

THE NINETY-NINTH DAY

CARSON CITY (Monday), May 14, 2007

Assembly called to order at 11:12 a.m.

Madam Speaker presiding.

Roll called.

All present except Assemblywoman Womack, who was excused.

Prayer by the Chaplain, Reverend Marie Hanson.

I invite you to join together into the oneness, unity, and joy that connects each of us into all of us. Heavenly Father/Mother God, may we remember our true purpose and let it permeate all our activities. May each light within each person here shine brightly today. May love guide our way. We bless this Assembly. We bless this holy day, knowing Your great good is manifested in their work. We celebrate in Your holy presence now, knowing this is already done. Blessed be.

AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Commerce and Labor, to which were referred Senate Bills Nos. 19, 20, 100, 227, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Commerce and Labor, to which was referred Senate Bills Nos. 86, 265, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOHN OCEGUERA, *Chair*

Madam Speaker:

Your Committee on Health and Human Services, to which was referred Senate Bill No. 396, 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 Health and Human Services, to which was rereferred Senate Concurrent Resolution No. 18, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and be adopted as amended.

SHEILA LESLIE, *Chair*

Madam Speaker:

Your Committee on Judiciary, to which were referred Senate Bills Nos. 35, 148, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Judiciary, to which was rereferred Senate Bill No. 277, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chair*

Madam Speaker:

Your Committee on Ways and Means, to which were referred Assembly Bills Nos. 202, 539, 551, 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. 485, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

Also, your Committee on Ways and Means, to which was rereferred Assembly Bill No. 212, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

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

Motion carried.

Senate Concurrent Resolution No. 3.

Assemblyman Ohrenschall moved the adoption of the resolution.

Remarks by Assemblyman Ohrenschall.

Resolution adopted.

SECOND READING AND AMENDMENT

Assembly Bill No. 200.

Bill read second time and ordered to third reading.

Assembly Bill No. 272.

Bill read second time and ordered to third reading.

Assembly Bill No. 273.

Bill read second time.

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

Amendment No. 690.

AN ACT making an appropriation to the Department of Health and Human Services for computer software and hardware and other 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 Health and Human Services, Aging Older Americans Act, the sum of ~~[\$115,820 to replace]~~ **\$63,447 to partially fund the replacement of** computer hardware and software and to ~~[purchase]~~ **partially fund the purchase** of air-conditioning for server rooms in Reno and Carson City.

Sec. 2. Any remaining balance of the appropriation made by section 1 of this act must not be committed for expenditure after June 30, 2009, by the entity to which the appropriation is made or any entity to which money from

the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2009, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2009.

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

Assemblyman Arberry moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 17.

Bill read second time and ordered to third reading.

Senate Bill No. 39.

Bill read second time and ordered to third reading.

Senate Bill No. 60.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Ocegüera moved that Senate Bill No. 115 be taken from its position on the Second Reading File and placed at the bottom of the Second Reading File.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 175.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Anderson moved that Senate Bill No. 154 be taken from the Chief Clerk's desk and placed on the Second Reading File.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 357.

Bill read second time and ordered to third reading.

Senate Bill No. 384.

Bill read second time and ordered to third reading.

Senate Bill No. 389.

Bill read second time and ordered to third reading.

Senate Bill No. 399.

Bill read second time and ordered to third reading.

Senate Bill No. 430.

Bill read second time and ordered to third reading.

Senate Bill No. 456.

Bill read second time and ordered to third reading.

Senate Bill No. 470.

Bill read second time and ordered to third reading.

Senate Bill No. 486.

Bill read second time and ordered to third reading.

Senate Bill No. 491.

Bill read second time and ordered to third reading.

Senate Bill No. 504.

Bill read second time and ordered to third reading.

Senate Bill No. 559.

Bill read second time and ordered to third reading.

Senate Joint Resolution No. 12.

Bill read second time and ordered to third reading.

Senate Joint Resolution No. 15.

Bill read second time and ordered to third reading.

Senate Joint Resolution No. 16.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 204.

Bill read third time.

Roll call on Assembly Bill No. 204:

YEAS—41.

NAYS—None.

EXCUSED—Womack.

Assembly Bill No. 204 having received a constitutional majority,
Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 259.

Bill read third time.

Remarks by Assemblymen Claborn and Carpenter.

Roll call on Assembly Bill No. 259:

YEAS—40.

NAYS—None.

NOT VOTING—Claborn.

EXCUSED—Womack.

Assembly Bill No. 259 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 328.

Bill read third time.

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

Amendment No. 691.

AN ACT relating to elections; revising provisions relating to the powers of the chairman of an election board; providing that the Attorney General and district attorneys have concurrent jurisdiction to enforce the provisions of title 24 of NRS upon request of the Secretary of State; revising provisions relating to requesting and casting an absent ballot for an election; revising the provisions governing a person who helps another register to vote; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that if a vacancy on an election board occurs on the day of an election and there are no reserve election board officers available, the election board may appoint to the election board a registered voter who is qualified and willing to serve. (NRS 293.225) Section 1 of this bill provides that the county or city clerk is required to appoint a poll manager for each polling place. The county or city clerk or the poll manager will have the authority to appoint any person who is qualified and willing to serve to an election board in the cases of a vacancy occurring on election day or if a need for more election board officials arises. Additionally, if a polling place is the site of more than one election board, the poll manager may reassign election board officers from one election board to another.

Existing law provides that the Secretary of State is responsible for the execution and enforcement of the laws governing elections in this State. (NRS 293.124) Section 2 of this bill provides that upon request of the Secretary of State, the Attorney General and the district attorneys may investigate and prosecute violations of election laws.

Existing law authorizes a registered voter to request an absent ballot for an election. Additionally, certain registered voters are authorized to request an absent ballot for all elections conducted during the year that the request is made. (NRS 293.313) Sections 5-7 and 11-14 of this bill authorize certain registered voters to request an absent ballot for any election conducted after the request is made.

Existing law provides that it is a felony for certain persons to alter, deface or destroy a completed application to register to vote. (NRS 293.505) Section 8 of this bill revises this provision to provide that it is a felony for such persons to knowingly and willfully alter, deface or destroy or to fail to return to the county clerk a completed application to register to vote.

Section 10 of this bill provides that it is a category B felony to tamper or interfere with, or attempt to tamper or interfere with, a mechanical voting system, mechanical voting device or any computer program used to count ballots with the intent of influencing the outcome of an election.

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

Section 1. Chapter 293 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The county or city clerk shall appoint a manager for each polling place at which voting will be conducted during an election.

2. The manager for a polling place may:

(a) Be a chairman of one of the election boards for a precinct located at the polling place; and

(b) If the polling place is a site at which two or more election boards will conduct voting, reassign an election board officer from one of the election boards located at the polling place to a different election board located at the polling place.

Sec. 2. NRS 293.124 is hereby amended to read as follows:

293.124 1. The Secretary of State shall serve as the Chief Officer of Elections for this State. As Chief Officer, the Secretary of State is responsible for the execution and enforcement of the provisions of title 24 of NRS and all other provisions of state and federal law relating to elections in this State.

2. Upon request of the Secretary of State, the Attorney General and the district attorneys of this State may investigate and prosecute a person who violates a provision of title 24 of NRS and any other provision of state and federal law relating to elections in this State.

3. The Secretary of State shall adopt such regulations as are necessary to carry out the provisions of this section.

Sec. 3. NRS 293.217 is hereby amended to read as follows:

293.217 1. The county clerk of each county shall appoint and notify registered voters to act as election board officers for the various precincts and districts in the county as provided in NRS 293.220 to 293.245, inclusive, and 293.384, **and section 1 of this act** and shall conclude those duties ~~for~~ **not** later than 31 days before the election. The registered voters appointed as election board officers for any precinct or district must not all be of the same political party. No candidate for nomination or election or his relative within the second degree of consanguinity or affinity may be appointed as an election board officer. Immediately after election board officers are appointed, if requested by the county clerk, the sheriff shall:

(a) Appoint a deputy sheriff for each polling place in the county and for the central election board or the absent ballot central counting board; or

(b) Deputize as a deputy sheriff for the election an election board officer of each polling place in the county and for the central election board or the absent ballot central counting board. The deputized officer shall receive no

additional compensation for his services rendered as a deputy sheriff during the election for which he is deputized.

↳ Deputy sheriffs so appointed and deputized shall preserve order during hours of voting and attend closing of the polls.

2. The county clerk may appoint a trainee for the position of election board officer as set forth in NRS 293.2175.

Sec. 4. NRS 293.225 is hereby amended to read as follows:

293.225 1. Members of election boards continue as such from the day before the day of the election ~~[,]~~ until the time for filing contests of the election has expired.

2. Each member of an election board is subject to call by the board of county commissioners or city council to correct any errors discovered during the canvass of votes by the board of county commissioners or city council.

3. Reserve election board officers must be appointed by the county or city clerk, if practicable, to fill any vacancy which occurs on the day of the election, and the reserve officers must be compensated if they serve at the polls.

4. If a vacancy occurs in any election board on the day of the election and no reserves are available, the **county clerk, city clerk or poll manager of the polling place where the election board is located** may appoint, at the polling place, any ~~[registered voter]~~ **person** who is **qualified and** willing to serve and satisfies the ~~[election board]~~ **county clerk, city clerk or poll manager** that he possesses the qualifications required to perform the services required.

5. ***If the county clerk, city clerk or poll manager of the polling place where an election board is located determines that additional election board officers are needed on the day of the election and no reserves are available, the county clerk, city clerk or poll manager may appoint, at the polling place, any person who is qualified and willing to serve and satisfies the county clerk, city clerk or poll manager that he possesses the qualifications required to perform the services required.***

Sec. 5. NRS 293.313 is hereby amended to read as follows:

293.313 1. Except as otherwise provided in NRS 293.272 and 293.502, a registered voter who provides sufficient written notice to the county clerk may vote an absent ballot as provided in this chapter.

2. A registered voter ~~[who:~~

~~(a) Is at least 65 years of age; or~~

~~(b) Has a physical disability or condition which substantially impairs his ability to go to the polling place;~~

↳ ~~]~~ **who is at least 65 years of age or has a physical disability or condition which substantially impairs his ability to go to the polling place** may request an absent ballot for ~~[all]~~ :

(a) The election immediately following the date on which the county clerk receives the ballot; or

(b) *All* elections held ~~[during the year he requests]~~ *after he submits the request for* an absent ballot.

3. As used in this section, “sufficient written notice” means a:

(a) Written request for an absent ballot which is signed by the registered voter and returned to the county clerk in person or by mail or facsimile machine;

(b) Form prescribed by the Secretary of State which is completed and signed by the registered voter and returned to the county clerk in person or by mail or facsimile machine; or

(c) Form provided by the Federal Government.

4. A county clerk shall consider a request from a voter who has given sufficient written notice on a form provided by the Federal Government as a request for an absent ballot for the two primary and general elections immediately following the date on which the county clerk received the request.

5. *If a registered voter who has a physical disability requests an absent ballot pursuant to paragraph (b) of subsection 2, the county clerk ~~may~~ shall, every year after an absent ballot is issued to the registered voter, require the registered voter to submit a statement confirming that the registered voter continues to have a physical disability or condition which substantially impairs his ability to go to the polling place.*

6. *A county clerk shall not issue an absent ballot for future elections to a registered voter who requests an absent ballot pursuant to paragraph (b) of subsection 2 if:*

(a) *The registered voter does not submit to the county clerk the statement described in subsection 5 or such statement indicates that the registered voter is no longer physically disabled, if applicable;*

(b) *The registered voter applies to vote in person pursuant to NRS 293.330;*

(c) *The registered voter provides written notice to the county clerk that the registered voter no longer wishes to receive an absentee ballot;*

(d) *An absent ballot mailed to a registered voter is returned as undeliverable to the county clerk; or*

(e) *The voter’s registration has been cancelled.*

7. It is unlawful for a person fraudulently to request an absent ballot in the name of another person or to induce or coerce another person fraudulently to request an absent ballot in the name of another person. A person who violates this subsection is guilty of a category E felony and shall be punished as provided in NRS 193.130.

Sec. 6. NRS 293.315 is hereby amended to read as follows:

293.315 1. A registered voter referred to in NRS 293.313 may, at any time before 5 p.m. on the seventh calendar day preceding any election, make an application to that clerk for an absent voter’s ballot ~~[]~~ *for that election*. The application must be made available for public inspection.

2. When the voter has identified himself to the satisfaction of the clerk, he is entitled to receive the appropriate ballot or ballots, but only for his own use.

3. A county clerk who allows a person to copy information from an application for an absent ballot is immune from any civil or criminal liability for any damage caused by the distribution of that information, unless he knowingly and willingly allows a person who intends to use the information to further an unlawful act to copy such information.

Sec. 7. NRS 293.3165 is hereby amended to read as follows:

293.3165 1. A registered voter who, because of a physical disability, is unable to mark or sign a ballot or use a voting device without assistance may submit a written statement to the appropriate county clerk requesting that he receive an absent ballot for each election conducted ~~{during the period specified in subsection 3.}~~ **after he submits the request for an absent ballot.**

2. A written statement submitted pursuant to subsection 1 must:

(a) Include a statement from a physician licensed in this State certifying that the registered voter is a person with a physical disability and, because of the physical disability, he is unable to mark or sign a ballot or use a voting device without assistance;

(b) Designate the person who will assist the registered voter in marking and signing the absent ballot on behalf of the registered voter; and

(c) Include the name, address and signature of the person designated pursuant to paragraph (b).

3. Upon receipt of a written statement submitted by a registered voter pursuant to subsection 1, the county clerk shall, if the statement includes the information required pursuant to subsection 2, issue an absent ballot to the registered voter for each election that is conducted ~~{during the year immediately succeeding}~~ **after** the date the written statement is submitted to the county clerk.

4. To determine whether a registered voter is entitled to receive an absent ballot pursuant to this section, the county clerk may, every year after an absent ballot is issued to a registered voter pursuant to subsection 3, require the registered voter to submit a statement from a licensed physician as specified in paragraph (a) of subsection 2. If a statement from a physician licensed in this State submitted pursuant to this subsection indicates that the registered voter is no longer physically disabled, the county clerk shall not issue an absent ballot to the registered voter pursuant to this section.

5. A person designated pursuant to paragraph (b) of subsection 2 may, on behalf of and at the direction of the registered voter, mark and sign an absent ballot issued to the registered voter pursuant to the provisions of this section. If the person marks and signs the ballot, the person shall indicate next to his signature that the ballot has been marked and signed on behalf of the registered voter.

6. The procedure authorized pursuant to this section is subject to all other provisions of this chapter relating to voting by absent ballot to the extent that those provisions are not inconsistent with the provisions of this section.

Sec. 8. NRS 293.505 is hereby amended to read as follows:

293.505 1. All justices of the peace, except those located in county seats, are ex officio field registrars to carry out the provisions of this chapter.

2. The county clerk shall appoint at least one registered voter to serve as a field registrar of voters who, except as otherwise provided in NRS 293.5055, shall register voters within the county for which he is appointed. Except as otherwise provided in subsection 1, a candidate for any office may not be appointed or serve as a field registrar. A field registrar serves at the pleasure of the county clerk and shall perform his duties as the county clerk may direct.

3. A field registrar shall demand of any person who applies for registration all information required by the application to register to vote and shall administer all oaths required by this chapter.

4. When a field registrar has in his possession five or more completed applications to register to vote, he shall forward them to the county clerk, but in no case may he hold any number of them for more than 10 days.

5. Each field registrar shall forward to the county clerk all completed applications in his possession immediately after the fifth Sunday preceding an election. Within 5 days after the fifth Sunday preceding any general election or general city election, a field registrar shall return all unused applications in his possession to the county clerk. If all of the unused applications are not returned to the county clerk, the field registrar shall account for the unreturned applications.

6. Each field registrar shall submit to the county clerk a list of the serial numbers of the completed applications to register to vote and the names of the electors on those applications. The serial numbers must be listed in numerical order.

7. Each field registrar shall post notices sent to him by the county clerk for posting in accordance with the election laws of this State.

8. A field registrar, employee of a voter registration agency or person assisting a voter pursuant to subsection 13 of NRS 293.5235 shall not:

- (a) Delegate any of his duties to another person; or
- (b) Refuse to register a person on account of that person's political party affiliation.

9. A person shall not hold himself out to be or attempt to exercise the duties of a field registrar unless he has been so appointed.

10. A county clerk, field registrar, employee of a voter registration agency or person assisting a voter pursuant to subsection 13 of NRS 293.5235 shall not:

- (a) Solicit a vote for or against a particular question or candidate;
- (b) Speak to a voter on the subject of marking his ballot for or against a particular question or candidate; or

(c) Distribute any petition or other material concerning a candidate or question which will be on the ballot for the ensuing election,

↳ while he is registering an elector.

11. When the county clerk receives applications to register to vote from a field registrar, he shall issue a receipt to the field registrar. The receipt must include:

- (a) The number of persons registered; and
- (b) The political party of the persons registered.

12. A county clerk, field registrar, employee of a voter registration agency or person assisting a voter pursuant to subsection 13 of NRS 293.5235 shall not:

- (a) Knowingly register a person who is not a qualified elector or a person who has filed a false or misleading application to register to vote; or
- (b) Register a person who fails to provide satisfactory proof of identification and the address at which he actually resides.

13. A county clerk, field registrar, employee of a voter registration agency, person assisting a voter pursuant to subsection 13 of NRS 293.5235 or any other person providing a form for the application to register to vote to an elector for the purpose of registering to vote:

(a) If the person who assists an elector with completing the form for the application to register to vote retains the form, shall enter his name on the duplicate copy or receipt retained by the voter upon completion of the form; ~~and~~

(b) Shall not *knowingly and willfully* alter, deface or destroy an application to register to vote that has been signed by an elector except to correct information contained in the application after receiving notice from the elector that a change in or addition to the information is required ~~[-]~~; *and*

(c) Shall not knowingly and willfully fail to comply with the requirements of subsection 4 or 5 or subsection 3 of NRS 293.504 or NRS 293.5235 with regard to the forwarding of a completed application to register to vote to a county clerk.

14. If a field registrar violates any of the provisions of this section, the county clerk shall immediately suspend the field registrar and notify the district attorney of the county in which the violation occurred.

15. A person who violates any of the provisions of subsection 8, 9, 10, 12 or 13 is guilty of a category E felony and shall be punished as provided in NRS 193.130.

Sec. 9. (Deleted by amendment.)

Sec. 10. NRS 293.755 is hereby amended to read as follows:

293.755 1. A person who tampers or interferes with, or attempts to tamper or interfere with a mechanical voting system, mechanical voting device or any computer program used to count ballots with the intent to prevent the proper operation of that device, system or program is guilty of a category D felony and shall be punished as provided in NRS 193.130.

2. A person who tampers or interferes with, or attempts to tamper or interfere with a mechanical voting system, mechanical voting device or any computer program used to count ballots with the intent of influencing the outcome of an election 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 5 years and a maximum term of not more than 10 years.

3. The county or city clerk shall report any alleged violation of this section to the district attorney who shall cause appropriate proceedings to be instituted and prosecuted in a court of competent jurisdiction without delay.

Sec. 11. NRS 293C.220 is hereby amended to read as follows:

293C.220 1. The city clerk shall appoint and notify registered voters to act as election board officers for the various precincts and districts in the city as provided in NRS 293.225, 293.227, 293C.227 to 293C.250, inclusive, and 293C.382, **and section 1 of this act** and shall conclude those duties not later than 31 days before the election. No candidate for nomination or election or his relative within the second degree of consanguinity or affinity may be appointed as an election board officer. Immediately after election board officers are appointed, if requested by the city clerk, the chief law enforcement officer of the city shall:

- (a) Appoint an officer for each polling place in the city and for the central election board or the absent ballot central counting board; or
- (b) Deputize, as an officer for the election, an election board officer for each polling place and for the central election board or the absent ballot central counting board. The deputized officer may not receive any additional compensation for the services he provides as an officer during the election for which he is deputized.

↪ Officers so appointed and deputized shall preserve order during hours of voting and attend the closing of the polls.

2. The city clerk may appoint a trainee for the position of election board officer as set forth in NRS 293C.222.

Sec. 12. NRS 293C.310 is hereby amended to read as follows:

293C.310 1. Except as otherwise provided in NRS 293.502 and 293C.265, a registered voter who provides sufficient written notice to the city clerk may vote an absent ballot as provided in this chapter.

2. A registered voter ~~who:~~

- ~~(a) Is at least 65 years of age; or~~
- ~~(b) Has a physical disability or condition that substantially impairs his ability to go to the polling place,~~

↪ **who is at least 65 years of age or has a physical disability or condition which substantially impairs his ability to go to the polling place** may request an absent ballot for ~~fall~~:

(a) The election immediately following the date on which the city clerk receives the request; or

(b) All elections held ~~during the year he requests~~ after he submits the request for an absent ballot.

3. As used in this section, "sufficient written notice" means a:

- (a) Written request for an absent ballot that is signed by the registered voter and returned to the city clerk in person or by mail or facsimile machine;
- (b) Form prescribed by the Secretary of State that is completed and signed by the registered voter and returned to the city clerk in person or by mail or facsimile machine; or
- (c) Form provided by the Federal Government.

4. A city clerk shall consider a request from a voter who has given sufficient written notice on a form provided by the Federal Government as:

- (a) A request for the primary city election and the general city election unless otherwise specified in the request; and
- (b) A request for an absent ballot for the two primary and general elections immediately following the date on which the city clerk received the request.

5. ***If a registered voter who has a physical disability requests an absent ballot pursuant to paragraph (b) of subsection 2, the city clerk ~~may~~ shall, every year after an absent ballot is issued to the registered voter, require the registered voter to submit a statement confirming that the registered voter continues to have a physical disability or condition which substantially impairs his ability to go to the polling place.***

6. ***A city clerk shall not issue an absent ballot for future elections to a registered voter who requests an absent ballot pursuant to paragraph (b) of subsection 2 if:***

- (a) The registered voter does not submit to the city clerk the statement described in subsection 5 or such statement indicates that the registered voter is no longer physically disabled, if applicable;***
- (b) The registered voter applies to vote in person pursuant to NRS 293C.330;***
- (c) The registered voter provides written notice to the city clerk that the registered voter no longer wishes to receive an absentee ballot;***
- (d) An absent ballot mailed to a registered voter is returned as undeliverable to the city clerk; or***
- (e) The voter's registration has been cancelled.***

7. It is unlawful for a person fraudulently to request an absent ballot in the name of another person or to induce or coerce another person fraudulently to request an absent ballot in the name of another person. A person who violates any provision of this subsection is guilty of a category E felony and shall be punished as provided in NRS 193.130.

Sec. 13. NRS 293C.312 is hereby amended to read as follows:

293C.312 1. A registered voter referred to in NRS 293C.310 may, at any time before 5 p.m. on the seventh calendar day preceding any election, make an application to the city clerk for an absent voter's ballot ~~for~~ ***for that election.*** The application must be made available for public inspection.

2. When the voter has identified himself to the satisfaction of the city clerk, he is entitled to receive the appropriate ballot or ballots, but only for his own use.

3. A city clerk who allows a person to copy information from an application for an absent ballot is immune from any civil or criminal liability for any damage caused by the distribution of that information, unless he knowingly and willingly allows a person who intends to use the information to further an unlawful act to copy the information.

Sec. 14. NRS 293C.318 is hereby amended to read as follows:

293C.318 1. A registered voter who, because of a physical disability, is unable to mark or sign a ballot or use a voting device without assistance may submit a written statement to the appropriate city clerk requesting that he receive an absent ballot for each city election conducted ~~during the period specified in subsection 3.~~ **after he submits the request for an absent ballot.**

2. A written statement submitted pursuant to subsection 1 must:

(a) Include a statement from a physician licensed in this State certifying that the registered voter is a person with a physical disability and, because of the physical disability, he is unable to mark or sign a ballot or use a voting device without assistance;

(b) Designate the person who will assist the registered voter in marking and signing the absent ballot on behalf of the registered voter; and

(c) Include the name, address and signature of the person designated pursuant to paragraph (b).

3. Upon receipt of a written statement submitted by a registered voter pursuant to subsection 1, the city clerk shall, if the statement includes the information required pursuant to subsection 2, issue an absent ballot to the registered voter for each city election that is conducted ~~during the year immediately succeeding~~ **after** the date the written statement is submitted to the city clerk.

4. To determine whether a registered voter is entitled to receive an absent ballot pursuant to this section, the city clerk may, every year after an absent ballot is issued to a registered voter pursuant to subsection 3, require the registered voter to submit a statement from a licensed physician as specified in paragraph (a) of subsection 2. If a statement from a physician licensed in this State submitted pursuant to this subsection indicates that the registered voter is no longer physically disabled, the city clerk shall not issue an absent ballot to the registered voter pursuant to this section.

5. A person designated pursuant to paragraph (b) of subsection 2 may, on behalf of and at the direction of the registered voter, mark and sign an absent ballot issued to the registered voter pursuant to the provisions of this section. If the person marks and signs the ballot, the person shall indicate next to his signature that the ballot has been marked and signed on behalf of the registered voter.

6. The procedure authorized pursuant to this section is subject to all other provisions of this chapter relating to voting by absent ballot to the extent that those provisions are not inconsistent with the provisions of this section.

Assemblywoman Smith moved the adoption of the amendment.

Remarks by Assemblywoman Smith.

Amendment adopted.

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

Assembly Bill No. 410.

Bill read third time.

Remarks by Assemblywoman Leslie.

Roll call on Assembly Bill No. 410:

YEAS—41.

NAYS—None.

EXCUSED—Womack.

Assembly Bill No. 410 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 445.

Bill read third time.

Remarks by Assemblyman Parks.

Roll call on Assembly Bill No. 445:

YEAS—35.

NAYS—Allen, Christensen, Cobb, Goedhart, Mabey, Marvel—6.

EXCUSED—Womack.

Assembly Bill No. 445 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 567.

Bill read third time.

Remarks by Assemblywoman Smith.

Roll call on Assembly Bill No. 567:

YEAS—41.

NAYS—None.

EXCUSED—Womack.

Assembly Bill No. 567 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

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

Remarks by Assemblyman Anderson.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 9.

Bill read third time.

Remarks by Assemblyman Mabey.

Roll call on Senate Bill No. 9:

YEAS—41.

NAYS—None.

EXCUSED—Womack.

Senate Bill No. 9 having received a constitutional majority,
Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 30.

Bill read third time.

Remarks by Assemblyman Horne.

Roll call on Senate Bill No. 30:

YEAS—41.

NAYS—None.

EXCUSED—Womack.

Senate Bill No. 30 having received a constitutional majority,
Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 31.

Bill read third time.

Remarks by Assemblyman Mortenson.

Roll call on Senate Bill No. 31:

YEAS—41.

NAYS—None.

EXCUSED—Womack.

Senate Bill No. 31 having received a constitutional majority,
Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 44.

Bill read third time.

Remarks by Assemblyman Horne.

Roll call on Senate Bill No. 44:

YEAS—41.

NAYS—None.

EXCUSED—Womack.

Senate Bill No. 44 having received a constitutional majority,
Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 46.

Bill read third time.

Remarks by Assemblyman Ohrenschall.

Roll call on Senate Bill No. 46:

YEAS—41.

NAYS—None.

EXCUSED—Womack.

Senate Bill No. 46 having received a constitutional majority,
Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 56.

Bill read third time.

Remarks by Assemblymen Stewart, Kirkpatrick, and Conklin.

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

Roll call on Senate Bill No. 56:

YEAS—41.

NAYS—None.

EXCUSED—Womack.

Senate Bill No. 56 having received a constitutional majority,
Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 81.

Bill read third time.

Remarks by Assemblyman Goicoechea.

Roll call on Senate Bill No. 81:

YEAS—41.

NAYS—None.

EXCUSED—Womack.

Senate Bill No. 81 having received a constitutional majority,
Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 118.

Bill read third time.

Remarks by Assemblyman Bobzien.

Roll call on Senate Bill No. 118:

YEAS—41.

NAYS—None.

EXCUSED—Womack.

Senate Bill No. 118 having received a constitutional majority,
Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 132.

Bill read third time.

Remarks by Assemblyman Anderson.

Roll call on Senate Bill No. 132:

YEAS—41.

NAYS—None.

EXCUSED—Womack.

Senate Bill No. 132 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 168.

Bill read third time.

Remarks by Assemblyman Cobb.

Roll call on Senate Bill No. 168:

YEAS—41.

NAYS—None.

EXCUSED—Womack.

Senate Bill No. 168 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 190.

Bill read third time.

Remarks by Assemblymen Arberry and Smith.

Roll call on Senate Bill No. 190:

YEAS—41.

NAYS—None.

EXCUSED—Womack.

Senate Bill No. 190 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Ocegüera moved that Senate Bill No. 196 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Ocegüera.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 115.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 696.

AN ACT relating to education; providing that the rights of a parent of a pupil with a disability under the Individuals with Disabilities Education Act transfer to the pupil when the pupil attains the age of 18 years; providing that a parent of a pupil with a disability may request to represent the educational interests of the pupil when the pupil attains the age of 18 years; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Individuals with Disabilities Education Act (IDEA) authorizes, but does not require, a state to transfer the rights of a parent of a pupil with a disability under the IDEA to the pupil when the pupil attains the age of

majority under state law. (20 U.S.C. § 1415(m)) The IDEA also requires that, if a state transfers the rights of a parent to the pupil, the state must provide a special rule that would allow the parent of the pupil with a disability to be appointed to represent the educational interests of the pupil under certain circumstances. (20 U.S.C. § 1415(m)(2)) If a court has appointed a guardian for a pupil with a disability, the rights that would otherwise transfer to the pupil must remain with or otherwise transfer to the guardian. The State Board of Education has adopted regulations which transfer the rights of a parent of a pupil with a disability to the pupil when the pupil attains the age of 18 years if a court has not appointed a guardian for the pupil. (NRS 388.520; NAC 388.195)

Section 2 of this bill provides that the rights of a parent of a pupil with a disability under the IDEA transfer to the pupil when the pupil attains the age of 18 years.

Section 3 of this bill authorizes the parent of a pupil with a disability to submit a concise application to the school district or the charter school in which the pupil is enrolled for the appointment of the parent to represent the educational interests of the pupil when the pupil attains the age of 18 years.

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

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

Sec. 2. *1. Except as otherwise provided in this section and section 3 of this act, any right accorded to a parent of a pupil with a disability pursuant to the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., or the regulations adopted pursuant thereto, transfers to the pupil when the pupil attains the age of 18 years.*

2. Not less than ~~45~~ 90 days before the date on which a pupil with a disability attains the age of 18 years, the school district or charter school in which the pupil is enrolled shall provide notice to the:

(a) Parent of the transfer of his rights pursuant to subsection 1 and of the process for submission of an application to the school district or charter school pursuant to section 3 of this act.

(b) Pupil concerning the transfer of rights to the pupil.

3. If a pupil with a disability attains the age of 18 years and the pupil is enrolled in a program of special education pursuant to NRS 388.440 to 388.5315, inclusive, and sections 2 and 3 of this act, the school district or charter school in which the pupil is enrolled shall provide any notice required pursuant to the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., and the regulations adopted pursuant thereto, or NRS 388.440 to 388.5315, inclusive, and sections 2 and 3 of this act, and the regulations adopted pursuant thereto, to the:

(a) Parent; and

(b) Pupil with a disability,

↪ regardless of whether the parent is appointed to represent the educational interests of the pupil pursuant to section 3 of this act or the rights transfer to the pupil pursuant to subsection 1.

4. If a court of competent jurisdiction adjudicates a pupil with a disability incompetent and appoints a guardian for the pupil, all rights pursuant to the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., and the regulations adopted pursuant thereto, remain with or otherwise transfer to the guardian.

Sec. 3. 1. ~~¶¶~~ A parent of a pupil with a disability may, at least 90 days before the pupil attains 18 years of age, submit an application to the school district or the charter school in which the pupil is enrolled to appoint the parent to represent the educational interests of the pupil if:

(a) The parent ~~[of a pupil with a disability]~~ believes that the pupil does not have the ability to provide informed consent with respect to his own educational program ~~[, the parent may, at least 30 days before the pupil attains 18 years of age, submit an application to the school district or the charter school in which the pupil is enrolled to appoint the parent to represent the educational interests of the pupil.] ; and~~

(b) The status of the pupil is such, as determined in accordance with the regulations adopted pursuant to subsection 5, that the parent is authorized to submit such an application.

2. The application must be submitted on a concise form prescribed by the ~~[school district or charter school.]~~ Department. The application:

(a) Must not be unduly burdensome on the parent to fill out; and

(b) Must not require the pupil to sign the application or otherwise require the pupil to grant permission for the parent to represent the pupil's educational interests.

3. If the school district or charter school grants an application, the parent shall continue to represent the educational interests of the pupil until:

(a) The pupil receives a standard high school diploma or an adjusted diploma;

(b) The pupil is no longer enrolled in a program of special education pursuant to NRS 388.440 to 388.5315, inclusive, and sections 2 and 3 of this act; or

(c) The parent elects to transfer the right to represent educational interests to the pupil.

4. A parent ~~[whose application is denied]~~ or a pupil may appeal ~~[that]~~ a determination ~~[in the manner set forth for hearings in the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., and the regulations adopted pursuant thereto.]~~ made pursuant to this section in accordance with the procedure used by the Department for administrative complaints.

5. The State Board shall adopt regulations to carry out this section and section 2 of this act, including, without limitation, the establishment of criteria for determining whether the status of a pupil with a disability is

such that his parent is authorized to submit an application to represent the educational interests of the pupil pursuant to this section.

Sec. 4. NRS 388.440 is hereby amended to read as follows:

388.440 As used in NRS 388.440 to 388.5315, inclusive ~~{ }~~ , **and sections 2 and 3 of this act:**

1. "Gifted and talented pupil" means a person under the age of 18 years who demonstrates such outstanding academic skills or aptitudes that he cannot progress effectively in a regular school program and therefore needs special instruction or special services.

2. "Pupil with a disability" means a person under the age of 22 years who deviates either educationally, physically, socially or emotionally so markedly from normal patterns that he cannot progress effectively in a regular school program and therefore needs special instruction or special services.

Sec. 5. This act becomes effective on July 1, 2007.

Assemblywoman Parnell moved the adoption of the amendment.

Remarks by Assemblywoman Parnell.

Amendment adopted.

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

Senate Bill No. 154.

Bill read second time.

The following amendment was proposed by Assemblymen Anderson, Smith, Leslie, Bobzien, and Parnell:

Amendment No. 719.

SUMMARY—~~(Clarifies)~~ Contingently allows the imposition of certain taxes in certain counties to fund capital projects for the county school district and clarifies certain provisions governing taxes on transfers of real property. (BDR 32-712)

AN ACT relating to taxation; **contingently allowing the imposition in certain counties of a tax on transfers of real property and a tax on revenue from the rental of transient lodging to fund capital projects for the county school district;** clarifying the applicability of an exemption from the taxes on transfers of real property for transfers relating to changes in identity, form or place of organization; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the imposition of taxes on transfers of real property. (NRS 375.020, 375.023, 375.026) **Section 1 of this bill provides for the imposition of such a tax in a county whose population is 100,000 or more but less than 400,000 (currently Washoe County) at the rate of 60 cents for each \$500 of value of the transferred property, upon the request of the board of trustees of the county school district, for deposit in the county school district's fund for capital projects, and requires the use of at least 80 percent of the proceeds of the tax for enlarging, remodeling or repairing existing buildings or grounds for schools.**

Existing law ~~also~~ provides that certain transfers are exempt from ~~such taxes~~ **taxes on transfers of real property**. (NRS 375.090) ~~This~~ **Section 3 of this bill** revises an exemption for transfers relating to a change in identity, form or place of organization to clarify that the exemption applies to the reorganization of any business entity.

Existing law provides for the imposition of taxes on the rental of transient lodging. (NRS 244.3351, 244.3352) **Section 5 of this bill provides for the imposition of such a tax in a county whose population is 100,000 or more but less than 400,000 (currently Washoe County) at the rate of one and five-eighths percent of the gross receipts from such rentals, upon the request of the board of trustees of the county school district, for deposit in the county school district's fund for capital projects, and requires the use of at least 80 percent of the proceeds of the tax for enlarging, remodeling or repairing existing buildings or grounds for schools.**

The provisions of this bill that provide for the imposition of additional taxes will become effective on January 1, 2009, only if the voters of the affected counties approve of the imposition of those taxes at the 2008 General Election.

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

Section 1. Chapter 375 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The board of trustees of a county school district in a county whose population is 100,000 or more but less than 400,000 may adopt and transmit to the board of county commissioners of that county a resolution requesting the board of county commissioners to impose a tax, in addition to all other taxes imposed on transfers of real property other than another tax imposed in the county pursuant to this section, at the rate of 60 cents for each \$500 of value or fraction thereof, on each deed by which any lands, tenements or other realty is granted, assigned, transferred or otherwise conveyed to, or vested in, another person, if the consideration or value of the interest or property conveyed exceeds \$100. Upon the receipt of a resolution adopted pursuant to this subsection, the board of county commissioners shall impose the requested tax.

2. The amount of any tax imposed pursuant to this section must be computed on the basis of the value of the transferred real property as declared pursuant to NRS 375.060.

3. The county recorder shall collect any tax imposed pursuant to this section in the manner provided in NRS 375.030, except that he shall transmit all the proceeds of the tax imposed pursuant to this section and any applicable penalties and interest thereon to the county treasurer for deposit in the county school district's fund for capital projects established pursuant to NRS 387.328, to be held and expended in the same manner as

other money deposited in that fund, except that not less than 80 percent of those proceeds must be used for the purposes described in paragraph (b) of subsection 1 of NRS 387.335.

4. The proceeds of any tax imposed pursuant to this section must not be:

(a) Considered in any negotiations between a recognized organization of employees of a school district and the school district; or

(b) Used to reduce or supplant the amount of any money which would otherwise be made available for the purposes described in subsection 1 of NRS 387.335.

Sec. 2. NRS 375.030 is hereby amended to read as follows:

375.030 1. If any deed evidencing a transfer of title subject to the tax imposed by NRS 375.020 and 375.023 and, if applicable, NRS 375.026 and section 1 of this act is offered for recordation, the county recorder shall compute the amount of the tax due and shall collect that amount before acceptance of the deed for recordation.

2. The buyer and seller are jointly and severally liable for the payment of the taxes imposed by NRS 375.020, 375.023 and 375.026 and section 1 of this act and any penalties and interest imposed pursuant to subsection 3. The escrow holder is not liable for the payment of the taxes imposed by NRS 375.020, 375.023 and 375.026 and section 1 of this act or any penalties or interest imposed pursuant to subsection 3.

3. If after recordation of the deed, the county recorder disallows an exemption that was claimed at the time the deed was recorded or through audit or otherwise determines that an additional amount of tax is due, the county recorder shall promptly notify the person who requested the recording of the deed and the buyer and seller of the additional amount of tax due. If the additional amount of tax is not paid within 30 days after the date the buyer and seller are notified, the county recorder shall impose a penalty of 10 percent of the additional amount due in addition to interest at the rate of 1 percent per month, or portion thereof, of the additional amount due calculated from the date of the original recordation of the deed on which the additional amount is due through the date on which the additional amount due, penalty and interest are paid to the county recorder.

4. This section does not prohibit a buyer and seller from agreeing by contract or otherwise that one party or the other will be responsible for the payment of the tax due pursuant to this chapter, but such an agreement does not affect the ability of the county recorder to collect the tax and any penalties and interest from either the buyer or the seller.

~~[Section 1.]~~ **Sec. 3. NRS 375.090 is hereby amended to read as follows:**

375.090 The taxes imposed by NRS 375.020, 375.023 and 375.026 do not apply to:

1. A mere change in identity, form or place of organization, such as a transfer between a ~~[corporation]~~ **business entity** and its parent ~~[corporation]~~,

a], *its* subsidiary or an affiliated ~~corporation~~ *business entity* if the affiliated ~~corporation~~ *business entity* has identical common ownership.

2. A transfer of title to the United States, any territory or state or any agency, department, instrumentality or political subdivision thereof.

3. A transfer of title recognizing the true status of ownership of the real property.

4. A transfer of title without consideration from one joint tenant or tenant in common to one or more remaining joint tenants or tenants in common.

5. A transfer, assignment or other conveyance of real property if the owner of the property is related to the person to whom it is conveyed within the first degree of lineal consanguinity or affinity.

6. A transfer of title between former spouses in compliance with a decree of divorce.

7. A transfer of title to or from a trust without consideration if a certificate of trust is presented at the time of transfer.

8. Transfers, assignments or conveyances of unpatented mines or mining claims.

9. A transfer, assignment or other conveyance of real property to a corporation or other business organization if the person conveying the property owns 100 percent of the corporation or organization to which the conveyance is made.

10. A conveyance of real property by deed which becomes effective upon the death of the grantor pursuant to NRS 111.109.

11. The making, delivery or filing of conveyances of real property to make effective any plan of reorganization or adjustment:

(a) Confirmed under the Bankruptcy Act, as amended, 11 U.S.C. §§ 101 et seq.;

(b) Approved in an equity receivership proceeding involving a railroad, as defined in the Bankruptcy Act; or

(c) Approved in an equity receivership proceeding involving a corporation, as defined in the Bankruptcy Act,

↪ if the making, delivery or filing of instruments of transfer or conveyance occurs within 5 years after the date of the confirmation, approval or change.

12. The making or delivery of conveyances of real property to make effective any order of the Securities and Exchange Commission if:

(a) The order of the Securities and Exchange Commission in obedience to which the transfer or conveyance is made recites that the transfer or conveyance is necessary or appropriate to effectuate the provisions of section 11 of the Public Utility Holding Company Act of 1935, 15 U.S.C. § 79k;

(b) The order specifies and itemizes the property which is ordered to be transferred or conveyed; and

(c) The transfer or conveyance is made in obedience to the order.

13. A transfer to an educational foundation. As used in this subsection, “educational foundation” has the meaning ascribed to it in subsection 3 of NRS 388.750.

14. A transfer to a university foundation. As used in this subsection, “university foundation” has the meaning ascribed to it in subsection 3 of NRS 396.405.

Sec. 4. NRS 375.090 is hereby amended to read as follows:

375.090 The taxes imposed by NRS 375.020, 375.023 and 375.026 and section 1 of this act do not apply to:

1. A mere change in identity, form or place of organization, such as a transfer between a business entity and its parent, its subsidiary or an affiliated business entity if the affiliated business entity has identical common ownership.

2. A transfer of title to the United States, any territory or state or any agency, department, instrumentality or political subdivision thereof.

3. A transfer of title recognizing the true status of ownership of the real property.

4. A transfer of title without consideration from one joint tenant or tenant in common to one or more remaining joint tenants or tenants in common.

5. A transfer, assignment or other conveyance of real property if the owner of the property is related to the person to whom it is conveyed within the first degree of lineal consanguinity or affinity.

6. A transfer of title between former spouses in compliance with a decree of divorce.

7. A transfer of title to or from a trust without consideration if a certificate of trust is presented at the time of transfer.

8. Transfers, assignments or conveyances of unpatented mines or mining claims.

9. A transfer, assignment or other conveyance of real property to a corporation or other business organization if the person conveying the property owns 100 percent of the corporation or organization to which the conveyance is made.

10. A conveyance of real property by deed which becomes effective upon the death of the grantor pursuant to NRS 111.109.

11. The making, delivery or filing of conveyances of real property to make effective any plan of reorganization or adjustment:

(a) Confirmed under the Bankruptcy Act, as amended, 11 U.S.C. §§ 101 et seq.;

(b) Approved in an equity receivership proceeding involving a railroad, as defined in the Bankruptcy Act; or

(c) Approved in an equity receivership proceeding involving a corporation, as defined in the Bankruptcy Act,

↪ if the making, delivery or filing of instruments of transfer or conveyance occurs within 5 years after the date of the confirmation, approval or change.

12. The making or delivery of conveyances of real property to make effective any order of the Securities and Exchange Commission if:

(a) The order of the Securities and Exchange Commission in obedience to which the transfer or conveyance is made recites that the transfer or

conveyance is necessary or appropriate to effectuate the provisions of section 11 of the Public Utility Holding Company Act of 1935, 15 U.S.C. § 79k;

(b) The order specifies and itemizes the property which is ordered to be transferred or conveyed; and

(c) The transfer or conveyance is made in obedience to the order.

13. A transfer to an educational foundation. As used in this subsection, “educational foundation” has the meaning ascribed to it in subsection 3 of NRS 388.750.

14. A transfer to a university foundation. As used in this subsection, “university foundation” has the meaning ascribed to it in subsection 3 of NRS 396.405.

Sec. 5. Chapter 244 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The board of trustees of a county school district in a county whose population is 100,000 or more but less than 400,000 may adopt and transmit to the board of county commissioners of that county a resolution requesting the board of county commissioners to impose a tax, in addition to all other taxes imposed on the revenue from the rental of transient lodging other than another tax imposed in the county pursuant to this section, at the rate of one and five-eighths percent of the gross receipts from the rental of transient lodging. Upon the receipt of a resolution adopted pursuant to this subsection, the board of county commissioners shall adopt an ordinance imposing the requested tax throughout the county, including its incorporated cities, upon all persons in the business of providing lodging.

2. An ordinance imposing a tax pursuant to this section must include all the matters required by NRS 244.3352 for the mandatory tax, must be administered in the same manner, and imposes the same liabilities, except that:

(a) The collection of the tax imposed pursuant to this section must not commence earlier than the first day of the second calendar month after the adoption of the ordinance imposing the tax; and

(b) The governmental entity collecting the tax shall transfer all collections to the county treasurer and may not retain any part of the tax as a collection or administrative fee.

3. The proceeds of any tax imposed pursuant to this section and any applicable penalties and interest thereon must be deposited in the county school district’s fund for capital projects established pursuant to NRS 387.328, to be held and expended in the same manner as other money deposited in that fund, except that not less than 80 percent of those proceeds must be used for the purposes described in paragraph (b) of subsection 1 of NRS 387.335.

4. The proceeds of any tax imposed pursuant to this section must not be:

(a) Considered in any negotiations between a recognized organization of employees of a school district and the school district; or

(b) Used to reduce or supplant the amount of any money which would otherwise be made available for the purposes described in subsection 1 of NRS 387.335.

Sec. 6. NRS 244.3359 is hereby amended to read as follows:

244.3359 1. A county whose population is 400,000 or more shall not impose a new tax on the rental of transient lodging or increase the rate of an existing tax on the rental of transient lodging after March 25, 1991, except pursuant to NRS 244.3351 and 244.3352.

2. A county whose population is 100,000 or more but less than 400,000 shall not impose a new tax on the rental of transient lodging or increase the rate of an existing tax on the rental of transient lodging after March 25, 1991 ~~¶~~, except pursuant to section 5 of this act.

3. The Legislature hereby declares that the limitation imposed by subsection 2 will not be repealed or amended after January 1, 2009, except to allow the imposition of an increase in such a tax for the promotion of tourism or for the construction or operation of tourism facilities by a convention and visitors authority.

Sec. 7. NRS 387.328 is hereby amended to read as follows:

387.328 1. The board of trustees of each school district shall establish a fund for capital projects for the purposes set forth in subsection 1 of NRS 387.335. The money in the fund for capital projects may be transferred to the debt service fund to pay the cost of the school district's debt service.

2. The board of trustees may accumulate money in the fund for capital projects for a period not to exceed 20 years.

3. That portion of the governmental services tax whose allocation to the school district pursuant to NRS 482.181 is based on the amount of the property tax levy attributable to its debt service must be deposited in the county treasury to the credit of the fund established under subsection 1 or the school district's debt service fund.

4. No money in the fund for capital projects at the end of the fiscal year may revert to the county school district fund, nor may the money be a surplus for any other purpose than those specified in subsection 1.

5. ~~¶The~~ Subject to the limitations set forth in sections 1 and 5 of this act, the proceeds of the taxes deposited in the fund for capital projects pursuant to NRS 244.3354, 268.0962 and 375.070 and sections 1 and 5 of this act may be pledged to the payment of the principal and interest on bonds or other obligations issued for one or more of the purposes set forth in NRS 387.335. The proceeds of such taxes so pledged may be treated as pledged revenues for the purposes of subsection 3 of NRS 350.020, and the board of trustees of a school district may issue bonds for those purposes in accordance with the provisions of chapter 350 of NRS.

Sec. 8. NRS 388.750 is hereby amended to read as follows:

388.750 1. An educational foundation:

- (a) Shall comply with the provisions of chapter 241 of NRS;
- (b) Except as otherwise provided in subsection 2, shall make its records public and open to inspection pursuant to NRS 239.010; and
- (c) Is exempt from the taxes imposed by NRS 375.020, 375.023 and 375.026 ***and section 1 of this act*** pursuant to subsection 13 of NRS 375.090.

2. An educational foundation is not required to disclose the names of the contributors to the foundation or the amount of their contributions. The educational foundation shall, upon request, allow a contributor to examine, during regular business hours, any record, document or other information of the foundation relating to that contributor.

3. As used in this section, “educational foundation” means a nonprofit corporation, association or institution or a charitable organization that is:

- (a) Organized and operated exclusively for the purpose of supporting one or more kindergartens, elementary schools, junior high or middle schools or high schools, or any combination thereof;
- (b) Formed pursuant to the laws of this State; and
- (c) Exempt from taxation pursuant to 26 U.S.C. § 501(c)(3).

Sec. 9. NRS 396.405 is hereby amended to read as follows:

396.405 1. A university foundation:

- (a) Shall comply with the provisions of chapter 241 of NRS;
- (b) Except as otherwise provided in subsection 2, shall make its records public and open to inspection pursuant to NRS 239.010;
- (c) Is exempt from the taxes imposed by NRS 375.020, 375.023 and 375.026 ***and section 1 of this act*** pursuant to subsection 14 of NRS 375.090; and

(d) May allow a president or an administrator of the university, state college or community college which it supports to serve as a member of its governing body.

2. A university foundation is not required to disclose the name of any contributor or potential contributor to the university foundation, the amount of his contribution or any information which may reveal or lead to the discovery of his identity. The university foundation shall, upon request, allow a contributor to examine, during regular business hours, any record, document or other information of the foundation relating to that contributor.

3. As used in this section, “university foundation” means a nonprofit corporation, association or institution or a charitable organization that is:

- (a) Organized and operated exclusively for the purpose of supporting a university, state college or a community college;
- (b) Formed pursuant to the laws of this State; and
- (c) Exempt from taxation pursuant to 26 U.S.C. § 501(c)(3).

Sec. 10. At the general election on November 4, 2008, in each county whose population is 100,000 or more but less than 400,000, a question must be placed on the general election ballot in substantially the following form:

Shall:

1. The tax on transfers of real property in this county be increased by 60 cents for each \$500 of the value of the transferred property; and

2. The tax on the revenue from the rental of transient lodging in this county be increased by one and five-eighths percent of the gross receipts from such rentals,

↳ to fund capital projects for the county school district?

~~[Sec. 2.]~~ *Sec. 11.* 1. This section and sections 3 and 10 of this act ~~become~~ become effective on July 1, 2007.

2. Sections 1, 2 and 4 to 9, inclusive, of this act become effective on January 1, 2009, only if a majority of the voters voting on the question placed on the ballot pursuant to section 10 of this act vote affirmatively on the question in all the counties in which the question was placed on the ballot.

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblymen Anderson and Goicoechea.

Amendment adopted.

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

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Ocegüera moved that Senate Bills Nos. 217, 230, 269, 282, 302, 306, 336, 352, 367, 369, 401, 417, 511, 519; Senate Joint Resolutions Nos. 6, 10, 11, 13, and 17 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 20, 72, 77, 117, 250, 261, 306, 307, 505; Assembly Joint Resolution No. 6.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Bobzien, the privilege of the floor of the Assembly Chamber for this day was extended to Christie Aldinger.

On request of Assemblyman Denis, the privilege of the floor of the Assembly Chamber for this day was extended to Eileen Cohen.

On request of Assemblywoman Gansert, the privilege of the floor of the Assembly Chamber for this day was extended to the following students from Roy Gomm Elementary School: Christina Baldazo, Joseph Bath, Hannah Beesley, Austin Berry, Emilee Brockovich, Reilly Busch, Nicola Dipaolo, Benjamin Fuller, Kira Fuqua, Jeffery Jordan, Clark Knobel, Jacob Kostiuk, Melia Lockwood, Marina Lowe, Samantha Miguel, Melanie Murphy, Jessica Parker, James Sandoval, Autumn Scott, Kristen Smith, Christopher Thrower, Jason Van Havel, Lucas Weber, Michele Whan, Naomi Wolff, Julie Woods,

Nathan Alegria, Connor Bush, Claire Deangeli, Madison Eckert, Justin Gezelin, Miranda Grange, Kurt Hillson, Aubrey Hulbert, Nicholas Khorshidi, Garrett Liebhard, Jason Lim, Samuel McEntire, Alese McMurtry, Isabella Peek, Jeremy Peterson, Patrick Richeson, Hailey Rose, Geoffrey Salas, Joshua Simmons, Elizabeth Smith, Camille Stuyvesant, Morgan Taylor, Samantha Tilzey, Jedidiah-Airose Tirona, Kelsey West, Krysta Anderson, Samantha Anderson, Bayleigh Coleman, Daniel Coleman, Katilina Gaffney, Sebastien Garcia, Adam Grubb, Natalie Hara, David Harvey, Steven Harvey, Kaelyn Hawkins, Jack Hulbert, William Jamieson, Devin Kahl, Austin Kuehl, Jenna Melton, Kenneth Nadolny, Max Pfau, Kiley Richards, Sierra Saunders, Geoffrey Smith, Carmen Stewart, Jacob Wait, Dereck Warner, and Natalie West; teachers Darcy Actis, Karen Hume, and Melony Dunn.

On request of Assemblywoman Gerhardt, the privilege of the floor of the Assembly Chamber for this day was extended to Irene Saperstein.

On request of Assemblyman Goedhart, the privilege of the floor of the Assembly Chamber for this day was extended to Michael M. DeLee.

On request of Assemblyman Hogan, the privilege of the floor of the Assembly Chamber for this day was extended to Kay Ross.

On request of Assemblywoman Koivisto, the privilege of the floor of the Assembly Chamber for this day was extended to Marcia Kaster.

On request of Assemblywoman Parnell, the privilege of the floor of the Assembly Chamber for this day was extended to Jo Etta Brown and James Brown.

On request of Assemblyman Settlemeyer, the privilege of the floor of the Assembly Chamber for this day was extended to Annalyn Settlemeyer and Eric Rieman.

Assemblyman Ocegüera moved that the Assembly adjourn until Tuesday, May 15, 2007, at 11 a.m.

Motion carried.

Assembly adjourned at 12:20 p.m.

Approved:

BARBARA E. BUCKLEY
Speaker of the Assembly

Attest: SUSAN FURLONG REIL
Chief Clerk of the Assembly