

THE NINETY-SIXTH DAY

CARSON CITY (Friday), May 11, 2007

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

Madam Speaker presiding.

Roll called.

All present except Assemblymen Arberry, Beers, and Segerblom, who were excused.

Prayer by the Chaplain, Reverend Bruce Kochsmeier.

Our Lord and God, how grateful we are that it is You who have convened us here today. Thank You, that You were shaping the agenda for this session before the foundations of time. Thank You, that You are so practically concerned about the needs of Your people in this state of Nevada. We pray today that You would give energy to these legislators and all who work in the session. It is the end of the week with much yet to be done. Give each person here clarity of mind and strength of heart to do the work You have ordained for them. Let this entire body be of one mind in seeking to accomplish what You know is needed from their united work.

Lord, we acknowledge our need for Your wisdom. We need to look beyond ourselves for the answers to what will bring the best direction for Nevada. Grant this insight to this body today. Bring the power of your presence to rest upon each action taken today. Let Your joy be in each act undertaken by every person here today in a spirit of servanthood.

We gratefully commit this session to You today, in Your Holy name.

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 Senate Bill No. 384, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOHN OCEGUERA, *Chair*

Madam Speaker:

Your Committee on Education, to which was referred Senate Bill No. 357, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Education, to which was referred Senate Bill No. 115, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BONNIE PARNELL, *Chair*

Madam Speaker:

Your Committee on Elections, Procedures, Ethics, and Constitutional Amendments, to which were referred Senate Bills Nos. 430, 491; Senate Joint Resolutions Nos. 15, 16, 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 Health and Human Services, to which was referred Senate Bill No. 399, 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 Natural Resources, Agriculture, and Mining, to which were referred Senate Bills Nos. 60, 486; Senate Joint Resolution No. 12, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Natural Resources, Agriculture, and Mining, to which was referred Senate Concurrent Resolution No. 3, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

JERRY D. CLABORN, *Chair*

Madam Speaker:

Your Select Committee on Corrections, Parole, and Probation, to which was referred Senate Bill No. 389, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DAVID R. PARKS, *Chair*

Madam Speaker:

Your Committee on Taxation, to which was referred Senate Bill No. 504, 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 were referred Senate Bills Nos. 17, 39, 175, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

KELVIN ATKINSON, *Chair*

Madam Speaker:

Your Committee on Ways and Means, to which were referred Assembly Bills Nos. 200, 272; Senate Bills Nos. 456, 470, 559, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which was referred Assembly Bill No. 273, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was rereferred Assembly Bill No. 410, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which was rereferred Assembly Bill No. 328, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SHEILA LESLIE, *Vice Chair*

Madam Speaker:

Your Concurrent Committee on Ways and Means, to which was referred Assembly Bill No. 567, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

SHEILA LESLIE, *Vice Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 8, 2007

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 20, 77, 117, 261, 306, 307, 505.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 250, Senate Amendment No. 648; Assembly Bill No. 542, Senate Amendment No. 652, and respectfully requests your honorable body to concur in said amendments.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

SENATE CHAMBER, Carson City, May 9, 2007

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 400, 463.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolutions Nos. 32, 33, 34.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

SENATE CHAMBER, Carson City, May 10, 2007

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 239.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolutions Nos. 35, 36, 37, 38, 39.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Gerhardt, Segerblom, Allen, Anderson, Arberry, Atkinson, Beers, Bobzien, Buckley, Carpenter, Christensen, Claborn, Cobb, Conklin, Denis, Gansert, Goedhart, Goicoechea, Grady, Hardy, Hogan, Horne, Kihuen, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, Mortenson, Munford, Ocegüera, Ohrenschall, Parks, Parnell, Pierce, Settelmeyer, Smith, Stewart, Weber, and Womack; Senators Woodhouse, Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Nolan, Raggio, Rhoads, Schneider, Titus, Townsend, Washington, and Wiener:

Assembly Concurrent Resolution No. 29—Encouraging the Department of Health and Human Services to take certain actions concerning chronic obstructive pulmonary disease.

WHEREAS, Chronic obstructive pulmonary disease (COPD), which includes chronic bronchitis and emphysema, is the fourth leading cause of death in the United States, affecting one in four Americans over the age of 45; and

WHEREAS, COPD is a chronic progressive disease that affects over 89,000 Nevadans and impacts nearly 24 million Americans; and

WHEREAS, Statistics reveal that COPD accounts for one death every 4 minutes in the United States each year and is one of the leading causes of disability; and

WHEREAS, In 2004, the cost to the nation for COPD was approximately \$37.2 billion, including \$20.9 billion in direct health care expenditures, \$7.4 billion in indirect morbidity costs and \$8.9 billion in indirect mortality costs; and

WHEREAS, Early diagnosis and management of COPD can effectively reduce the overall financial burden of the illness within public programs such as Medicaid; and

WHEREAS, Proper treatment of COPD can lead to improved quality of life and self-sufficiency on the part of patients who receive care within public programs; and

WHEREAS, COPD is a chronic disease suitable for inclusion in programs for the management of diseases; and

WHEREAS, The National Heart, Lung, and Blood Institute of the National Institutes of Health of the United States Department of Health and Human Services launched a public outreach campaign titled "Learn More Breathe Better" to increase awareness and understanding of COPD and its risk factors and to underscore the benefits of early detection and treatment in slowing the disease and improving the quality of life; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the Nevada Legislature hereby encourages the Department of Health and Human Services to recognize the importance of early diagnosis and treatment of persons with COPD and those at greatest risk for the disease; and be it further

RESOLVED, That the Nevada Legislature further encourages the Department of Health and Human Services to increase awareness and understanding of COPD through the promotion and support of the COPD campaign recently launched by the National Heart, Lung, and Blood Institute; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the Director of the Department of Health and Human Services.

Assemblywoman Gerhardt moved the adoption of the resolution.

Remarks by Assemblywoman Gerhardt.

Assemblywoman Gerhardt requested that her remarks be entered in the Journal.

Thank you, Madam Speaker. Chronic Obstructive Pulmonary Disease, also known as COPD, is a term referring to two lung diseases: chronic bronchitis and emphysema. COPD is a disease in which the lungs are damaged and is characterized by the obstruction of airflow, which interferes with normal breathing. COPD is the fourth leading cause of death in America. In 2004, 11.4 million adults in the United States were estimated to have COPD. Close to 24 million adults in the United States have evidence of impaired lung function indicating an undiagnosed case of COPD. Assembly Concurrent Resolution No. 29 will focus needed attention on this debilitating disease.

Resolution adopted.

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

Assembly in recess at 11:29 a.m.

ASSEMBLY IN SESSION

At 11:30 a.m.

Mr. Speaker Pro Tempore presiding.

Quorum present.

By Assemblymen Buckley, Allen, Anderson, Arberry, Atkinson, Beers, Bobzien, Carpenter, Christensen, Claborn, Cobb, Conklin, Denis, Gansert, Gerhardt, Goedhart, Goicoechea, Grady, Hardy, Hogan, Horne, Kihuen, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, Mortenson, Munford, Ocegüera, Ohrenschall, Parks, Parnell, Pierce, Segerblom, Settlemeyer, Smith, Stewart, Weber, and Womack:

Assembly Resolution No. 14—Commending 2007 Prudential Spirit of Community Awards honoree Mollie Singer.

WHEREAS, Mollie Singer, a senior at Nevada State High School in Henderson, has been named a recipient of the 2007 Prudential Spirit of Community Award, which honors young people across the nation for outstanding volunteerism; and

WHEREAS, At 18 years of age, Mollie has accomplished more than many people do in a lifetime, by helping to raise more than \$100,000 for the Juvenile Diabetes Research Foundation through her work with Walk to Cure Diabetes, forming "Mollie's Mafia" as her walk team, selecting a theme and logo, recruiting and training participants and organizing other special events to collect money for medical research; and

WHEREAS, Since being diagnosed with diabetes at 4 years of age, Mollie has testified before a United States Senate subcommittee, met with President George W. Bush, appeared on *Good Morning America*, produced a video diary, appeared in public service announcements and coauthored a booklet entitled *The Road to a Cure*, to bring attention to the need for research and education concerning this serious disease; and

WHEREAS, Mollie credits her twin sister Jackie with motivating her to help others by showing her such compassion and caring, calling Jackie "my hero," and they have formed a formidable team in the battle to find a cure for diabetes; and

WHEREAS, Starting with their classmates, Mollie and Jackie formed a support group named "Diabetic Angels," which educates children about diabetes and prepares them to be guardian angels for people with the disease, and as a result of using the Internet for promotion, there are now more than 20 Diabetic Angels clubs around the country, as well as in Australia and Israel; and

WHEREAS, Mollie has also received the President's Volunteer Service Award, which recognizes Americans of all ages who have volunteered significant amounts of their time to serving others; and

WHEREAS, According to Mollie, "Volunteering is a gift you give yourself, as well as others," an inspiring philosophy; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That the members of the 74th Nevada Legislature congratulate Mollie Singer for receiving the prestigious 2007 Prudential Spirit of Community Award and commend her for her efforts to raise money for research and to educate people about diabetes; and be it further

RESOLVED, That Mollie is an example of what the youth of our State and our country can do if they live their lives with compassion and dedication to others; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Mollie Singer.

Assemblyman Ocegüera moved the adoption of the resolution.

Remarks by Assemblymen Ocegüera and Buckley.

Assemblywoman Buckley requested that the following remarks be entered in the Journal.

ASSEMBLYMAN OCEGUERA:

We have Mollie and Jackie Singer here today. I received their resümés this morning, and I wish I had a resümé even close to this. It is about three pages long, so I do not know that I can do them justice, but I will try to highlight some of their accomplishments.

When these young ladies were six, they started a lemonade stand that raised \$2,000. They continued those endeavors over the years and in that time period; they have raised over \$300,000 for diabetes research. As the resolution stated, these two girls formed Diabetic Angels. They have spoken in front of Congress and met with the President three times. I have had the pleasure of seeing them sing at the National Finals Rodeo. They are aspiring country music artists and are cutting a CD.

We are here, though, for Mollie, who won the 2007 Prudential Spirit Community Award. I just cannot imagine all of the things these two young ladies have done, but they are an inspiration to the youth of our community.

ASSEMBLYWOMAN BUCKLEY:

I, too, rise in support of Assembly Resolution 14. So many of us look down on the youth of today. We say, "They are just not involved enough like we are," but Mr. Ocegüera was right. This resumé puts all of us to shame in terms of the scope of activities and the commitment to others. It is impressive and commendable.

Resolution adopted.

By Assemblymen Buckley, Allen, Anderson, Arberry, Atkinson, Beers, Bobzien, Carpenter, Christensen, Claborn, Cobb, Conklin, Denis, Gansert, Gerhardt, Goedhart, Goicoechea, Grady, Hardy, Hogan, Horne, Kihuen, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, Mortenson, Munford, Ocegüera, Ohrenschall, Parks, Parnell, Pierce, Segerblom, Settlemeyer, Smith, Stewart, Weber, and Womack:

Assembly Resolution No. 15—Congratulating Laurie Richardson for her recognition as the 2006 National Mother of the Year by American Mothers, Inc.

WHEREAS, Laurie Richardson of Henderson is the proud mother of seven children, more than half of whom were adopted, and she has nurtured countless other children during the 29 years she welcomed children into her home as a foster parent; and

WHEREAS, Laurie began her advocacy work assisting foster children in the courts of California, saying later that letting her foster license lapse after 29 years was "like going to my own funeral"; and

WHEREAS, In August 1994, the Richardson family moved to Nevada where Laurie continued to advocate for children in a new setting, the public schools; and

WHEREAS, After working with the Clark County School District to secure appropriate services for her adopted son, who had learning disabilities and was nonverbal, Laurie began assisting other parents of special needs children as a parent-guardian mentor for the Clark County School District's Friends of Special Education program; and

WHEREAS, Laurie continues to advocate for this growing population of children in her role at Clark County Legal Services where she works with children and their parents to understand certain entitlements under federal law and to secure special services through the Clark County School District; and

WHEREAS, In her role as a mother, Laurie believes that positive feedback is an important part of parenting and that "by focusing on things children do right, it helps to foster positive attitudes" and leads to positive parenting; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That the members of the Assembly of the 74th Session of the Nevada Legislature hereby congratulate Laurie Richardson for being recognized as the 2006 National Mother of the Year by American Mothers, Inc., and the first national winner from Nevada since the award presentations began in 1935; and be it further

RESOLVED, That Laurie Richardson is hereby commended for being a dedicated mother, a devoted grandmother, a true friend and a remarkable person whose work continues to improve children's lives; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Laurie Richardson.

Assemblywoman Buckley moved the adoption of the resolution.

Remarks by Assemblywoman Buckley and Mr. Speaker pro Tempore.

Assemblywoman Buckley requested that the following remarks be entered in the Journal.

ASSEMBLYWOMAN BUCKLEY:

It is my honor to have four incredible people sitting at my desk and for me to be able to present this resolution to the body. Laurie is an incredible person, and it is such an incredible

honor to be picked as a Mother of the Year from a state, much less our country. I cannot think of a better person that could have been selected than Laurie, first for the commitment to her own family. She has a lovely family that she has raised. Her definition of family is rather large. Throughout her life, she and her husband, Sully, have fostered so many children. Laurie and her husband are pretty incredible people. They loved and fostered many children so well that they created a bridge back to the children's own families where it was possible. Where it wasn't possible, they ended up adopting a number of children.

The love and compassion that she has shown in her own family is remarkable, but her work did not stop there. It continued in her advocacy for children with special needs. When I got a panicked call that our attorney who did special education work was moving to Minnesota, we had no one in our office who was going to work with disabled children. I thought, "What on earth can we possibly do?" I had seen Laurie's work, so I called her up in a panicked state and asked, "Would you think of coming to work for me?" That was one of the best calls that I ever made because I am able to see her fight for children day in and day out.

The school district tries to do its best but sometimes children with special needs just get left behind. It is so difficult just keeping up with growth that special kids sometimes do not get what they need. Laurie fights and cajoles, always in such a nice manner, to make sure kids get what they need.

Most recently, she created a brand new program for children in foster care who have no one to go to the school district and fight to get special tutoring or to be included with the nondisabled kids. She created a surrogate program for anyone who wanted to volunteer. Within a week, she had a hundred people—retired teachers and parents—in Las Vegas, all wanting to be the spokespeople for children in foster care. Laurie came to the office and said, "Oh, my goodness, I thought I would get five people. I got a hundred. What do I do now?" I said, "Just break them up into a couple of classes," so she did. Her positive attitude and commitment to others makes her truly one of the most inspirational people I have ever met.

Besides that, she is also a singer with Gladys Night and the Saints, Unified Voices. They produced a Grammy Award winning CD.

At night, she talks to all those parents who do not qualify for legal aid services because she feels so bad that they do not know what they are going to do so she gives them advice on what they can do with their children.

She is a remarkable person. It feels so incredibly good when good things happen to good people, and I cannot imagine a better Nevada or national Mother of the Year. As we come up on Mother's Day, I just thought it would be appropriate to recognize her and her many contributions to so many of her children.

Mr. Speaker pro Tempore requested the privilege of the Chair for the purpose of making the following remarks:

Having a resident like you who is so committed to children and people with special needs—and being mindful of the many black marks people like to place on the state of Nevada—you are an example of the quality of mothers that we have in our state. On this day, so close to Mother's Day, it is fitting that we recognize your great commitment.

Resolution adopted.

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

Assembly in recess at 11:41 a.m.

ASSEMBLY IN SESSION

At 11:42 a.m.

Madam Speaker presiding.

Quorum present.

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

Motion carried.

Senate Concurrent Resolution No. 32.

Assemblyman Munford moved the adoption of the resolution.

Remarks by Assemblyman Munford.

Resolution adopted.

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

Assembly in recess at 11:47 a.m.

ASSEMBLY IN SESSION

At 11:52 a.m.

Madam Speaker presiding.

Quorum present.

Senate Concurrent Resolution No. 33.

Assemblywoman Gansert moved the adoption of the resolution.

Remarks by Assemblymen Gansert and Anderson.

Resolution adopted.

Senate Concurrent Resolution No. 34.

Assemblyman Carpenter moved the adoption of the resolution.

Remarks by Assemblyman Carpenter.

Resolution adopted.

Senate Concurrent Resolution No. 35.

Assemblywoman Parnell moved the adoption of the resolution.

Remarks by Assemblymen Parnell and Manendo.

Resolution adopted.

Senate Concurrent Resolution No. 36.

Assemblyman Claborn moved the adoption of the resolution.

Remarks by Assemblymen Claborn and Carpenter.

Resolution adopted.

Senate Concurrent Resolution No. 37.

Assemblyman Mabey moved the adoption of the resolution.

Remarks by Assemblyman Mabey.

Resolution adopted.

Senate Concurrent Resolution No. 38.

Assemblywoman Gansert moved the adoption of the resolution.

Remarks by Assemblywoman Gansert.

Resolution adopted.

Senate Concurrent Resolution No. 39.

Assemblyman Atkinson moved the adoption of the resolution.

Remarks by Assemblyman Atkinson.

Resolution adopted.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 612—AN ACT relating to public employees; revising the provisions governing the selection of plans for the use of the participants in the Public Employees' Deferred Compensation Program; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 613—AN ACT making an appropriation to the Family Development Foundation for domestic violence prevention programs; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 614—AN ACT making an appropriation to Build Nevada for career and technical programs; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 615—AN ACT relating to local financial administration; revising provisions governing certain general obligations of school districts; revising provisions governing loans from the investment portfolios of certain cities and consolidated municipalities; revising provisions governing the guarantee of bonds of school districts with money from the State Permanent School Fund; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 616—AN ACT making a supplemental appropriation to the Department of Public Safety, Dignitary Protection, for unanticipated

shortfalls in Fiscal Year 2006-2007 for dignitary protection; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 617—AN ACT making an appropriation to the Fund to Stabilize the Operation of the State Government; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 618—AN ACT making a contingent appropriation to the Tahoe Regional Planning Agency for replacement of vehicles; and providing other matters properly relating thereto.

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

Motion carried.

Senate Bill No. 239.

Assemblyman Ocegueda moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 400.

Assemblyman Ocegueda moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 463.

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

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 204.

Bill read second time.

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

Amendment No. 685.

AN ACT making an appropriation to the Department of Education for upgrading video equipment and replacing computer equipment; and providing other matters properly relating thereto.

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

Section 1. There is hereby appropriated from the State General Fund to the Department of Education the sum of ~~[\$129,000]~~ **\$127,579** for upgrading videoconferencing equipment in the Carson City and Las Vegas offices, and purchasing replacement computer hardware and software.

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

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

Assemblywoman Leslie moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 118.

Bill read second time.

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

Amendment No. 668.

AN ACT relating to hazardous materials; requiring the State Environmental Commission to adopt regulations relating to the handling and storage of certain quantities of mercury; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the State Environmental Commission is required to adopt, as part of the Chemical Accident Prevention Program for the State of Nevada (C.A.P.P.), regulations relating to hazardous substances. (NRS 459.3818; NAC 459.95225) This bill requires the Commission to adopt specific regulations for the handling and storage of mercury when present in a quantity of ~~(100 tons)~~ **200,000 pounds** or more to protect the health, safety and welfare of the residents of this State.

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

Section 1. NRS 459.3818 is hereby amended to read as follows:

459.3818 1. In addition to the regulations required to be adopted pursuant to NRS 459.380 to 459.3874, inclusive, the State Environmental Commission shall adopt such other regulations as are necessary to carry out

the purposes and enforce the provisions of NRS 459.380 to 459.3874, inclusive. The regulations must include, without limitation:

(a) Specifications for the applicability of the provisions of NRS 459.380 to 459.3874, inclusive, and any regulations adopted pursuant thereto;

(b) The establishment of a program for the prevention of accidental releases of chemicals that satisfies the provisions of the chemical process safety standard set forth pursuant to 29 U.S.C. § 655;

(c) ***Provisions to protect the health, safety and welfare of the residents of this State from the effects of the handling and storage of mercury when present in a quantity of ~~100 tons~~ 200,000 pounds or more;***

(d) Provisions necessary to enable the Division to administer and enforce the provisions of NRS 459.380 to 459.3874, inclusive, and any regulations adopted pursuant thereto;

~~{(d)}~~ (e) Requirements for the registration of a facility with the Division; and

~~{(e)}~~ (f) Provisions to ensure that the public is involved in the process of evaluating proposed regulatory actions that may affect the public.

2. The Division shall:

(a) Administer and enforce the provisions of NRS 459.380 to 459.3874, inclusive, and any regulations adopted pursuant thereto; and

(b) Make every effort to involve advisory councils on hazardous materials, where they exist, the governing bodies of local governments and other interested persons in explaining actions taken pursuant to those sections and the regulations adopted pursuant thereto.

3. The State Environmental Commission must apply the provisions of NRS 459.380 to 459.3874, inclusive, to dealers of liquefied petroleum gas who sell, fill, refill, deliver or are permitted to deliver any liquefied petroleum gas in a manner that is consistent with 42 U.S.C. § 7412(r)(4)(B).

4. As used in this section, “liquefied petroleum gas” has the meaning ascribed to it in NRS 590.475.

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

Assemblyman Claborn moved the adoption of the amendment.

Amendment adopted.

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

Senate Bill No. 129.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 671.

AN ACT relating to guardianships; extending the time in which certain information must be provided to the court for the appointment of a guardian; revising the provisions relating to the extension of temporary guardianships; revising the information that must be set forth in a petition to appoint a temporary guardian for certain wards; revising provisions relating to petitions by guardians to the court; revising provisions relating to the treatment or

commitment of a ward; extending the time in which a guardian must wind up the affairs of the guardianship; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill extends the time in which information required in a petition for the appointment of a guardian must be provided to the court after the appointment of the guardian, if the information was not initially included in the petition, from 60 days to 120 days. (NRS 159.044)

Section 2 of this bill revises existing law by providing that a petition which seeks to appoint a temporary guardian for a ward who is unable to respond to a substantial and immediate risk of physical harm or to a need for immediate medical attention may be granted by a court if the court finds reasonable cause to believe that the proposed ward is unable to respond to such harm or to a need for medical attention rather than reasonable cause to believe that the proposed ward may suffer such harm or actually needs medical attention. (NRS 159.052) Section 4 of this bill revises existing law by providing that a petition which seeks to appoint a guardian for a ward who is unable to respond to a substantial and immediate risk of financial loss must set forth facts showing that the proposed ward is unable to respond to such risk rather than facts showing that the proposed ward actually faces such risk. (NRS 159.0525) Sections 2-4 also eliminate the restriction that a court may not extend a temporary guardianship for more than two 30-day periods, and instead ~~allows~~ **allow** the court to extend a temporary guardianship for not more than three successive 60-day periods. **Sections 2-4, however, prohibit the court from causing the temporary guardianship to continue longer than 7 months unless there is a showing of extraordinary circumstances.**

Existing law requires a guardian to petition the court for an order authorizing the guardian to change the designation of a beneficiary in a will, trust, insurance policy, bank account or any other type of asset of the ward which includes the designation of a beneficiary. (NRS 159.078) Section 5 of this bill provides circumstances under which a guardian is not required to petition the court for an order allowing the guardian to utilize such assets.

Existing law provides that a guardian must obtain authority from the court before consenting to the commitment of a ward to a mental health facility. (NRS 159.0805) Section 6 of this bill removes the requirement that a guardian must obtain such authority to consent to the commitment of a ward to a mental health facility.

Section 7 of this bill provides that a guardian is not required to petition the court for authority before obtaining advice, instructions and approval of any proposed act of the guardian relating to the ward's property or taking any other action which the guardian deems would be in the best interests of the ward, unless otherwise ordered by the court. (NRS 159.113)

Existing law establishes the times during which a guardian is entitled to possession of the ward's property and is authorized to perform his duties to wind up the affairs of the guardianship. (NRS 159.193) Section 8 of this bill

extends the time during which a guardian retains such authority after a personal representative of the estate of a deceased ward is appointed or if the guardian is awaiting certification acknowledging that he has no further tax liabilities on the ward's estate, from 90 days to 180 days.

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

Section 1. NRS 159.044 is hereby amended to read as follows:

159.044 1. Except as otherwise provided in NRS 127.045, a proposed ward, a governmental agency, a nonprofit corporation or any interested person may petition the court for the appointment of a guardian.

2. To the extent the petitioner knows or reasonably may ascertain or obtain, the petition must include, without limitation:

(a) The name and address of the petitioner.

(b) The name, date of birth and current address of the proposed ward.

(c) A copy of one of the following forms of identification of the proposed ward which must be placed in the records relating to the guardianship proceeding and, except as otherwise required to carry out a specific statute, maintained in a confidential manner:

(1) A social security number;

(2) A taxpayer identification number;

(3) A valid driver's license number;

(4) A valid identification card number; or

(5) A valid passport number.

↪ If the information required pursuant to this paragraph is not included with the petition, the information must be provided to the court not later than ~~{60}~~ **120** days after the appointment of a guardian or as otherwise ordered by the court.

(d) If the proposed ward is a minor, the date on which he will attain the age of majority and:

(1) Whether there is a current order concerning custody and, if so, the state in which the order was issued; and

(2) Whether the petitioner anticipates that the proposed ward will need guardianship after attaining the age of majority.

(e) Whether the proposed ward is a resident or nonresident of this State.

(f) The names and addresses of the spouse of the proposed ward and the relatives of the proposed ward who are within the second degree of consanguinity.

(g) The name, date of birth and current address of the proposed guardian.

If the proposed guardian is a private professional guardian, the petition must include proof that the guardian meets the requirements of NRS 159.0595. If the proposed guardian is not a private professional guardian, the petition must include a statement that the guardian currently is not receiving compensation for services as a guardian to more than one ward who is not related to the person by blood or marriage.

(h) A copy of one of the following forms of identification of the proposed guardian which must be placed in the records relating to the guardianship proceeding and, except as otherwise required to carry out a specific statute, maintained in a confidential manner:

- (1) A social security number;
- (2) A taxpayer identification number;
- (3) A valid driver's license number;
- (4) A valid identification card number; or
- (5) A valid passport number.

(i) Whether the proposed guardian has ever been convicted of a felony and, if so, information concerning the crime for which he was convicted and whether the proposed guardian was placed on probation or parole.

(j) A summary of the reasons why a guardian is needed and recent documentation demonstrating the need for a guardianship. The documentation may include, without limitation:

- (1) A certificate signed by a physician who is licensed to practice medicine in this State stating the need for a guardian;
- (2) A letter signed by any governmental agency in this State which conducts investigations stating the need for a guardian; or
- (3) A certificate signed by any other person whom the court finds qualified to execute a certificate stating the need for a guardian.

(k) Whether the appointment of a general or a special guardian is sought.

(l) A general description and the probable value of the property of the proposed ward and any income to which the proposed ward is or will be entitled, if the petition is for the appointment of a guardian of the estate or a special guardian. If any money is paid or is payable to the proposed ward by the United States through the Department of Veterans Affairs, the petition must so state.

(m) The name and address of any person or care provider having the care, custody or control of the proposed ward.

(n) The relationship, if any, of the petitioner to the proposed ward and the interest, if any, of the petitioner in the appointment.

(o) Requests for any of the specific powers set forth in NRS 159.117 to 159.175, inclusive, necessary to enable the guardian to carry out the duties of the guardianship.

(p) Whether the guardianship is sought as the result of an investigation of a report of abuse or neglect that is conducted pursuant to chapter 432B of NRS by an agency which provides child welfare services. As used in this paragraph, "agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.

(q) Whether the proposed ward is a party to any pending criminal or civil litigation.

(r) Whether the guardianship is sought for the purpose of initiating litigation.

(s) Whether the proposed ward has executed a durable power of attorney for health care, a durable power of attorney for financial matters or a written nomination of guardian and, if so, who the named agents are for each document.

Sec. 2. NRS 159.052 is hereby amended to read as follows:

159.052 1. A petitioner may request the court to appoint a temporary guardian for a ward who is a minor and who is unable to respond to a substantial and immediate risk of physical harm or to a need for immediate medical attention. To support the request, the petitioner must set forth in a petition and present to the court under oath:

(a) Facts which show that the proposed ward faces a substantial and immediate risk of physical harm or needs immediate medical attention; and

(b) Facts which show that:

(1) The petitioner has tried in good faith to notify the persons entitled to notice pursuant to NRS 159.047 by telephone or in writing before the filing of the petition;

(2) The proposed ward would be exposed to an immediate risk of physical harm if the petitioner were to provide notice to the persons entitled to notice pursuant to NRS 159.047 before the court determines whether to appoint a temporary guardian; or

(3) Giving notice to the persons entitled to notice pursuant to NRS 159.047 is not feasible under the circumstances.

2. The court may appoint a temporary guardian to serve for 10 days if the court:

(a) Finds reasonable cause to believe that the proposed ward ~~{may suffer}~~ **is unable to respond to** a substantial and immediate risk of physical harm or ~~{needs}~~ **to a need for** immediate medical attention; and

(b) Is satisfied that the petitioner has tried in good faith to notify the persons entitled to notice pursuant to NRS 159.047 or that giving notice to those persons is not feasible under the circumstances, or determines that such notice is not required pursuant to subparagraph (2) of paragraph (b) of subsection 1.

3. Except as otherwise provided in subsection 4, after the appointment of a temporary guardian, the petitioner shall attempt in good faith to notify the persons entitled to notice pursuant to NRS 159.047, including, without limitation, notice of any hearing to extend the temporary guardianship. If the petitioner fails to make such an effort, the court may terminate the temporary guardianship.

4. If, before the appointment of a temporary guardian, the court determined that advance notice was not required pursuant to subparagraph (2) of paragraph (b) of subsection 1, the petitioner shall notify the persons entitled to notice pursuant to NRS 159.047 without undue delay, but not later than 48 hours after the appointment of the temporary guardian or not later than 48 hours after the petitioner discovers the existence, identity and location of the persons entitled to notice pursuant to that section. If the

petitioner fails to provide such notice, the court may terminate the temporary guardianship.

5. Not later than 10 days after the date of the appointment of a temporary guardian pursuant to subsection 2, the court shall hold a hearing to determine the need to extend the temporary guardianship. Except as otherwise provided in subsections 7 and 8, if the court finds by clear and convincing evidence that the proposed ward is unable to respond to a substantial and immediate risk of physical harm or to a need for immediate medical attention, the court may extend the temporary guardianship until a general or special guardian is appointed, but not for more than 30 days.

6. If the court appoints a temporary guardian or extends the temporary guardianship pursuant to this section, the court shall limit the powers of the temporary guardian to those necessary to respond to the substantial and immediate risk of physical harm or to a need for immediate medical attention.

7. The court may not extend a temporary guardianship pursuant to subsection 5 beyond the initial period of 10 days unless the petitioner demonstrates that:

- (a) The provisions of NRS 159.0475 have been satisfied; or
- (b) Notice by publication pursuant to N.R.C.P. 4(e) is currently being undertaken.

8. In addition to any other extension granted pursuant to this section, the court may extend the temporary guardianship, for good cause shown, for not more than ~~two 30-day~~ **three successive 60-day** periods ~~+~~, **except that the court shall not cause the temporary guardianship to continue longer than 7 months unless extraordinary circumstances are shown.**

Sec. 3. NRS 159.0523 is hereby amended to read as follows:

159.0523 1. A petitioner may request the court to appoint a temporary guardian for a ward who is an adult and who is unable to respond to a substantial and immediate risk of physical harm or to a need for immediate medical attention. To support the request, the petitioner must set forth in a petition and present to the court under oath:

- (a) Facts which show that the proposed ward:
 - (1) Faces a substantial and immediate risk of physical harm or needs immediate medical attention; and
 - (2) Lacks capacity to respond to the risk of harm or to obtain the necessary medical attention; and
- (b) Facts which show that:
 - (1) The petitioner has tried in good faith to notify the persons entitled to notice pursuant to NRS 159.047 by telephone or in writing before the filing of the petition;
 - (2) The proposed ward would be exposed to an immediate risk of physical harm if the petitioner were to provide notice to the persons entitled to notice pursuant to NRS 159.047 before the court determines whether to appoint a temporary guardian; or

(3) Giving notice to the persons entitled to notice pursuant to NRS 159.047 is not feasible under the circumstances.

2. The court may appoint a temporary guardian to serve for 10 days if the court:

(a) Finds reasonable cause to believe that the proposed ward is unable to respond to a substantial and immediate risk of physical harm or to a need for immediate medical attention;

(b) Is satisfied that the petitioner has tried in good faith to notify the persons entitled to notice pursuant to NRS 159.047 or that giving notice to those persons is not feasible under the circumstances, or determines that such notice is not required pursuant to subparagraph (2) of paragraph (b) of subsection 1; and

(c) Finds that the petition required pursuant to subsection 1 is accompanied by:

(1) A certificate signed by a physician who is licensed to practice in this State which states that the proposed ward is unable to respond to a substantial and immediate risk of physical harm or to a need for immediate medical attention; or

(2) The affidavit of the petitioner which explains the reasons why the certificate described in subparagraph (1) is not immediately obtainable.

3. Except as otherwise provided in subsection 4, after the appointment of a temporary guardian, the petitioner shall attempt in good faith to notify the persons entitled to notice pursuant to NRS 159.047, including, without limitation, notice of any hearing to extend the temporary guardianship. If the petitioner fails to make such an effort, the court may terminate the temporary guardianship.

4. If, before the appointment of a temporary guardian, the court determined that advance notice was not required pursuant to subparagraph (2) of paragraph (b) of subsection 1, the petitioner shall notify the persons entitled to notice pursuant to NRS 159.047 without undue delay, but not later than 48 hours after the appointment of the temporary guardian or not later than 48 hours after the petitioner discovers the existence, identity and location of the persons entitled to notice pursuant to that section. If the petitioner fails to provide such notice, the court may terminate the temporary guardianship.

5. Not later than 10 days after the date of the appointment of a temporary guardian pursuant to subsection 2, the court shall hold a hearing to determine the need to extend the temporary guardianship. Except as otherwise provided in subsections 7 and 8, the court may extend the temporary guardianship until a general or special guardian is appointed, but not for more than 30 days, if:

(a) The certificate required by subsection 2 has been filed and the court finds by clear and convincing evidence that the proposed ward is unable to respond to a substantial and immediate risk of physical harm or to a need for immediate medical attention; or

(b) The certificate required by subsection 2 has not been filed and the court finds by clear and convincing evidence that:

(1) The proposed ward is unable to respond to a substantial and immediate risk of physical harm or to a need for immediate medical attention;

(2) Circumstances have prevented the petitioner or temporary guardian from obtaining the certificate required pursuant to subsection 2; and

(3) The extension of the temporary guardianship is necessary and in the best interests of the proposed ward.

6. If the court appoints a temporary guardian or extends the temporary guardianship pursuant to this section, the court shall limit the powers of the temporary guardian to those necessary to respond to the substantial and immediate risk of physical harm or to a need for immediate medical attention.

7. The court may not extend a temporary guardianship pursuant to subsection 5 beyond the initial period of 10 days unless the petitioner demonstrates that:

(a) The provisions of NRS 159.0475 have been satisfied; or

(b) Notice by publication pursuant to N.R.C.P. 4(e) is currently being undertaken.

8. In addition to any other extension granted pursuant to this section, the court may extend the temporary guardianship, for good cause shown, for not more than ~~two 30-day~~ **three successive 60-day** periods ~~+~~, **except that the court shall not cause the temporary guardianship to continue longer than 7 months unless extraordinary circumstances are shown.**

Sec. 4. NRS 159.0525 is hereby amended to read as follows:

159.0525 1. A petitioner may request the court to appoint a temporary guardian for a ward who is unable to respond to a substantial and immediate risk of financial loss. To support the request, the petitioner must set forth in a petition and present to the court under oath:

(a) Facts which show that the proposed ward ~~+~~

~~(+) Faces~~ :

(1) ***Is unable to respond to*** a substantial and immediate risk of financial loss; and

(2) Lacks capacity to respond to the risk of loss; and

(b) Facts which show that:

(1) The petitioner has tried in good faith to notify the persons entitled to notice pursuant to NRS 159.047 by telephone or in writing before the filing of the petition;

(2) The proposed ward would be exposed to an immediate risk of financial loss if the petitioner were to provide notice to the persons entitled to notice pursuant to NRS 159.047 before the court determines whether to appoint a temporary guardian; or

(3) Giving notice to the persons entitled to notice pursuant to NRS 159.047 is not feasible under the circumstances.

2. The court may appoint a temporary guardian to serve for 10 days if the court:

(a) Finds reasonable cause to believe that the proposed ward is unable to respond to a substantial and immediate risk of financial loss;

(b) Is satisfied that the petitioner has tried in good faith to notify the persons entitled to notice pursuant to NRS 159.047 or that giving notice to those persons is not feasible under the circumstances, or determines that such notice is not required pursuant to subparagraph (2) of paragraph (b) of subsection 1; and

(c) For a proposed ward who is an adult, finds that the petition required pursuant to subsection 1 is accompanied by:

(1) A certificate signed by a physician who is licensed to practice in this State which states that the proposed ward is unable to respond to a substantial and immediate risk of financial loss; or

(2) The affidavit of the petitioner which explains the reasons why the certificate described in subparagraph (1) is not immediately obtainable.

3. Except as otherwise provided in subsection 4, after the appointment of a temporary guardian, the petitioner shall attempt in good faith to notify the persons entitled to notice pursuant to NRS 159.047, including, without limitation, notice of any hearing to extend the temporary guardianship. If the petitioner fails to make such an effort, the court may terminate the temporary guardianship.

4. If, before the appointment of a temporary guardian, the court determined that advance notice was not required pursuant to subparagraph (2) of paragraph (b) of subsection 1, the petitioner shall notify the persons entitled to notice pursuant to NRS 159.047 without undue delay, but not later than 48 hours after the appointment of the temporary guardian or not later than 48 hours after the petitioner discovers the existence, identity and location of the persons entitled to notice pursuant to that section. If the petitioner fails to provide such notice, the court may terminate the temporary guardianship.

5. Not later than 10 days after the date of the appointment of a temporary guardian pursuant to subsection 2, the court shall hold a hearing to determine the need to extend the temporary guardianship. Except as otherwise provided in subsections 7 and 8, if the proposed ward is a minor and the court finds by clear and convincing evidence that the proposed ward is unable to respond to a substantial and immediate risk of financial loss, the court may extend the temporary guardianship until a general or special guardian is appointed, but not for more than 30 days. Except as otherwise provided in subsection 7, if the proposed ward is an adult, the court may extend the temporary guardianship until a general or special guardian is appointed, but not for more than 30 days, if:

(a) The certificate required by subsection 2 has been filed and the court finds by clear and convincing evidence that the proposed ward is unable to respond to a substantial and immediate risk of financial loss; or

(b) The certificate required by subsection 2 has not been filed and the court finds by clear and convincing evidence that:

(1) The proposed ward is unable to respond to a substantial and immediate risk of financial loss;

(2) Circumstances have prevented the petitioner or temporary guardian from obtaining the certificate required pursuant to subsection 2; and

(3) The extension of the temporary guardianship is necessary and in the best interests of the proposed ward.

6. If the court appoints a temporary guardian or extends the temporary guardianship pursuant to this section, the court shall limit the powers of the temporary guardian to those necessary to respond to the substantial and immediate risk of financial loss.

7. The court may not extend a temporary guardianship pursuant to subsection 5 beyond the initial period of 10 days unless the petitioner demonstrates that:

(a) The provisions of NRS 159.0475 have been satisfied; or

(b) Notice by publication pursuant to N.R.C.P. 4(e) is currently being undertaken.

8. In addition to any other extension granted pursuant to this section, the court may extend the temporary guardianship, for good cause shown, for not more than ~~two 30-day~~ **three successive 60-day** periods ~~+~~, **except that the court shall not cause the temporary guardianship to continue longer than 7 months unless extraordinary circumstances are shown.**

Sec. 5. NRS 159.078 is hereby amended to read as follows:

159.078 1. Before taking any of the following actions, the guardian shall petition the court for an order authorizing the guardian to:

(a) Make or change the last will and testament of the ward.

(b) ~~Make~~ ***Except as otherwise provided in this paragraph, make*** or change the designation of a beneficiary in a will, trust, insurance policy, bank account or any other type of asset of the ward which includes the designation of a beneficiary. ***The guardian is not required to petition the court for an order authorizing the guardian to utilize an asset which has a designated beneficiary, including the closure or discontinuance of the asset, for the benefit of a ward if:***

(1) The asset is the only liquid asset available with which to pay for the proper care, maintenance, education and support of the ward;

(2) The asset, or the aggregate amount of all the assets if there is more than one type of asset, has a value that does not exceed \$5,000; or

(3) The asset is a bank account, investment fund or insurance policy and is required to be closed or discontinued in order for the ward to qualify for a federal program of public assistance.

(c) Create for the benefit of the ward or others a revocable or irrevocable trust of the property of the estate.

(d) Except as otherwise provided in this paragraph, exercise the right of the ward to revoke or modify a revocable trust or to surrender the right to

revoke or modify a revocable trust. The court shall not authorize or require the guardian to exercise the right to revoke or modify a revocable trust if the instrument governing the trust:

(1) Evidences an intent of the ward to reserve the right of revocation or modification exclusively to the ward;

(2) Provides expressly that a guardian may not revoke or modify the trust; or

(3) Otherwise evidences an intent that would be inconsistent with authorizing or requiring the guardian to exercise the right to revoke or modify the trust.

2. The court may authorize the guardian to take any action described in subsection 1 if, after notice to any person who is adversely affected by the proposed action and an opportunity for a hearing, the guardian proves by clear and convincing evidence that:

(a) A person has committed or is about to commit any act, practice or course of conduct which operates or would operate as a fraud or act of exploitation upon the ward or estate of the ward and that person:

(1) Is designated as a beneficiary in or otherwise stands to gain from an instrument which was executed by or on behalf of the ward; or

(2) Will benefit from the lack of such an instrument; and

(b) A reasonably prudent person or the ward, if competent, would take the proposed action.

3. The petition must be signed by the guardian and contain:

(a) The name, date of birth and current address of the ward;

(b) A concise statement as to the condition of the ward's estate; and

(c) A concise statement as to the necessity for the proposed action.

4. As used in this section:

(a) "Exploitation" means any act taken by a person who has the trust and confidence of a ward or any use of the power of attorney of a ward to:

(1) Obtain control, through deception, intimidation or undue influence, over the money, assets or property of the ward with the intention of permanently depriving the ward of the ownership, use, benefit or possession of the ward's money, assets or property.

(2) Convert money, assets or property of the ward with the intention of permanently depriving the ward of the ownership, use, benefit or possession of his money, assets or property.

↪ As used in this paragraph, "undue influence" does not include the normal influence that one member of a family has over another.

(b) "Fraud" means an intentional misrepresentation, deception or concealment of a material fact known to the person with the intent to deprive the ward of the ward's rights or property or to otherwise injure the ward.

Sec. 6. NRS 159.0805 is hereby amended to read as follows:

159.0805 1. Except as otherwise provided in subsection 2, a guardian shall not consent to:

(a) The experimental ~~{}~~ medical, biomedical or behavioral treatment of a ward;

(b) The sterilization of a ward; *or*

(c) The participation of a ward in any biomedical or behavioral experiment. ~~{}~~*or*

~~(d) The commitment of a ward to a mental health facility.~~

2. The guardian may consent to and commence any treatment ~~{}~~ *or* experiment ~~{}~~ described in subsection 1 if the guardian applies to and obtains from the court authority to consent to and commence the treatment ~~{}~~ *or* experiment. ~~{}~~

3. The court may authorize the guardian to consent to and commence any treatment ~~{}~~ *or* experiment ~~{}~~ described in subsection 1 only if the treatment ~~{}~~ *or* experiment : ~~{}~~

(a) Is of direct benefit to, and intended to preserve the life of or prevent serious impairment to the mental or physical health of, the ward; or

(b) Is intended to assist the ward to develop or regain the ward's abilities.

Sec. 7. NRS 159.113 is hereby amended to read as follows:

159.113 1. Before taking any of the following actions, the guardian shall petition the court for an order authorizing the guardian to:

(a) Invest the property of the ward ~~{}~~ *pursuant to NRS 159.117.*

(b) Continue the business of the ward ~~{}~~ *pursuant to NRS 159.119.*

(c) Borrow money for the ward ~~{}~~ *pursuant to NRS 159.121.*

(d) Except as otherwise provided in NRS 159.079, enter into contracts for the ward or complete the performance of contracts of the ward ~~{}~~ *pursuant to NRS 159.123.*

(e) Make gifts from the ward's estate or make expenditures for the ward's relatives ~~{}~~ *pursuant to NRS 159.125.*

(f) Sell, lease ~~{}~~ *or* place ~~{}~~ *into any type of* *in* trust ~~{}~~ *or surrender* any property of the ward ~~{}~~ *pursuant to NRS 159.127.*

(g) Exchange or partition the ward's property ~~{}~~

~~(h) Obtain advice, instructions and approval of any other proposed act of the guardian relating to the ward's property.~~

~~(i) *pursuant to NRS 159.175.*~~

~~(h)~~ Release the power of the ward as trustee, personal representative, custodian for a minor or guardian.

~~{}~~ ~~(i)~~ Exercise or release the power of the ward as a donee of a power of appointment.

~~{}~~ ~~(j)~~ Change the state of residence or domicile of the ward.

~~{}~~ ~~(k)~~ Exercise the right of the ward to take under or against a will.

~~{}~~ ~~(l)~~ Transfer to a trust created by the ward any property unintentionally omitted from the trust.

~~{}~~ ~~(m)~~ Submit a revocable trust to the jurisdiction of the court if:

(1) The ward or the spouse of the ward, or both, are the grantors and sole beneficiaries of the income of the trust; or

(2) The trust was created by the court.

~~{(o) Take any other action which the guardian deems would be in the best interests of the ward.}~~

2. *Before taking any of the following actions, unless the guardian has been otherwise ordered by the court to petition the court for permission to take specified actions or make specified decisions in addition to those described in subsection 1, the guardian may petition the court for an order authorizing the guardian to:*

(a) *Obtain advice, instructions and approval of any other proposed act of the guardian relating to the ward's property.*

(b) *Take any other action which the guardian deems would be in the best interests of the ward.*

3. The petition must be signed by the guardian and contain:

(a) The name, age, residence and address of the ward.

(b) A concise statement as to the condition of the ward's estate.

(c) A concise statement as to the advantage to the ward of or the necessity for the proposed action.

(d) The terms and conditions of any proposed sale, lease, partition, trust, exchange or investment, and a specific description of any property involved.

~~{3.}~~ 4. Any of the matters set forth in subsection 1 may be consolidated in one petition, and the court may enter one order authorizing or directing the guardian to do one or more of those acts.

~~{4.}~~ 5. A petition filed pursuant to paragraphs (b) and (d) of subsection 1 may be consolidated in and filed with the petition for the appointment of the guardian, and if the guardian is appointed, the court may enter additional orders authorizing the guardian to continue the business of the ward, enter contracts for the ward ~~{}~~ or ~~{to}~~ complete contracts of the ward.

Sec. 8. NRS 159.193 is hereby amended to read as follows:

159.193 1. The guardian of the estate is entitled to possession of the ward's property and is authorized to perform the duties of the guardian to wind up the affairs of the guardianship:

(a) For a period that is reasonable and necessary after the termination of the guardianship;

(b) Except as otherwise provided in paragraph (c), for not more than ~~{90}~~ **180** days after the date of the appointment of a personal representative of the estate of a deceased ward; or

(c) Upon approval of the court, for more than ~~{90}~~ **180** days if the guardian is awaiting certification from the appropriate authority acknowledging that the guardian has no further liability for taxes on the estate.

2. To wind up the affairs of the guardianship, the guardian shall:

(a) Pay all expenses of administration of the guardianship estate, including those incurred in winding up the affairs of the guardianship.

(b) Complete the performance of any contractual obligations incurred by the guardianship estate.

(c) With prior approval of the court, continue any activity that:

- (1) The guardian believes is appropriate and necessary; or
- (2) Was commenced before the termination of the guardianship.

(d) If the guardianship is terminated for a reason other than the death of the ward, examine and allow and pay, or reject, all claims presented to the guardian prior to the termination of the guardianship for obligations incurred prior to the termination.

Sec. 9. This act becomes effective on July 1, 2007.

Assemblyman Horne moved the adoption of the amendment.

Amendment adopted.

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

Senate Bill No. 132.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 670.

SUMMARY—Makes various changes concerning the liability of ~~trailbuilding organizations and~~ landowners, lessees and occupants of land to persons using premises for recreational activities. (BDR 3-212)

AN ACT relating to civil liability; ~~revising the provisions governing the liability of landowners, lessees and occupants of land where recreational trails are located; providing that a trailbuilding organization is not liable to a person using a recreational trail under certain circumstances; requiring a person who brings a tort action related to a recreational trail to pay attorney's fees and costs if the person does not prevail in the action;~~ revising the definition of a recreational activity for the purposes of the provision governing liability to persons using premises for a recreational activity; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill ~~amends existing law, which generally provides that landowners, lessees and occupants of premises used for recreational activities owe no duty to keep the premises safe for such recreational activities or to warn about any hazardous condition on the premises, to provide specifically that landowners, lessees and occupants of premises where recreational trails are located owe no duty to keep the recreational trails safe or to warn about any hazardous condition. (NRS 41.510) This bill also provides that trailbuilding organizations who design, construct, maintain or improve recreational trails in accordance with generally accepted standards of safety owe no duty to keep the recreational trails safe or to warn about any hazardous condition.~~

~~Additionally, this bill provides that if a person brings a tort action arising out of the design, construction, maintenance or improvement of a recreational trail, the person is required to pay the attorney's fees and costs of any defendant if the person does not ultimately prevail in the action. Furthermore, this bill~~ amends existing law, which includes a nonexclusive list of activities that are considered recreational activities for the purposes of the provision governing liability to persons using premises for recreational activities, to

provide specifically that riding a road or mountain bicycle, cross-county skiing and snowshoeing are recreational activities. (NRS 41.510)

~~{ Finally, to assist in the successful completion of the Tahoe Pyramid Bikeway, this bill includes a preamble encouraging the entities and persons who own public and private land along the route of the Tahoe Pyramid Bikeway to grant necessary easements across, or access to, the land that they own along the route. }~~

~~{ WHEREAS, Bicycling is a healthy recreational activity that is important to Nevada's quality of life; and~~

~~WHEREAS, Bicycling promotes the enjoyment and appreciation of the outdoor areas of Nevada; and~~

~~WHEREAS, Bicycling helps to meet the needs for outdoor recreation of an expanding population; and~~

~~WHEREAS, Recreational trails such as the Tahoe Pyramid Bikeway will allow residents to enjoy and appreciate the outdoor areas of northern Nevada while engaging in healthy recreational activity; and~~

~~WHEREAS, The Tahoe Pyramid Bikeway will follow the Truckee River from its source at Lake Tahoe to its terminus at Pyramid Lake, will descend over 2,000 feet in 116 miles and will cross a variety of public and private land spanning five counties in two states; and~~

~~WHEREAS, The public and private land along the route of the Tahoe Pyramid Bikeway is owned by various public entities, commercial entities and private persons, including the University of Nevada, Reno, railroad companies, utility companies and private landowners; and~~

~~WHEREAS, For the Tahoe Pyramid Bikeway to be completed successfully, it will be necessary to obtain easements across, and access to, such public and private land along the route; and~~

~~WHEREAS, To assist in the successful completion of the Tahoe Pyramid Bikeway, the Legislature hereby encourages the entities and persons who own public and private land along the route of the Tahoe Pyramid Bikeway to grant necessary easements across, or access to, the land that they own along the route; now, therefore, }~~

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

Section 1. NRS 41.510 is hereby amended to read as follows:

41.510 1. Except as otherwise provided in subsection ~~3, 4,~~ 3, an owner of any estate or interest in any premises, or a lessee or an occupant of any premises, owes no duty to keep the premises safe for entry or use by others for participating in any recreational activity, or to give warning of any hazardous condition, activity or use of any structure on the premises to persons entering for those purposes.

2. ~~{ Except as otherwise provided in subsection 5, notwithstanding any other provision of law:~~

~~(a) An owner of any estate or interest in any premises upon which a recreational trail has been constructed, established through continued use, maintained or improved, or a lessee or an occupant of any premises upon which a recreational trail has been constructed, established through continued use, maintained or improved; or~~

~~(b) A trailbuilding organization, or any employee of, volunteer for, or other person performing services on behalf of, the trailbuilding organization, that designs, constructs, maintains or improves a recreational trail in accordance with generally accepted standards of safety regarding the design, construction, maintenance and improvement of a recreational trail;~~

~~owes no duty to keep the premises or recreational trail safe for entry or use by others for participating in any recreational activity, or to give warning of any hazardous condition, activity or use of any structure on the premises or recreational trail to persons entering for those purposes.~~

~~3. If an action sounding in tort and arising out of the design, construction, maintenance or improvement of a recreational trail is brought against:~~

~~(a) An owner of any estate or interest in any premises upon which a recreational trail has been constructed, established through continued use, maintained or improved, or a lessee or an occupant of any premises upon which a recreational trail has been constructed, established through continued use, maintained or improved; or~~

~~(b) A trailbuilding organization, or any employee of, volunteer for, or other person performing services on behalf of, the trailbuilding organization, the court shall award reasonable attorney's fees and costs to any person against whom the action is brought if the person who brought the action does not prevail in the action.~~

~~4.1~~ Except as otherwise provided in subsection 3, ~~4.5.1~~ if an owner, lessee or occupant of premises gives permission to another person to participate in recreational activities, upon his premises:

(a) He does not thereby extend any assurance that the premises are safe for that purpose or assume responsibility for or incur liability for any injury to person or property caused by any act of persons to whom the permission is granted.

(b) That person does not thereby acquire any property rights in or rights of easement to the premises.

3, ~~4.5.1~~ This section does not:

(a) Limit the liability which would otherwise exist for:

(1) Willful or malicious failure to guard, or to warn against, a dangerous condition, use, structure or activity.

(2) Injury suffered in any case where permission to participate in recreational activities ~~was~~ granted for a consideration other than the consideration, if any, paid to the landowner by the State or any subdivision thereof. For the purposes of this subparagraph, the price paid for a game tag sold pursuant to NRS 502.145 by an owner, lessee or manager of the

premises shall not be deemed consideration given for permission to hunt on the premises.

(3) Injury caused by acts of persons to whom permission to participate in recreational activities was granted, to other persons as to whom the person granting permission, or the owner, lessee or occupant of the premises, owed a duty to keep the premises safe or to warn of danger.

(b) Create a duty of care or ground of liability for injury to person or property.

~~4. #6.1~~ As used in this section, "recreational ~~#~~

~~(a) "Recreational"~~ activity" includes, but is not limited to:

~~(a) #1.1~~ Hunting, fishing or trapping;

~~(b) #2.1~~ Camping, hiking or picnicking;

~~(c) #3.1~~ Sightseeing or viewing or enjoying archaeological, scenic, natural or scientific sites;

~~(d) #4.1~~ Hang gliding or para-gliding;

~~(e) #5.1~~ Spelunking;

~~(f) #6.1~~ Collecting rocks;

~~(g) #7.1~~ Participation in winter sports, including *cross-country skiing, snowshoeing or* riding a snowmobile, or water sports;

~~(h) #8.1~~ Riding animals ~~{or}~~, *riding* in vehicles ~~{;}~~ *or riding a road or mountain bicycle;*

~~(i) #9.1~~ Studying nature;

~~(j) #10.1~~ Gleaning;

~~(k) #11.1~~ Recreational gardening; and

~~(l) #12.1~~ Crossing over to public land or land dedicated for public use.

~~#{b) "Recreational trail" means any linear corridor and any adjacent support parcel on land or water providing public access for any recreational activity.~~

~~#{c) "Trailbuilding organization" means any nonprofit corporation, association or organization whose sole mission is to design, construct, maintain or improve a recreational trail.}~~

Sec. 2. The amendatory provisions of this act apply to a cause of action that accrues on or after October 1, 2007.

Assemblyman Horne moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 282.

Bill read second time.

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

Amendment No. 686.

AN ACT making supplemental appropriations to the Department of Corrections for increased costs at various facilities; and providing other matters properly relating thereto.

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

Section 1. There is hereby appropriated from the State General Fund to the Department of Corrections the sum of ~~[\$6,473,243]~~ \$7,554,981 for unanticipated revenue shortfalls, personnel, operating, maintenance, inmate transportation, inmate-driven expenses and utilities for the Fiscal Year 2006-2007 allocated as follows:

1. Revenue shortfalls of \$640,709 allocated as follows:
 - (a) Office of the Director..... \$1,776
 - (b) Nevada State Prison..... \$28,276
 - (c) Ely State Prison \$26,101
 - (d) Casa Grande Transitional Housing \$584,556
2. Personnel expenses of ~~[\$616,919]~~ **\$1,698,657** allocated as follows:
 - (a) Medical care ~~[\$408,358]~~ **\$802,743**
 - (b) Office of the Director ~~[\$208,561]~~ **\$407,273**
 - (c) **Southern Nevada Correctional Center \$2,368**
 - (d) **Northern Nevada Correctional Center..... \$283,327**
 - (e) **Nevada State Prison..... \$129,388**
 - (f) **Wells Conservation Camp..... \$6,929**
 - (g) **Humboldt Conservation Camp \$13,630**
 - (h) **Lovelock Correctional Center..... \$52,999**
3. Operating expenses of \$45,740 allocated as follows:
 - (a) Nevada State Prison..... \$18,703
 - (b) Southern Desert Correctional Center..... \$1,152
 - (c) Ely State Prison \$25,885
4. General maintenance expenses allocated to the Northern Nevada Correctional Center..... \$7,398
5. Maintenance contract expenses allocated to Nevada State Prison \$628
6. Inmate transportation expenses allocated to the Office of the Director \$982
7. Inmate-driven expenses of \$3,003,130 allocated as follows:
 - (a) Medical care \$2,213,205
 - (b) Northern Nevada Correctional Center \$66,873
 - (c) Nevada State Prison..... \$30,754
 - (d) Southern Desert Correctional Center..... \$248,480
 - (e) Jean Conservation Camp \$24,643
 - (f) Ely State Prison..... \$186,155
 - (g) High Desert State Prison \$233,020
8. Utility expenses of \$2,157,737 allocated as follows:
 - (a) Northern Nevada Correctional Center \$535,100
 - (b) Nevada State Prison..... \$220,022
 - (c) Southern Desert Correctional Center..... \$237,009
 - (d) Jean Conservation Camp \$54,880
 - (e) Silver Springs Conservation Camp..... \$3,885

- (f) Ely State Prison..... \$187,997
- (g) High Desert State Prison \$918,844

Sec. 2. The appropriation made in section 1 of this act is supplemental to that made by section 23 of chapter 434, Statutes of Nevada 2005, at page 1941.

Sec. 3. This act becomes effective upon passage and approval.
Assemblywoman Leslie moved the adoption of the amendment.
Amendment adopted.
Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 352.
Bill read second time.

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

Amendment No. 676.

AN ACT relating to the Southern Nevada Enterprise Community; requiring the Southern Nevada Enterprise Community Advisory Board to develop a project to make certain improvements to infrastructure in and near the Community; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

This bill enacts the Southern Nevada Enterprise Community Infrastructure Improvement Act and requires the Southern Nevada Enterprise Community Advisory Board to develop a project to make certain improvements to infrastructure in and near the Southern Nevada Enterprise Community.

WHEREAS, On December 21, 1994, President William Jefferson Clinton designated nine census tracts in the urban core of the Las Vegas Valley as an “enterprise community”; and

WHEREAS, The designation was accompanied by an award of \$2,950,000 in Title XX funds to be used for projects in the enterprise community; and

WHEREAS, The Southern Nevada Enterprise Community so created includes the target areas of West Las Vegas, East Las Vegas, Meadows Village and North Las Vegas; and

WHEREAS, The Southern Nevada Enterprise Community involves a partnership among the cities of Las Vegas and North Las Vegas, and Clark County, working together to harness resources from the public, private and nonprofit sectors to provide programs, services and facilities to the target areas; and

WHEREAS, The empowerment of persons and neighborhoods within the Southern Nevada Enterprise Community includes “weed and seed” strategies to “weed” out violence, gangs, drug trafficking and drug-related crime, and to “seed” neighborhoods with social services and economic revitalization; and

WHEREAS, Efforts to revitalize neighborhoods economically, to be successful, require a certain minimum level of “infrastructure” in the form of

the basic facilities, services and installations needed for the proper functioning of a community; now, therefore,

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

Section 1. This act may be cited as the Southern Nevada Enterprise Community Infrastructure Improvement Act.

Sec. 2. As used in sections 1 to 13, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 7, inclusive, of this act have the meanings ascribed to them in those sections.

Sec. 3. "Advisory Board" means the Southern Nevada Enterprise Community Advisory Board created pursuant to section 8 of this act.

Sec. 4. (Deleted by amendment.)

Sec. 5. "Community" means the Southern Nevada Enterprise Community, nine census tracts designated by President William Jefferson Clinton on December 21, 1994.

Sec. 6. "Infrastructure" means publicly owned or publicly supported facilities that are necessary or desirable to support intense habitation within a region, including, without limitation, parks, roads, schools, libraries, community centers, police and fire protection, sanitary sewers, facilities for mass transit and facilities for the conveyance of water and the treatment of wastewater.

Sec. 7. "Project" means the Southern Nevada Enterprise Community Improvement Project developed pursuant to section 11 of this act.

Sec. 8. 1. The Southern Nevada Enterprise Community Advisory Board is hereby created.

2. The Advisory Board consists of nine members, appointed in consultation with residents of the Community, as follows:

(a) One member of the Nevada Congressional Delegation selected from among its membership or his designee;

(b) ~~One member of the Nevada Legislature~~ **One member of the Nevada Legislature** who represents the Community or his designee;

(c) One member of the Clark County Board of County Commissioners selected from among its membership or his designee;

(d) One member of the Las Vegas City Council from among its membership or his designee;

(e) One member of the North Las Vegas City Council from among its membership or his designee;

(f) Two residents of the Community, recommended and selected jointly by the Clark County Board of County Commissioners, the Las Vegas City Council and the North Las Vegas City Council;

(g) A representative of the private sector appointed by the Chamber of Commerce established in the Community; and

(h) A representative of the nonprofit charitable, educational and religious organizations in the Community, recommended and selected jointly by the

Clark County Board of County Commissioners, the Las Vegas City Council and the North Las Vegas City Council.

3. Each member of the Advisory Board serves for a term of 3 years. A vacancy on the Advisory Board must be filled in the same manner as the original appointment. A member may be reappointed to the Advisory Board.

4. The members of the Advisory Board shall elect a Chairman and Vice Chairman by majority vote. After the initial election, the Chairman and Vice Chairman shall hold office for a term of 1 year beginning on August 1 of each year. If a vacancy occurs in the chairmanship or vice chairmanship, the members of the Advisory Board shall elect a Chairman or Vice Chairman, as appropriate, from among its members for the remainder of the unexpired term.

5. The City of North Las Vegas shall provide administrative support for the Advisory Board.

Sec. 9. The primary purposes of the Advisory Board are to:

1. Advise the governmental entities that have members on the Advisory Board with respect to the Project; and

2. Ensure that the needs and opinions of the residents of the Community are reflected adequately by the Project.

Sec. 10. (Deleted by amendment.)

Sec. 11. 1. On or before January 31, 2008, the Advisory Board shall prepare a written plan to carry out the Project to address the needs and issues of the Community.

2. The Advisory Board shall, within 120 days after preparing the written plan:

(a) Hold at least two public hearings on the written plan, each of which must be preceded by at least 30 days' notice within the Community; and

(b) Approve or reject the written plan based on input from the Community received at the public hearings.

3. A written plan adopted by the Advisory Board must:

(a) Set forth an adequate framework for carrying out the Project;

(b) Set forth a reasonable period in which to accomplish the goals of the Project; and

(c) Incorporate each of the required elements of the Project, as set forth in section 12 of this act.

4. If the Advisory Board rejects the written plan, the Advisory Board shall:

(a) Provide to the appropriate officers of the governmental entities that have members on the Advisory Board a written explanation of its reasons for the rejection; and

(b) Prepare a revised written plan and repeat the notice and hearings required by subsection 2 before approving or rejecting the revised written plan.

Sec. 12. The Project must include, without limitation, goals, objectives and policies relating to, and feasible timeframes for achieving:

1. The construction, repair and refurbishment of streets, buildings and other facilities as necessary to attract and maintain the viability of successful businesses within the Community;

2. The incorporation within the Community of open space, facilities for recreation, facilities for medical care and other measures as necessary to ensure that the Community develops with mixed uses;

3. The eradication of brownfields, the rehabilitation of condemned properties and the removal of structures and facilities that create a disincentive for development; and

4. The identification of sources of money to carry out the Project.

Sec. 13. The Advisory Board may accept any gifts, grants or donations for the purpose of preparing, developing and carrying out the Project.

Sec. 14. On or before February 1, 2009, the Advisory Board shall submit to the Director of the Legislative Counsel Bureau for transmission to the 75th Session of the Nevada Legislature a report that summarizes the activities of the Advisory Board during the period between the effective date of this act and December 31, 2008.

Sec. 15. 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. 16. This act becomes effective upon passage and approval.

Assemblywoman Kirkpatrick moved the adoption of the amendment.

Amendment adopted.

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

GENERAL FILE AND THIRD READING

Assembly Bill No. 196.

Bill read third time.

Remarks by Assemblyman Marvel.

Roll call on Assembly Bill No. 196:

YEAS—39.

NAYS—None.

EXCUSED—Arberry, Beers, Segerblom—3.

Assembly Bill No. 196 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 201.

Bill read third time.

Remarks by Assemblymen Leslie and Hardy.

Roll call on Assembly Bill No. 201:

YEAS—39.

NAYS—None.

EXCUSED—Arberry, Beers, Segerblom—3.

Assembly Bill No. 201 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 259.

Bill read third time.

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

Amendment No. 683.

FISCAL NOTE: Effect on Local Government: No.

Effect on the State: ~~{Contains Appropriation not included in Executive Budget.}~~

No.

AN ACT relating to wildlife; requiring the Department of Wildlife to submit a financial report to the Legislature relating to certain accounts and subaccounts administered by the Department; ~~{making an appropriation;}~~ and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law creates the Department of Wildlife. The Department is required to administer the laws of this State relating to wildlife and the provisions of chapter 488 of NRS relating to watercraft and the use of watercraft. (NRS 501.331)

Section 26 of this bill requires the Department to submit to the Legislature, on or before the fifth calendar day of each regular session, a financial report setting forth the activity and status of the Wildlife Obligated Reserve Account and any other account or subaccount administered by the Department for which the use of the money in the account or subaccount is restricted. The report must include, without limitation, a description of each project for which money is spent and a description of each recipient of that money.

~~{ Section 26 of this bill appropriates \$200,000 from the State General Fund to the Department to be used only for the preservation of mule deer and the management of predatory animals or birds. }~~

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

- Section 1. (Deleted by amendment.)
- Sec. 2. (Deleted by amendment.)
- Sec. 3. (Deleted by amendment.)
- Sec. 4. (Deleted by amendment.)
- Sec. 5. (Deleted by amendment.)
- Sec. 6. (Deleted by amendment.)
- Sec. 7. (Deleted by amendment.)
- Sec. 8. (Deleted by amendment.)
- Sec. 9. (Deleted by amendment.)
- Sec. 10. (Deleted by amendment.)
- Sec. 11. (Deleted by amendment.)
- Sec. 12. (Deleted by amendment.)
- Sec. 13. (Deleted by amendment.)
- Sec. 14. (Deleted by amendment.)

Sec. 15. (Deleted by amendment.)

Sec. 16. (Deleted by amendment.)

Sec. 17. (Deleted by amendment.)

Sec. 18. (Deleted by amendment.)

Sec. 19. (Deleted by amendment.)

Sec. 20. (Deleted by amendment.)

Sec. 21. (Deleted by amendment.)

Sec. 22. (Deleted by amendment.)

Sec. 23. (Deleted by amendment.)

Sec. 24. (Deleted by amendment.)

Sec. 25. (Deleted by amendment.)

Sec. 26. NRS 501.331 is hereby amended to read as follows:

501.331 ~~[There]~~ ***The Department of Wildlife*** is hereby created . ~~[the Department of Wildlife which shall]~~ ***The Department:***

1. Shall administer the wildlife laws of this State and chapter 488 of NRS.

2. Shall, on or before the fifth calendar day of each regular session of the Legislature, submit to the Legislature a financial report for each of the immediately preceding 2 fiscal years setting forth the activity and status of the Wildlife Obligated Reserve Account in the State General Fund, each subaccount within that Account and any other account or subaccount administered by the Department for which the use of the money in the account or subaccount is restricted. The report must include, without limitation:

(a) A description of each project for which money is expended from each of those accounts and subaccounts and a description of each recipient of that money; and

(b) The total amount of money expended from each of those accounts and subaccounts for each fiscal year, including, without limitation, the amount of any matching contributions received for those accounts and subaccounts for each fiscal year.

Sec. 27. (Deleted by amendment.)

Sec. 28. (Deleted by amendment.)

Sec. 29. (Deleted by amendment.)

Sec. 30. (Deleted by amendment.)

Sec. 31. (Deleted by amendment.)

Sec. 32. (Deleted by amendment.)

Sec. 33. (Deleted by amendment.)

Sec. 34. (Deleted by amendment.)

Sec. 35. (Deleted by amendment.)

Sec. 36. ~~[1. There is hereby appropriated from the State General Fund to the Department of Wildlife the sum of \$200,000 to be used only for the preservation of mule deer and the management of predatory animals or birds.~~

~~2. Any remaining balance of the appropriation made by subsection 1 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.] (Deleted by amendment.)~~

Sec. 37. (Deleted by amendment.)

Sec. 38. (Deleted by amendment.)

Sec. 39. This act becomes effective on July 1, 2007.

Assemblywoman Leslie moved the adoption of the amendment.

Remarks by Assemblyman Leslie.

Amendment adopted.

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

Assembly Bill No. 445.

Bill read third time.

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

Amendment No. 684.

AN ACT relating to the State Personnel System; providing that final decisions of the Employee-Management Committee are binding; authorizing the Committee or an employee to petition a court for enforcement of the Committee's binding decisions; adding the occupational group of positions requiring certification by the Peace Officers' Standards and Training Commission to the index of occupational groups in the classified service; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Employee-Management Committee performs various duties relating to the State Personnel System, including holding hearings and making final decisions for the adjustment of grievances. (NRS 284.073, 284.384) Unless the Budget Division of the Department of Administration determines that the resolution of a grievance by the Committee is not feasible based on its fiscal effects, section 2 of this bill provides that the decisions of the Committee are binding and authorizes the Committee or an employee to petition a court to enforce the Committee's binding decisions.

Existing law requires the Director of the Department of Personnel to prepare and maintain an index that categorizes all positions in the classified service of the State into broad occupational groups. (NRS 284.171) Section 1 of this bill adds the occupational group of positions requiring certification by the Peace Officers' Standards and Training Commission to the index.

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

Section 1. NRS 284.171 is hereby amended to read as follows:

284.171 For the purposes of NRS 353.205 and 353.224, the Director shall prepare and maintain an index which categorizes all positions in the classified service of the State into the following broad occupational groups:

1. Occupations in the fields of agriculture and conservation.
2. Clerical and related occupations.
3. Occupations relating to custodial and domestic services.
4. Occupations relating to library services.
5. Occupations in the field of education.
6. Engineering and allied occupations.
7. Occupations in fiscal management and related staff services.
8. Occupations relating to legal services.
9. Occupations in the mechanical and construction trades.
10. Occupations in the fields of medicine and health and related services.
11. Occupations in regulatory fields and in public safety.
12. Occupations in social services and rehabilitation.
13. ***Positions that require certification by the Peace Officers' Standards and Training Commission pursuant to NRS 289.150 to 289.360, inclusive.***
14. Other occupations.

Sec. 2. NRS 284.384 is hereby amended to read as follows:

284.384 1. The Commission shall adopt regulations which provide for the adjustment of grievances for which a hearing is not provided by NRS 284.165, 284.245, 284.3629, 284.376 or 284.390. Any grievance for which a hearing is not provided by NRS 284.165, 284.245, 284.3629, 284.376 or 284.390 is subject to adjustment pursuant to this section.

2. The regulations must provide procedures for:

(a) Consideration and adjustment of the grievance within the agency in which it arose.

(b) Submission to the Employee-Management Committee for a final decision if the employee is still dissatisfied with the resolution of the dispute.

3. The regulations must include provisions for:

(a) Submitting each proposed resolution of a dispute which has a fiscal effect to the Budget Division of the Department of Administration for a determination by that Division whether the resolution is feasible on the basis of its fiscal effects; and

(b) Making the resolution binding.

4. Any grievance which is subject to adjustment pursuant to this section may be appealed to the Employee-Management Committee for a final decision. ***Except as otherwise provided in subsection 3, a final decision of the Employee-Management Committee is binding. The Committee or an employee may petition a court of competent jurisdiction for enforcement of the Committee's binding decisions.***

5. The employee may represent himself at any hearing regarding a grievance which is subject to adjustment pursuant to this section or be represented by an attorney or other person of the employee's own choosing.

6. As used in this section, “grievance” means an act, omission or occurrence which an employee who has attained permanent status feels constitutes an injustice relating to any condition arising out of the relationship between an employer and an employee, including, but not limited to, compensation, working hours, working conditions, membership in an organization of employees or the interpretation of any law, regulation or disagreement.

Sec. 3. ~~[(This act becomes effective on July 1, 2007.)]~~ **(Deleted by amendment.)**

Assemblywoman Leslie moved the adoption of the amendment.

Remarks by Assemblyman Leslie.

Amendment adopted.

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

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Ocegüera moved that Senate Bills Nos. 9, 30, 31, 44, 46, 56, 81, 168, 190, 196, 217, 230, 269, 302, 306, 336, 367, 369, 401, 417, 511, 519; Senate Joint Resolutions Nos. 6, 10, 11, 13, 17 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Joint Resolution No. 6.

The following Senate amendment was read:

Amendment No. 661.

JOINT SPONSORS: SENATORS NOLAN, AMODEI, BEERS, CARE, CARLTON, CEGAVSKE, HARDY, HECK, HORSFORD, LEE, MATHEWS, MCGINNESS, RAGGIO, RHOADS, SCHNEIDER, TITUS, TOWNSEND, WASHINGTON, WIENER AND WOODHOUSE

ASSEMBLY JOINT RESOLUTION—Urging Congress to repeal the REAL ID Act of 2005.

WHEREAS, In May 2005, the United States Congress enacted the REAL ID Act of 2005 as part of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005, Public Law 109-13, which was signed by President George W. Bush on May 11, 2005, and which becomes fully effective on May 11, 2008; and

WHEREAS, Use of the federal minimum standards for state driver’s licenses and state identification cards will be necessary for any type of federally regulated activity for which an identification card must be displayed; and

WHEREAS, The United States Department of Homeland Security, to date, has failed to promulgate rules for the implementation of the REAL ID Act; and

WHEREAS, The mandate to the states, through federal legislation, provides no funding for its requirements; and

WHEREAS, The American Association of Motor Vehicle Administrators, the National Governors' Association and the National Conference of State Legislatures have estimated that the cost to the states to implement the REAL ID Act will be more than \$11 billion over 5 years; and

WHEREAS, The implementation of the REAL ID Act would cost Nevada taxpayers approximately \$30 million during Fiscal Year 2007 and Fiscal Year 2008; and

WHEREAS, The State of Nevada would incur additional expenditures associated with the implementation of the national identification card through machine readable technology, increased training of Nevada's Department of Motor Vehicles employees and increased Department of Motor Vehicles employee work hours; and

WHEREAS, Nevada's compliance with the provisions of the REAL ID Act will require that, over the course of 4 years, an estimated 2 million Nevadans will be subjected to the unnecessary inconvenience of obtaining a REAL ID compliant driver's license or identification card in person at offices of Nevada's Department of Motor Vehicles; and

WHEREAS, The State of Nevada is committed to increased security and unimpeachable integrity of driver's licenses and identification cards within the State and the United States; and

WHEREAS, The State of Nevada is also committed to compliance with the REAL ID Act, should appropriate rules be adopted and federal funding be provided for implementation; now, therefore, be it

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That the State of Nevada urges Congress to repeal the REAL ID Act portion of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the President of the United States, the Vice President of the United States as the presiding officer of the United States Senate, the Speaker of the House of Representatives and each member of the Nevada Congressional Delegation; and be it further

RESOLVED, That this resolution becomes effective upon passage.

Assemblyman Atkinson moved that the Assembly concur in the Senate amendment to Assembly Joint Resolution No. 6.

Remarks by Assemblyman Atkinson.

Motion carried by a constitutional majority.

Resolution ordered to enrollment.

Assembly Bill No. 72.

The following Senate amendment was read:

Amendment No. 649.

AN ACT relating to crimes; specifying that the crime of luring a child includes luring a person believed to be a child; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits a person from luring a child who is less than 16 years of age and who is at least 5 years younger than the person. (NRS 201.560) This bill amends existing law to specify that a person **also** violates this provision when he knowingly contacts or communicates with or attempts to contact or communicate with someone whom he believes to be a child less than 16 years of age and at least 5 years younger than ~~the person.~~ **he is with the intent to persuade or lure the person believed to be a child to engage in sexual conduct.**

A violation of the amendatory provisions of this bill constitutes the crime of luring a child and is considered a "sexual offense" or "sexual offense against a child" in certain circumstances for the purposes of several provisions of existing law. Such provisions include, without limitation, provisions requiring registration of sex offenders, community notification of sex offenders, lifetime supervision of sex offenders and special restrictions and conditions concerning parole of sex offenders as well as provisions specifically authorizing disciplinary action against a teacher or other licensed employee of a school convicted of the crime of luring a child. (NRS 62C.120, 62F.100, 62H.010, 62H.220, 176.0931, 176.133, 178.5698, 179.245, 179.460, 179A.073, 179A.280, 179D.410, 179D.620, 200.366, 213.107, 213.1214, 213.1245, 213.1255, 213.1258, 391.311, 391.314, 391.330) Thus, for example, NRS 176.0931 would require a court to impose lifetime supervision upon a person convicted of luring or attempting to lure a person whom he believed to be a child ~~with the intent to persuade or lure the person believed to be a child to engage in sexual conduct.~~ Further, NRS 213.1258 would provide that if the State Board of Parole Commissioners grants parole to a person convicted of luring or attempting to lure a person whom he believed to be a child through the use of a computer, system or network ~~with the intent to persuade or lure the person believed to be a child to engage in sexual conduct,~~ the Board, under certain circumstances, must impose as a condition of the parole that the parolee not own or use a computer. In addition, NRS 391.330 would provide that a conviction for luring or attempting to lure a person believed to be a child **with the intent to persuade or lure that person to engage in sexual conduct** constitutes grounds for the State Board of Education to suspend or revoke the license of a teacher, administrator or any other licensed employee.

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

Section 1. NRS 201.560 is hereby amended to read as follows:

201.560 1. Except as otherwise provided in subsection 3, a person ~~{shall not knowingly contact or communicate with or attempt}~~ **commits the**

crime of luring a child if the person knowingly contacts or communicates with or attempts to contact or communicate with [a] :

(a) A child who is less than 16 years of age and who is at least 5 years younger than the person with the intent to persuade, lure or transport the child away from his home or from any location known to his parent or guardian or other person legally responsible for the child to a place other than where the child is located, for any purpose:

~~[(a)]~~ (1) Without the express consent of the parent or guardian or other person legally responsible for the child; and

~~[(b)]~~ (2) With the intent to avoid the consent of the parent or guardian or other person legally responsible for the child ~~[-]~~ ; **or**

(b) ***Another person whom he believes to be a child who is less than 16 years of age and ~~who is~~ at least 5 years younger than ~~him,~~ he is, regardless of the actual age of that other person, with the intent to ~~commit an act described in paragraph (a) against that other person,~~ persuade or lure the person to engage in sexual conduct.***

2. Except as otherwise provided in subsection 3, a person ~~[shall not knowingly contact or communicate]~~ **commits the crime of luring a mentally ill person if he knowingly contacts or communicates** with a mentally ill person with the intent to persuade, lure or transport the mentally ill person away from his home or from any location known to any person legally responsible for the mentally ill person to a place other than where the mentally ill person is located:

(a) For any purpose that a reasonable person under the circumstances would know would endanger the health, safety or welfare of the mentally ill person;

(b) Without the express consent of the person legally responsible for the mentally ill person; and

(c) With the intent to avoid the consent of the person legally responsible for the mentally ill person.

3. The provisions of this section do not apply if the contact or communication is made or attempted with the intent to prevent imminent bodily, emotional or psychological harm to the child, **person believed to be a child** or mentally ill person.

4. A person who violates or attempts to violate the provisions of this section through the use of a computer, system or network:

(a) With the intent to engage in sexual conduct with the child, **person believed to be a child** or mentally ill person or to cause the child, **person believed to be a child** or mentally ill person to engage in sexual conduct, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years and may be further punished by a fine of not more than \$10,000;

(b) By providing the child, **person believed to be a child** or mentally ill person with material that is harmful to minors or requesting the child,

person believed to be a child or mentally ill person to provide the person with material that is harmful to minors, is guilty of a category C felony and shall be punished as provided in NRS 193.130; or

(c) If paragraph (a) or (b) does not apply, is guilty of a gross misdemeanor.

5. A person who violates or attempts to violate the provisions of this section in a manner other than through the use of a computer, system or network:

(a) With the intent to engage in sexual conduct with the child, *person believed to be a child* or mentally ill person or to cause the child, *person believed to be a child* or mentally ill person to engage in sexual conduct, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years and may be further punished by a fine of not more than \$10,000;

(b) By providing the child, *person believed to be a child* or mentally ill person with material that is harmful to minors or requesting the child, *person believed to be a child* or mentally ill person to provide the person with material that is harmful to minors, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years and may be further punished by a fine of not more than \$10,000; or

(c) If paragraph (a) or (b) does not apply, is guilty of a gross misdemeanor.

6. As used in this section:

(a) "Computer" has the meaning ascribed to it in NRS 205.4735.

(b) "Harmful to minors" has the meaning ascribed to it in NRS 201.257.

(c) "Material" means anything that is capable of being used or adapted to arouse interest, whether through the medium of reading, observation, sound or in any other manner.

(d) "Mentally ill person" means a person who has any mental dysfunction leading to impaired ability to maintain himself and to function effectively in his life situation without external support.

(e) "Network" has the meaning ascribed to it in NRS 205.4745.

(f) "Sexual conduct" has the meaning ascribed to it in NRS 201.520.

(g) "System" has the meaning ascribed to it in NRS 205.476.

Assemblyman Anderson moved that the Assembly concur in the Senate amendment to Assembly Bill No. 72.

Remarks by Assemblyman Anderson.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 250.

The following Senate amendment was read:

Amendment No. 648.

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.

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. In carrying out the requirements of this subsection, the Superintendent may accept a certificate of inspection conducted on an educational institution, or other proof of inspection satisfactory to the Superintendent, issued by an appropriate agency or political subdivision of this State responsible for the inspection of buildings to ensure compliance with the applicable provisions of laws, regulations and ordinances.*

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. *In carrying out the requirements of this subsection, the Superintendent may accept a certificate of inspection conducted on an educational institution, or other proof of inspection satisfactory to the Superintendent, issued by an appropriate agency or political subdivision of this State responsible for the inspection of buildings to ensure compliance with the applicable provisions of laws, regulations and ordinances.*

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.

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

Assemblywoman Parnell moved that the Assembly concur in the Senate amendment to Assembly Bill No. 250.

Remarks by Assemblywoman Parnell.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Concurrent Resolutions Nos. 25, 26, 27, 28; Assembly Resolutions Nos. 11, 12, 13; Senate Bills Nos. 121, 122, 150, 177, 208, 220, 294, 473; Senate Joint Resolution No. 9; Senate Concurrent Resolutions Nos. 11, 28, 29, and 31.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Buckley, the privilege of the floor of the Assembly Chamber for this day was extended to Laurie Richardson, Sullivan Richardson, Mollie Singer, and Jackie Singer.

On request of Assemblywoman Gansert, the privilege of the floor of the Assembly Chamber for this day was extended to Nick Drozd.

On request of Assemblywoman Gerhardt, the privilege of the floor of the Assembly Chamber for this day was extended to Catherine Cloy and Bob McElderry.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Heidi Elswick.

On request of Assemblyman Ocegueda, the privilege of the floor of the Assembly Chamber for this day was extended to Jackie Singer and Molly Miller.

On request of Assemblyman Settlemeyer, the privilege of the floor of the Assembly Chamber for this day was extended to the following students from Gardnerville Elementary School: Soleo Allen, Ashley Cale, Justin Carney, Matt Ellison, Jake Elmer, Keaton Fitzhugh, Cameron Fricke, Brandi Friesen, Jessa Gansberg, Amanda Grathwohl, Anna Lekumberry, Mike Ilewellyn, Mike Rocca, Rebecca Ruiz, Jeff Sanotsky, Melissa Sherwood, Carly Talia, Colton Waggoner, Adriana Esquivel, John Schroeder, Tailer Abeloe, Jocelyn Contreras, Brandon Cypert, Emily Gosselin, Cheyenne Gutierrez, Giovanni Hernandez, Todd Karabelnik, Destin Marin, Miranda McLaughlin, Freddy Mueller, Shelby Patterson, Bobby Rebartchek, Lucas Ross, Kyle Thoeni, Jacob Wartgow, Riley Woodward, Matthew Wasser, and Hannah May; teacher Danette Morgan.

On request of Assemblywoman Smith, the privilege of the floor of the Assembly Chamber for this day was extended to the following students from Bernice Mathews Elementary School: Essence Belmont, Olson Beltran, Jackie Izquierdo, Cecilia Barajas, Britney Espinoza, Nancy Garcia, Cody Johnston, Shalyce Latvaho, Austin Lavatai, Ulysses Martin Fajardo, Ahsan Masud, Marisa Medina, Maria Patricia Penalber, Hector Ramirez, Destiney

Joseph, Justin Reedy, Sir Frederick Tatum, Ashley Trammel, Kelsey Usher, Kenneth Viers, Shanquila White, Gerardo Anaya, Victoria De Avila, Karen Gomez, Edgardo Gomez, Edgar Gonzalez, Lesley Guerrero, Brian Guevara, Michael Haro, Jose Hernandez, Edgar Hernandez, Liliam Hernandez, Cody Holland, Ian Knox, Jasmine Lara, Edwin Medina, Jose Montelongo, Jonathan Murillo, Danny Najera, Bianca Palomino, Cliff Porter, Leandra Riggs, Hoover Roscom, Alex Santana, Osiris Vazquez, Jose Velazquez, Maria Moreno; teacher Alan Holmes.

Assemblyman Ocegüera moved that the Assembly adjourn until Monday, May 14, 2007, at 11 a.m.

Motion carried.

Assembly adjourned at 12:35 p.m.

Approved:

BARBARA E. BUCKLEY
Speaker of the Assembly

Attest: SUSAN FURLONG REIL
Chief Clerk of the Assembly