, Deagan Pierrott, Kyla Rickman, Adam Rogers, Ryan Salivar, Eric Simonsen, Amitvir Takhar, Cameron Thater, Taylor Wood, Elijah Martin; teachers Cindy Kahl, Andrea Baker, Kara Keyes; chaperones Lauren Farrar, Julie Strachan, Jason Aceves, Keith Davis, Kellie Hansen, Hugh Ricci, Emilio Pasillas, Darren Mitchell, Jaime Rogers, and Ginn Grohs.

On request of Assemblyman Goedhart, the privilege of the floor of the Assembly Chamber for this day was extended to Katrina Willis.

On request of Assemblyman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Debbie Dauenhauer.

On request of Assemblyman Horne, the privilege of the floor of the Assembly Chamber for this day was extended to Cheryl Perryman.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to the following students from William O'Brien Middle School: Alex Cook, Alysia Chavez, Amber Dutra, Angel Ortiz, Ashley Rains, Austin Davis, Becky Mueller, Bobbie Cuevas, Brenda Rodriguez, Brenda Rodriguez-Jacobo, Brooke Fowler, Chad Peaslee, Cheriann Cook, Chris Young, Cierra Robinson, Clarissa Dominguez, Danae Soto, Dylan Cleary, Eric Ciavarelli, Evelyn Lopez, George Machado, Gladys Salazar, Gus Garcia, Irma Delgado, Ivanna Morfin, Jay Inso, Jenny Guzman, Joleen Braithwaite, Jose Perez-Sanchez, Juan Perez-Ramirez, Kim Guardado, Madison Harrison, Monica Ponce, Nicole Davidson, Orlando Mejia, Rosio Bogarin, Ryan Souza, Tyler Stuard, Zarahy Romero, Alex Fong, Ana Ontiveros, Andrew Fritter, Andrew Martinez, Angel Ibarra, Anthony Beltran, April Girard, Ariel Dross, Brandon Perez, Brittanie Jones, Cathy Tuzon, Cesilia Payen, Charles Poindexter, Chelsea Mead, Diego Zamudio, Edwin Martin, Ike Sanders, Ingrid Bravo, Isabel Solorzano, Jaime Lopez, Javier Velez, Jaycee Valencia, Jayme Penberthy, Jorge Rosales, Joselinne Figueroa, Juan Ortiz, Justin Gerard, Kurtis Gibney, Kyle Purdy, Linda Rubio, Luis Garcia, Miguel Fuentes, Patrick Hamilton, Peter Skibinowsky, Raul Silverio, Sean Lokke, Tatiana Amador, Tyler France, Arely Andrade, Ashley Mazzanti, Austin Villarreal, Bernie Rangel, Brian Smith, Cathy Amaya, Chris Campbell, Cody Idso, Cody Pritchard, Danny Smith, Desean Bible, Eduar Martinez, Feliz Sandoval, Gabby Holbrook, Glenn Lopez, Humberto Chavez, Jasmine Garcia, Jason Moriarty, Jordan Garcia, Karlee Jones, Kassie Lissenbee, Kassandra Michel, Kenichi Rogers, Laura Castro, Marcos Alas, Monserrat Quinonez, Morgan McLachlan, Naomi Margraf, Phillip Kellogg, Roberto Contreras, Salvador Vega, Santiago Sanchez, Stacy Navarro, Stephen Lemons, Steven Morales, Tiffany Teninty, Trevor Johnson, Veronica Gonzalez; teachers Amy Waters, Pete Fendelander, Samara Wenten, Jennifer Haney, Christina Leavitt, Bryan Scott; chaperones DeeDee Cook, Billee Hirsh, Monica Griggs, Jim Mueller, Josefina Muniz, Norma Kaponen, Jonathan Sandoval, Westley Campbell, Brian Smith, and Yadira Valdez; Sharon Andreasen and Shari Andreasen.

On request of Assemblywoman McClain, the privilege of the floor of the Assembly Chamber for this day was extended to David McClain.

On request of Assemblyman Ocegüera, the privilege of the floor of the Assembly Chamber for this day was extended to Nadine Blakeley and Jessica Blakeley.

Assemblyman Ocegüera moved that the Assembly adjourn until Thursday, April 12, 2007, at 11 a.m.

Motion carried.

Assembly adjourned at 12:47 p.m.

Approved:

BARBARA E. BUCKLEY  
*Speaker of the Assembly*

Attest: SUSAN FURLONG REIL  
*Chief Clerk of the Assembly*