

THE ONE HUNDRED AND SIXTEENTH DAY

CARSON CITY (Thursday), May 31, 2007

Assembly called to order at 11:36 a.m.

Madam Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Minister Bruce Henderson.

Heavenly Father, as we have gathered here this year to take care of some of the business of Nevada, we have been reminded that it can be a hard world. Today, I pray for justice for those who are its victims. I pray for the children, for the poor, for the sick, and for the suffering. Father, hear our prayer and move us to help. I pray in the Name of the One called "the God of hope."

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 Ways and Means, to which was rereferred Assembly Bill No. 469, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 30, 2007

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 579.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Assembly Bill No. 14.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 13, Senate Amendment No. 843, and requests a conference, and appointed Senators Heck, McGinness and Carlton as a first Conference Committee to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 142, Senate Amendment No. 800, and requests a conference, and appointed Senators Raggio, Beers and Cegavske as a first Conference Committee to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 148, Senate Amendment No. 669, and requests a conference, and appointed Senators Washington, Woodhouse and Heck as a first Conference Committee to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 202, Amendment No. 1039; Assembly Bill No. 212, Amendment No. 1061; Assembly Bill No. 273, Amendment No. 1040, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 178, Senate Amendments Nos. 770, 1013, and requests a conference, and appointed Senators Hardy, Carlton and Townsend as a first Conference Committee to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 285, Senate Amendment No. 812, and requests a conference, and appointed Senators McGinness, Rhoads and Schneider as a first Conference Committee to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 304, Senate Amendment No. 911, and requests a conference, and appointed Senators Hardy, Schneider and Townsend as a first Conference Committee to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 335, Senate Amendment No. 1014, and requests a conference, and appointed Senators Beers, Raggio and Cegavske as a first Conference Committee to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 396, Senate Amendments Nos. 910, 978, 1002, 1024, and requests a conference, and appointed Senators Hardy, Schneider and Heck as a first Conference Committee to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 424, Senate Amendment No. 734, and requests a conference, and appointed Senators Heck, Carlton and Hardy as a first Conference Committee to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 443, Senate Amendment No. 816, and requests a conference, and appointed Senators Heck, Horsford and Cegavske as a first Conference Committee to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 496, Senate Amendment No. 898, and requests a conference, and appointed Senators Heck, Carlton and Hardy as a first Conference Committee to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 497, Senate Amendments Nos. 943, 928, and requests a conference, and appointed Senators Lee, Amodei and Woodhouse as a first Conference Committee to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 192, 321, 331, 341, 381, 437, 461, 464, 468, 476, 501, 555, 571.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly Amendment No. 788 to Senate Bill No. 106; Assembly Amendment No. 841 to Senate Bill No. 128; Assembly Amendment No. 887 to Senate Bill No. 237; Assembly Amendment No. 959 to Senate Bill No. 242; Assembly Amendments Nos. 980, 1012 to Senate Bill No. 288; Assembly Amendment No. 831 to Senate Bill No. 394; Assembly Amendment No. 863 to Senate Bill No. 425; Assembly Amendment No. 845 to Senate Bill No. 450; Assembly Amendment No. 873 to Senate Bill No. 452; Assembly Amendment No. 864 to Senate Bill No. 548; Assembly Amendment No. 687 to Senate Bill No. 549; Assembly Amendment No. 984 to Senate Joint Resolution No. 2; Assembly Amendment No. 923 to Senate Joint Resolution No. 3; Assembly Amendment No. 666 to Senate Joint Resolution No. 18.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly Amendments Nos. 709, 977 to Senate Bill No. 18; Assembly Amendment No. 840 to Senate Bill No. 43; Assembly Amendment No. 964 to Senate Bill No. 131; Assembly Amendment No. 926 to Senate Bill No. 401; Assembly Amendment No. 983 to

Senate Bill No. 412; Assembly Amendments Nos. 944, 1006 to Senate Bill No. 436; Assembly Amendment No. 893 to Senate Bill No. 487; Assembly Amendment No. 858 to Senate Bill No. 536.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Washington, Wiener and Cegavske as a first Conference Committee concerning Senate Bill No. 143.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Nolan, Wiener and Washington as a first Conference Committee concerning Senate Bill No. 244.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

UNFINISHED BUSINESS

APPOINTMENT OF CONFERENCE COMMITTEES

Madam Speaker appointed Assemblymen Smith, Bobzien, and Grady as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 13.

Madam Speaker appointed Assemblymen Leslie, Anderson, and Hardy as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 148.

Madam Speaker appointed Assemblymen Conklin, Bobzien, and Gansert as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 178.

Madam Speaker appointed Assemblymen Manendo, Ohrenschall, and Settlemeyer as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 304.

Madam Speaker appointed Assemblymen Leslie, Gerhardt, and Mabey as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 424.

Madam Speaker appointed Assemblymen Pierce, Koivisto, and Stewart as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 443.

Madam Speaker appointed Assemblymen Conklin, Horne, and Allen as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 496.

Madam Speaker appointed Assemblymen Atkinson, Manendo, and Goicoechea as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 497.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 192.

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

Motion carried.

Senate Bill No. 321.

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

Motion carried.

Senate Bill No. 331.

Assemblyman Ocegueda moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 341.

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

Motion carried.

Senate Bill No. 381.

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

Motion carried.

Senate Bill No. 437.

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

Motion carried.

Senate Bill No. 461.

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

Motion carried.

Senate Bill No. 464.

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

Motion carried.

Senate Bill No. 468.

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

Motion carried.

Senate Bill No. 476.

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

Motion carried.

Senate Bill No. 501.

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

Motion carried.

Senate Bill No. 555.

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

Motion carried.

Senate Bill No. 571.

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

Motion carried.

Assemblyman Ocegüera moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:53 a.m.

ASSEMBLY IN SESSION

At 11:57 a.m.

Madam Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Government Affairs, to which was referred Senate Bill No. 90, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MARILYN K. KIRKPATRICK, *Chair*

GENERAL FILE AND THIRD READING

Assembly Bill No. 469.

Bill read third time.

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

Amendment No. 1052.

SUMMARY—Requires the Division of State Parks of the State Department of Conservation and Natural Resources to conduct a study ~~to consider~~ of the feasibility of establishing a park for the protection of certain paleontologically sensitive sites ~~if~~ **if money is available.** (BDR S-717)

AN ACT relating to parks; requiring the Division of State Parks of the State Department of Conservation and Natural Resources , **to the extent that money is available**, to conduct a study of the feasibility of establishing and developing a park in the Upper Las Vegas Wash; ~~making an appropriation;~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 2 of this bill requires the Division of State Parks of the State Department of Conservation and Natural Resources to work with the University of Nevada, Las Vegas, to conduct a study of the feasibility of establishing and developing a park in the Upper Las Vegas Wash ~~if sufficient money is available. Section 1 further requires the study to include a consideration of the feasibility of developing a museum and a live dig site that the public may visit. Section 3 of this bill contains an appropriation for the costs of the study.~~ **if sufficient money is available.**

WHEREAS, The portion of the Upper Las Vegas Wash known as the Tule Springs Archaeological Site was the site of significant archaeological and paleontological digs in the 1960s; and

WHEREAS, The Upper Las Vegas Wash is world-famous for its abundant and well-preserved fossils of extinct animals dating to the latter part of the ice age; and

WHEREAS, The fossils found in the Upper Las Vegas Wash range in age from more than 40,000 years old to 11,000 years old and include remains of extinct mammoths, ground sloths, giant lions, camels and llamas, giant bison and large and small horses, as well as abundant small mammals, birds, reptiles, amphibians and fish; and

WHEREAS, Study of these fossils could provide significant educational resources to the people of the State of Nevada; and

WHEREAS, The Upper Las Vegas Wash is one of the last remnants of untouched desert immediately adjacent to the City of Las Vegas, and thus is an important natural resource for the State of Nevada; and

WHEREAS, The Upper Las Vegas Wash should be preserved to ensure the resource is not lost; and

WHEREAS, A park created in the Upper Las Vegas Wash could become a major attraction for the people of Nevada, bringing national and international tourists to the State in the same way that the La Brea Tar Pits of Los Angeles attract visitors to California; now, therefore,

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

Section 1. (Deleted by amendment.)

Sec. 2. 1. The Division of State Parks of the State Department of Conservation and Natural Resources, in cooperation with the University of Nevada, Las Vegas, shall , **to the extent that money is available**, conduct or cause to be conducted, a study to consider the feasibility of establishing and developing a park in the area of Clark County, Nevada, known as the Upper

Las Vegas Wash ~~is~~, **consisting of approximately 315 acres, more properly described as: Lot 7, SE 1/4 of the SW 1/4, S 1/2 of the SE 1/4 of section 6; and Lot 1, the NE 1/4 of the NW 1/4, the N 1/2 of the NE 1/4 of section 7; all in T. 19 S., R. 61 E., M.D.B. & M.**

2. ~~The~~ **Any such** study must include, without limitation, a consideration of the feasibility of developing a museum and a live dig site that is available for the public to visit.

~~2.~~ 3. The Division may receive and expend money from any public or private institution or person to carry out the provisions of this ~~act.~~ **section.**

~~3.~~ 4. The Administrator of the Division of State Parks may appoint an advisory board consisting of recognized paleontologists from within or without the State of Nevada to assist him in carrying out ~~the study required by~~ **any study conducted pursuant to** subsection 1.

Sec. 3. ~~1. There is hereby appropriated from the State General Fund to the Division of State Parks of the State Department of Conservation and Natural Resources the sum of \$50,000 to be used for the study required by section 2 of this act.~~

~~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. 4. This act becomes effective on July 1, 2007.

Assemblyman Mortenson moved the adoption of the amendment.

Amendment adopted.

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

Senate Bill No. 90.

Bill read third time.

Remarks by Assemblyman Christensen.

Roll call on Senate Bill No. 90:

YEAS—42.

NAYS—None.

Senate Bill No. 90 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 469.

Bill read third time.

Remarks by Assemblyman Mortenson.

Roll call on Assembly Bill No. 469:

YEAS—42.

NAYS—None.

Assembly Bill No. 469 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Anderson moved that the Assembly do not recede from its action on Senate Bill No. 483, that a conference be requested, and that Madam Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Anderson.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Madam Speaker appointed Assemblymen Segerblom, Horne, and Mabey as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 483.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblywoman Leslie moved that the Assembly do not recede from its action on Senate Bill No. 536, that a conference be requested, and that Madam Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblywoman Leslie.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Madam Speaker appointed Assemblywomen Koivisto, Womack, and Weber as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 536.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 569.

The following Senate amendment was read:

Amendment No. 708.

AN ACT relating to elections; eliminating various provisions concerning supplies that are no longer used in elections; regulating the process for rescinding a withdrawal of candidacy; making various changes regarding early voting; providing a deadline by which a regulation of the Secretary of State must be effective to be applicable to a particular election; providing for when certain offices must be declared elected and no election held for the office; making certain changes concerning the official record for a recount;

making various changes to the provisions governing absent ballots; making various changes concerning questions placed on a ballot; making various other changes; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law in chapters 293, 293B and 293C of NRS refers to the use of pollbooks and to mechanical voting systems whereby a voter may cast his vote by punching a card. Sections 5, 6, 9, 16, 18, 20, 23, 25, 26, 28, 29, 31-35, 37, 40-44, 46, 47, 50, 55-59, 61-64, 66, 67, 69-72, 74-78, 80, 82-87, 89-95 and 97-99 of this bill eliminate references to the use of pollbooks or to a voter punching a card or casting his ballot with a punch card and to any procedures concerning the use of such supplies, as these supplies and systems are no longer in use in elections in this State. Section 101 of this bill repeals many sections that deal exclusively with these supplies and systems.

Existing law authorizes and provides a procedure for a candidate to withdraw his candidacy, but makes no provision for the manner in which a candidate may rescind after he has withdrawn his declaration of candidacy. (NRS 293.202) Section 11 of this bill creates a procedure for a candidate to rescind his withdrawal of candidacy.

Existing law requires the Secretary of State to adopt regulations governing the conduct of elections. (NRS 293.247) Sections 17 and 96 of this bill provide that only permanent regulations of the Secretary of State that are effective on or before December 31 of the year immediately preceding a primary, general, special or district election govern the conduct of that election.

Existing law provides that when no more than the number of candidates to be elected have filed for nomination for most nonpartisan offices, the names of the candidates must still appear on the ballot for the primary election. (NRS 293.260) Sections 19 and 100 change that requirement to provide that for the office of member of a town advisory board and for certain offices on the Board of Governors of the Elko Convention and Visitors Authority, in such a situation those candidates must be declared elected and no election may be held for that office.

Existing law requires that mechanical recording devices which directly record votes electronically must provide a permanent paper record that must be available as an official record for a recount. (NRS 293.2696, 293B.084) Sections 24 and 57 of this bill eliminate the requirement that the permanent paper records be available as an official record for a recount.

Existing law specifies the procedure for county and city clerks to process absent ballots returned by mail or in person. (NRS 293.325, 293C.325) Sections 30 and 73 of this bill make revisions to clarify the procedure.

Existing law specifies the procedure and timing for the appropriate counting board to remove absent ballots from ballot boxes for the purpose of counting them. (NRS 293.384, 293.385, 293C.382, 293C.385) Sections 45, 46, 88 and 89 of this bill revise the timing to provide that the appropriate

counting board may remove the absent ballots from the ballot boxes or containers 3 working days earlier than the current provisions allow.

Existing law authorizes and sets forth a procedure for the governing body of a political subdivision or other local agency to submit a question to the qualified electors or registered voters of a designated territory. (NRS 293.481) Section 51 of this bill requires a county clerk to assign a unique identification number to such a question and creates a procedure for such a governing body to withdraw a question that was properly submitted to a county or city clerk.

Existing law requires the use of voting receipts and specifies that such voting receipts have two parts. (NRS 293.2673, 293.3585, 293.3604, 293B.300, 293B.305, 293C.261, 293C.3585, 293C.3604, 293C.620) Sections 22, 37, 38, 60, 61, 68, 80, 81 and 91 of this bill change these provisions to make the use of voting receipts optional at the discretion of the county or city clerk. These sections of the bill also eliminate the requirement that the voting receipts have two parts.

Section 101 of this bill repeals the section that requires the Secretary of State to publish a pamphlet describing the requirements for filing and circulating an initiative petition and several other sections dealing with obsolete election procedures. (NRS 293.12756)

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 the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***"Ballot box" means a box that is capable of being secured and is used to receive the voted ballots.***

Sec. 3. ***"Provisional ballot" means a ballot voted by a person pursuant to NRS 293.3081 to 293.3086, inclusive.***

Sec. 4. NRS 293.010 is hereby amended to read as follows:

293.010 As used in this title, unless the context otherwise requires, the words and terms defined in NRS 293.013 to 293.121, inclusive, ***and sections 2 and 3 of this act***, have the meanings ascribed to them in those sections.

Sec. 5. NRS 293.025 is hereby amended to read as follows:

293.025 "Ballot" means the record of a voter's preference of candidates and questions voted upon at an election. The term includes, without limitation, any paper given to a voter upon which he places his vote ~~[, a punch card which records the vote of a voter]~~ and electronic storage tapes.

Sec. 6. NRS 293.040 is hereby amended to read as follows:

293.040 "Clerk" means the election board officer designated or assigned to make the record of the election in the ~~[pollbook,]~~ ***roster***, tally list and challenge list in the precinct or district in which such officer is appointed.

Sec. 7. NRS 293.093 is hereby amended to read as follows:

293.093 "Regular votes" means the votes cast by registered voters, except votes cast by absent ***ballot or provisional*** ballot.

Sec. 8. NRS 293.097 is hereby amended to read as follows:

293.097 "Sample ballot" means a document distributed by a county or city clerk upon which is printed a ~~facsimile of~~ **list of the offices, candidates and ballot questions that will appear on** a ballot. The term includes any such document which is printed by a computer.

Sec. 9. NRS 293.113 is hereby amended to read as follows:

293.113 "Tally list" ~~for "tally book"~~ means the ~~forms~~ **form** furnished **to** election board officers to be used in ~~tallying or~~ recording the number of votes cast for each candidate and question on the ballot. ~~as such votes are called in counting.~~

Sec. 10. NRS 293.12757 is hereby amended to read as follows:

293.12757 A person may sign a petition required under the election laws of this State on or after the date he is deemed to be registered to vote pursuant to ~~subsection 5 of~~ NRS 293.517 or subsection 7 of NRS 293.5235.

Sec. 11. NRS 293.202 is hereby amended to read as follows:

293.202 **I.** A withdrawal of candidacy for office must be in writing and must be presented by the candidate in person, within 7 days, excluding Saturdays, Sundays and holidays, after the last day for filing, to the officer whose duty it is to receive filings for candidacy for that office. ***If the withdrawal of candidacy is submitted in a timely manner pursuant to the provisions of this subsection, it shall be deemed effective after the seventh day, excluding Saturdays, Sundays and holidays, after the last day for filing.***

2. A rescission of a withdrawal of candidacy must be in writing and presented by the candidate in person, within the 7 days, excluding Saturdays, Sundays and holidays, after the last day for filing, to the officer whose duty it is to receive filings for candidacy for that office.

Sec. 12. NRS 293.207 is hereby amended to read as follows:

293.207 1. Election precincts must be established on the basis of the number of registered voters therein, with a maximum ~~of 600 registered voters per precinct in those precincts in which paper ballots are used, or a maximum~~ of 1,500 registered voters who are not designated inactive pursuant to NRS 293.530 per precinct in those precincts in which a mechanical voting system is used.

2. Except as otherwise provided in subsections 3 and 4, the county clerk may consolidate two or more contiguous election precincts into a single voting district to conduct a particular election as public convenience, necessity and economy may require.

3. If a county clerk proposes to consolidate two or more contiguous election precincts, in whole or in part, pursuant to subsection 2, the county clerk shall, at least 14 days before consolidating the precincts, cause notice of the proposed consolidation to be:

(a) Posted in the manner prescribed for a regular meeting of the board of county commissioners; and

(b) Mailed to each Assemblyman, State Senator, county commissioner and, if applicable, member of the governing body of a city who represents residents of a precinct affected by the consolidation.

4. A person may file a written objection to the proposed consolidation with the county clerk. The county clerk shall consider each written objection filed pursuant to this subsection before consolidating the precincts.

Sec. 13. NRS 293.213 is hereby amended to read as follows:

293.213 1. Whenever there were not more than 20 voters registered in a precinct for the last preceding general election, the county clerk may establish that precinct as a mailing precinct . ~~[, and shall forthwith mail notification to the field registrar for that precinct.]~~

2. Except as otherwise provided in NRS 293.208, the county clerk in any county where an absent ballot central counting board is appointed may abolish two or more existing mailing precincts and combine those mailing precincts into absent ballot precincts. Those mailing precincts must be designated absent ballot mailing precincts.

3. In any county where an absent ballot central counting board is appointed, any established precinct which had less than 200 ballots cast at the last preceding general election, or any newly established precinct with less than 200 registered voters, may be designated an absent ballot mailing precinct.

4. The county clerk shall, at least 14 days before establishing or designating a precinct as a mailing precinct or absent ballot mailing precinct or before abolishing a mailing precinct pursuant to this section, cause notice of such action to be:

(a) Posted in the manner prescribed for a regular meeting of the board of county commissioners; and

(b) Mailed to each Assemblyman, State Senator, county commissioner and, if applicable, member of the governing body of a city who represents residents of a precinct affected by the action.

Sec. 14. 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,]~~ **293.243**, inclusive, and 293.384 . ~~[, and shall conclude those duties no 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. 15. NRS 293.227 is hereby amended to read as follows:

293.227 1. Each election board ~~{consists of at least three members, one of whom must be}~~ **must have one member** designated **as the** chairman by the county or city clerk. The **election** boards shall make the records of election required by this chapter.

2. The appointment of a trainee as set forth in NRS 293.2175 and 293C.222 may be used to determine the number of members on the election board, but under no circumstances may:

- (a) The election board of any precinct include more than one trainee; or
- (b) A trainee serve as chairman of the election board.

3. The county or city clerk shall conduct or cause to be conducted ~~{, at least 5 days before the date of the election for which the boards are appointed,}~~ a school to acquaint the ~~{chairmen}~~ **members of an election board** with the election laws, duties of election boards, regulations of the Secretary of State and with the procedure for making the records of election and using the register for election boards. ~~{If the person appointed chairman is unable for any reason to attend the school, he shall appoint some other member of his election board to attend the school in his stead.}~~

4. The board of county commissioners of any county or the city council of any city may reimburse the ~~{chairmen or their designees}~~ **members of an election board** who attend the school for their travel expenses at a rate not exceeding 10 cents per mile.

~~{5. Each chairman shall instruct his board before election day.}~~

Sec. 16. NRS 293.230 is hereby amended to read as follows:

293.230 ~~{1. In precincts or districts where there are less than 200 registered voters and paper ballots are used, the election board shall perform all duties required from the time of preparing for the opening of the polls through delivering the supplies and result of votes cast to the county clerk.}~~

~~2.}~~ Except as otherwise provided in NRS 293.235, one election board must be appointed by the county clerk for all mailing precincts within the county and must be designated the central election board. The county clerk shall deliver the mailed ballots to that board in his office and the board shall count the votes on those ballots in the manner required by law.

Sec. 17. NRS 293.247 is hereby amended to read as follows:

293.247 1. The Secretary of State shall adopt regulations, not inconsistent with the election laws of this State, for the conduct of primary, general, special and district elections in all cities and counties. **Permanent regulations of the Secretary of State that regulate the conduct of a primary,**

general, special or district election that are effective on or before December 31 of the year immediately preceding a primary, general, special or district election govern the conduct of that election.

2. The Secretary of State shall prescribe the forms for a declaration of candidacy, certificate of candidacy, acceptance of candidacy and any petition which is filed pursuant to the general election laws of this State.

~~2.1~~ 3. The regulations must prescribe:

- (a) The duties of election boards;
- (b) The type and amount of election supplies;
- (c) The manner of printing ballots and the number of ballots to be distributed to precincts and districts;
- (d) The method to be used in distributing ballots to precincts and districts;
- (e) The method of inspection and the disposition of ballot boxes;
- (f) The form and placement of instructions to voters;
- (g) The recess periods for election boards;
- (h) The size, lighting and placement of voting booths;
- (i) The amount and placement of guardrails and other furniture and equipment at voting places;

(j) The disposition of election returns;

(k) The procedures to be used for canvasses, ties, recounts and contests ~~4.1~~, ***including, without limitation, the appropriate use of a paper record created when a voter casts a ballot on a mechanical voting system that directly records the votes electronically;***

(l) The procedures to be used to ensure the security of the ballots from the time they are transferred from the polling place until they are stored pursuant to the provisions of NRS 293.391 or 293C.390;

(m) The procedures to be used to ensure the security and accuracy of computer programs and tapes used for elections;

(n) ***The procedures to be used for the testing, use and auditing of a mechanical voting system which directly records the votes electronically and which creates a paper record when a voter casts a ballot on the system;***

(o) The procedures to be used for the disposition of absent ballots in case of an emergency;

~~6.1~~ (p) The forms for applications to register to vote and any other forms necessary for the administration of this title; and

~~6.2~~ (q) Such other matters as determined necessary by the Secretary of State.

~~3.1~~ 4. The Secretary of State may provide interpretations and take other actions necessary for the effective administration of the statutes and regulations governing the conduct of primary, general, special and district elections in this State.

~~4.1~~ 5. The Secretary of State shall prepare and distribute to each county and city clerk copies of:

- (a) Laws and regulations concerning elections in this State;
- (b) Interpretations issued by the Secretary of State's Office; and

(c) Any Attorney General's opinions or any state or federal court decisions which affect state election laws or regulations whenever any of those opinions or decisions become known to the Secretary of State.

Sec. 18. NRS 293.250 is hereby amended to read as follows:

293.250 1. The Secretary of State shall, in a manner consistent with the election laws of this State, prescribe:

(a) The form of all ballots, absent ballots, diagrams, sample ballots, certificates, notices, declarations, applications to register to vote, lists, applications, ~~pollbooks,~~ registers, rosters, statements and abstracts required by the election laws of this State.

(b) The procedure to be followed when a computer is used to register voters and to keep records of registration.

2. The Secretary of State shall prescribe with respect to the matter to be printed on every kind of ballot:

(a) The placement and listing of all offices, candidates and measures upon which voting is statewide, which must be uniform throughout the State.

(b) The listing of all other candidates required to file with him, and the order of listing all offices, candidates and measures upon which voting is not statewide, from which each county or city clerk shall prepare appropriate ballot forms for use in any election in his county.

3. The Secretary of State shall place the condensation of each proposed constitutional amendment or statewide measure near the spaces or devices for indicating the voter's choice.

4. The fiscal note for, explanation of, arguments for and against, and rebuttals to such arguments of each proposed constitutional amendment or statewide measure must be included on all sample ballots.

5. The condensations and explanations for constitutional amendments and statewide measures proposed by initiative or referendum must be prepared by the Secretary of State, upon consultation with the Attorney General. The arguments and rebuttals for or against constitutional amendments and statewide measures proposed by initiative or referendum must be prepared in the manner set forth in NRS 293.252. The fiscal notes for constitutional amendments and statewide measures proposed by initiative or referendum must be prepared by the Secretary of State, upon consultation with the Fiscal Analysis Division of the Legislative Counsel Bureau. The condensations, explanations, arguments, rebuttals and fiscal notes must be in easily understood language and of reasonable length, and whenever feasible must be completed by August 1 of the year in which the general election is to be held.

6. The names of candidates for township and legislative or special district offices must be printed only on the ballots furnished to voters of that township or district.

7. A county clerk:

(a) May divide paper ballots into two sheets in a manner which provides a clear understanding and grouping of all measures and candidates.

(b) Shall prescribe the color or colors of the ballots and voting receipts used in any election which the clerk is required to conduct.

Sec. 19. NRS 293.260 is hereby amended to read as follows:

293.260 1. Where there is no contest of election for nomination to a particular office, neither the title of the office nor the name of the candidate may appear on the ballot.

2. If more than one major political party has candidates for a particular office, the persons who receive the highest number of votes at the primary elections must be declared the nominees of those parties for the office.

3. If only one major political party has candidates for a particular office and a minor political party has nominated a candidate for the office or an independent candidate has filed for the office, the candidate who receives the highest number of votes in the primary election of the major political party must be declared the nominee of that party and his name must be placed on the general election ballot with the name of the nominee of the minor political party for the office and the name of the independent candidate who has filed for the office.

4. If only one major political party has candidates for a particular office and no minor political party has nominated a candidate for the office and no independent candidate has filed for the office:

(a) If there are more candidates than twice the number to be elected to the office, the names of the candidates must appear on the ballot for a primary election. Except as otherwise provided in this paragraph, the candidates of that party who receive the highest number of votes in the primary election, not to exceed twice the number to be elected to that office at the general election, must be declared the nominees for the office. If only one candidate is to be elected to the office and a candidate receives a majority of the votes in the primary election for that office, that candidate must be declared the nominee for that office and his name must be placed on the ballot for the general election.

(b) If there are no more than twice the number of candidates to be elected to the office, the candidates must, without a primary election, be declared the nominees for the office.

5. Where no more than the number of candidates to be elected have filed for nomination for:

(a) Any partisan office or the office of justice of the Supreme Court, the names of those candidates must be omitted from all ballots for a primary election and placed on all ballots for a general election; ~~and~~

(b) Any nonpartisan office, other than the office of justice of the Supreme Court ~~or~~ **or the office of member of a town advisory board**, the names of those candidates must appear on the ballot for a primary election unless the candidates were nominated pursuant to subsection 2 of NRS 293.165. If a candidate receives one or more votes at the primary election, he must be declared elected to the office and his name must not be placed on the ballot for the general election. If a candidate does not receive one or more votes at

the primary election, his name must be placed on the ballot for the general election ~~[-]~~; *and*

(c) The office of member of a town advisory board, the candidate must be declared elected to the office and no election must be held for that office.

6. If there are more candidates than twice the number to be elected to a nonpartisan office, the names of the candidates must appear on the ballot for a primary election. Those candidates who receive the highest number of votes at that election, not to exceed twice the number to be elected, must be declared nominees for the office.

Sec. 20. NRS 293.262 is hereby amended to read as follows:

293.262 An absent ballot or a ballot voted by a voter who resides in a mailing precinct must be voted:

1. On a paper ballot ~~[-]~~;
- ~~2. On a ballot which is voted by punching a card; or~~
- ~~3. [-] ;~~ *or*
2. By any other system authorized by state or federal law.

Sec. 21. NRS 293.265 is hereby amended to read as follows:

293.265 On nonpartisan primary ballots, there must appear at the top of the ballot the designation ~~[-Candidates for]~~ "Nonpartisan Offices." Except as otherwise provided in NRS 293.2565, following this designation must appear the names of candidates grouped alphabetically under the title and length of term of the nonpartisan office for which those candidates filed.

Sec. 22. NRS 293.2673 is hereby amended to read as follows:

293.2673 1. A ballot prepared for use in an election in this State must be dated and marked in such a manner as to indicate clearly at which election the ballot will be used.

2. If a ballot includes a detachable stub, both the ballot and the stub must include the date of the election and indicate clearly at which election the ballot will be used.

3. If a ballot includes a voting receipt, ~~[which has two parts, each part of]~~ the voting receipt must include the date of the election and indicate clearly at which election the ~~[ballot will be used.]~~ **voter cast his ballot.**

Sec. 23. NRS 293.2693 is hereby amended to read as follows:

293.2693 If a county or city uses paper ballots ~~[or punch cards]~~ in an election, including, without limitation, for absent ballots and ballots voted in a mailing precinct, the county or city clerk shall provide a voter education program specific to the voting system used by the county or city. The voter education program must include, without limitation, information concerning the effect of overvoting and the procedures for correcting a vote on a ballot before it is cast and counted and for obtaining a replacement ballot.

Sec. 24. NRS 293.2696 is hereby amended to read as follows:

293.2696 The Secretary of State and each county and city clerk shall ensure that each voting system used in this State:

1. Secures to each voter privacy and independence in the act of voting, including, without limitation, confidentiality of the ballot of the voter;
2. Allows each voter to verify privately and independently the votes selected by the voter on the ballot before the ballot is cast and counted;
3. Provides each voter with the opportunity, in a private and independent manner, to change the ballot and to correct any error before the ballot is cast and counted, including, without limitation, the opportunity to correct an error through the issuance of a replacement ballot if the voter is otherwise unable to change the ballot or correct the error;
4. Provides a permanent paper record with a manual audit capacity ; ~~[which must be available as an official record for a recount;]~~ and
5. Meets or exceeds the standards for voting systems established by the Federal Election Commission, including, without limitation, the error rate standards.

Sec. 25. NRS 293.285 is hereby amended to read as follows:

293.285 ~~[1.]~~ A registered voter applying to vote shall state his name to the election board officer in charge of the election board register and the officer shall immediately announce the name and take the registered voter's signature. ~~[After a registered voter is properly identified at a polling place where paper ballots are used, one partisan ballot and, if required, one nonpartisan ballot, correctly folded must be given to the voter and the number of the ballot or ballots must be written by an election board officer upon the pollbook, opposite the name of the registered voter receiving the ballot or ballots.~~

~~2. In pollbooks in which voters' names have been entered, election officers may indicate the application to vote without writing the name.]~~

Sec. 26. NRS 293.297 is hereby amended to read as follows:

293.297 ~~[1. Except as otherwise provided in subsection 2:~~

~~(a) Any voter who spoils his ballot may return the spoiled ballot to the election board and receive another in its place.~~

~~(b) The election board officers shall indicate in the pollbook that the ballot is spoiled and shall enter the number of the ballot issued in its place.~~

~~(c) Each spoiled ballot returned must be cancelled by writing the word "Cancelled" across the back of the ballot. A spoiled paper ballot must be cancelled without unfolding it.~~

~~(d) A record must be made of those cancelled ballots at the closing of the polls and before counting. The ballots must be placed in a separate envelope and returned to the appropriate county clerk with the election supplies.~~

~~2. If ballots which are voted on a] A mechanical recording device which directly records [the] votes electronically [are used,] **must allow** the voter [must be able] to change his vote before the mechanical recording device permanently records that vote.~~

Sec. 27. NRS 293.303 is hereby amended to read as follows:

293.303 1. A person applying to vote may be challenged:

(a) Orally by any registered voter of the precinct ~~for district~~ upon the ground that he is not the person entitled to vote as claimed or has voted before at the same election . ~~[- or]~~ ***A registered voter who initiates a challenge pursuant to this paragraph must submit an affirmation that is signed under penalty of perjury and in the form prescribed by the Secretary of State stating that the challenge is based on the personal knowledge of the registered voter.***

(b) On any ground set forth in a challenge filed with the county clerk pursuant to the provisions of NRS 293.547.

2. If a person is challenged, an election board officer shall tender the challenged person the following oath or affirmation:

(a) If the challenge is on the ground that he does not belong to the political party designated upon the register, "I swear or affirm under penalty of perjury that I belong to the political party designated upon the register";

(b) If the challenge is on the ground that the register does not show that he designated the political party to which he claims to belong, "I swear or affirm under penalty of perjury that I designated on the application to register to vote the political party to which I claim to belong";

(c) If the challenge is on the ground that he does not reside at the residence for which the address is listed in the election board register, "I swear or affirm under penalty of perjury that I reside at the residence for which the address is listed in the election board register";

(d) If the challenge is on the ground that he previously voted a ballot for the election, "I swear or affirm under penalty of perjury that I have not voted for any of the candidates or questions included on this ballot for this election"; or

(e) If the challenge is on the ground that he is not the person he claims to be, "I swear or affirm under penalty of perjury that I am the person whose name is in this election board register."

➔ The oath or affirmation must be set forth on a form prepared by the Secretary of State and signed by the challenged person under penalty of perjury.

3. Except as otherwise provided in subsection 4, if the challenged person refuses to execute the oath or affirmation so tendered, he must not be issued a ballot, and the officer in charge of the election board register shall write the words "Challenged" opposite his name in the election board register.

4. If the challenged person refuses to execute the oath or affirmation set forth in paragraph (a) or (b) of subsection 2, the election board officers shall issue him a nonpartisan ballot.

5. If the challenged person refuses to execute the oath or affirmation set forth in paragraph (c) of subsection 2, the election board officers shall inform him that he is entitled to vote only in the manner prescribed in NRS 293.304.

6. If the challenged person executes the oath or affirmation and the challenge is not based on the ground set forth in paragraph (e) of subsection 2, the election board officers shall issue him a partisan ballot.

7. If the challenge is based on the ground set forth in paragraph (c) of subsection 2, and the challenged person executes the oath or affirmation, the election board shall not issue the person a ballot until he furnishes satisfactory identification which contains proof of the address at which he actually resides.

8. If the challenge is based on the ground set forth in paragraph (e) of subsection 2 and the challenged person executes the oath or affirmation, the election board shall not issue the person a ballot unless he:

(a) Furnishes official identification which contains a photograph of himself, such as his driver's license or other official document; or

(b) Brings before the election board officers a person who is at least 18 years of age who:

(1) Furnishes official identification which contains a photograph of himself, such as his driver's license or other official document; and

(2) Executes an oath or affirmation under penalty of perjury that the challenged person is who he swears he is.

9. The election board officers shall:

(a) Record on the challenge list:

(1) The name of the challenged person;

(2) The name of the registered voter who initiated the challenge; and

(3) The result of the challenge; and

(b) If possible, orally notify the registered voter who initiated the challenge of the result of the challenge.

Sec. 28. NRS 293.304 is hereby amended to read as follows:

293.304 1. If a person is successfully challenged on the ground set forth in paragraph (c) of subsection 2 of NRS 293.303 or if a person refuses to provide an affirmation pursuant to NRS 293.525, the election board shall instruct the voter that he may vote only at the special polling place in the manner set forth in this section.

2. The county clerk of each county shall maintain a special polling place in his office and at such other locations as he deems necessary during each election. The ballots voted at the special polling place must be kept separate from the ballots of voters who have not been so challenged or who have provided an affirmation pursuant to NRS 293.525 in ~~the~~:

~~(a) A special ballot box if the ballots are paper ballots or ballots which are voted by punching a card; or~~

~~(b) A special sealed container if the ballots are ballots which are voted on a mechanical recording device which directly records the votes electronically.~~

3. A person who votes at a special polling place may place his vote only for the following offices and questions:

(a) President and Vice President of the United States;

(b) United States Senator;

(c) All state officers for whom all voters in the State may vote;

(d) All officers for whom all voters in the county may vote; and

(e) Questions which have been submitted to all voters of the county or State.

4. The ballots voted at the special polling place must be counted when other ballots are counted and ~~;~~

~~(a) If the ballots are paper ballots or ballots which are voted by punching a card, maintained in a separate ballot box; or~~

~~(b) If~~ , if the ballots are ballots which are voted on a mechanical recording device which directly records the votes electronically, maintained in a separate sealed container ~~;~~

~~→~~ until any contest of election is resolved or the date for filing a contest of election has passed, whichever is later.

Sec. 29. NRS 293.323 is hereby amended to read as follows:

293.323 1. Except as otherwise provided in subsection 2, if the request for an absent ballot is made by mail or facsimile machine, the county clerk shall, as soon as the official absent ballot for the precinct or district in which the applicant resides has been printed, send to the voter by first-class mail ***or by any class of mail if the Official Election Mail logo or an equivalent logo or mark created by the United States Postal Service is properly placed on the official absent ballot***, if the absent voter is within the boundaries of the United States, its territories or possessions or on a military base, or by air mail if the absent voter is in a foreign country but not on a military base:

~~(a) Except as otherwise provided in paragraph (b):~~

~~(1) An absent ballot;~~

~~{(2)}~~ (b) A return envelope;

~~{(3)}~~ Supplies for marking the ballot;

~~(4) (c) An envelope or similar device into which the ballot is inserted to ensure its secrecy; and~~

~~{(5)}~~ Instructions.

~~(b) In those counties using a mechanical voting system whereby a vote is cast by punching a card:~~

~~(1) A card attached to a sheet of foam plastic or similar backing material;~~

~~(2) A return envelope;~~

~~(3) A punching instrument;~~

~~(4) A sample ballot;~~

~~(5) An envelope or similar device into which the card is inserted to ensure its secrecy; and~~

~~{(6)}~~ (d) Instructions.

2. If the county clerk fails to send an absent ballot pursuant to subsection 1 to a voter who resides within the continental United States, the county clerk may use a facsimile machine to send an absent ballot and instructions to the voter. The voter shall mail his absent ballot to the county clerk.

3. The return envelope sent pursuant to subsection 1 must include postage prepaid by first-class mail if the absent voter is within the boundaries of the United States, its territories or possessions or on a military base.

4. Nothing may be enclosed or sent with an absent ballot except as required by subsection 1 or 2.

5. Before depositing a ballot in the ~~{mails}~~ **mail** or sending a ballot by facsimile machine, the county clerk shall record the date the ballot is issued, the name of the registered voter to whom it is issued, his precinct or district, his political affiliation, if any, the number of the ballot and any remarks he finds appropriate.

6. The Secretary of State shall adopt regulations to carry out the provisions of subsection 2.

Sec. 30. NRS 293.325 is hereby amended to read as follows:

293.325 1. Except as otherwise provided in ~~{subsections 2 and 3,}~~ **subsection 2**, when an absent ballot is returned by a registered voter to the county clerk through the ~~{mails}~~ **mail or in person**, and record thereof is made in the absent ballot record book, the county clerk shall neatly stack, unopened, the absent ballot with any other absent ballot received that day in a container and deliver, or cause to be delivered, that container to the precinct or district election board.

2. If ~~{the county clerk has appointed}~~ an absent ballot central counting board ~~[, the county clerk shall, upon receipt of each absent voter's ballot, make a record of the return and check the signature on the return envelope against the original signature of the voter on the county clerk's register. If the county clerk determines that the absent voter is entitled to cast his ballot, he shall deposit the ballot in the proper ballot box. At the end of each day before election day, the county clerk may remove the ballots from each ballot box and neatly stack the ballots in a container. Except as otherwise provided in subsection 3, on election day the county clerk shall deliver the ballot box and, if applicable, each container to the absent ballot counting board to be counted.~~

3. ~~If the county uses a mechanical voting system, the county clerk shall, upon receipt of each absent voter's ballot, make a record of the return and~~ **has been appointed, when an absent ballot is returned by a registered voter to the county clerk through the mail or in person, the county clerk shall** check the signature on the return envelope against the original signature of the county clerk's register. If the county clerk determines that the absent voter is entitled to cast his ballot, he shall deposit the ballot in the proper ballot box or place the ballot, unopened, in a container that must be securely locked or under the control of the county clerk at all times. At the end of each day before election day, the county clerk may remove the ballots from each ballot box, neatly stack the ballots in a container and seal the container with a numbered seal. ~~{Except as otherwise provided in this subsection, on election day the county clerk shall deliver the ballot box and each container, if applicable, to the central counting place. If the county uses a mechanical voting system and the county clerk has appointed an absent ballot central counting board, the county clerk may, not}~~ **Not** earlier than 4 working days before the election, **the county clerk shall** deliver the ballots to the absent

ballot central counting board to be processed and prepared for ~~tabulation~~ **counting** pursuant to the procedures established by the Secretary of State ~~to ensure the confidentiality of the prepared ballots until after the polls have closed pursuant to NRS 293.273 or 293.305.~~

Sec. 31. NRS 293.330 is hereby amended to read as follows:

293.330 1. Except as otherwise provided in NRS 293.3157 and subsection 2 of NRS 293.323 and any regulations adopted pursuant thereto, when an absent voter receives his ballot, he must mark and fold it ~~[, if it is a paper ballot, or punch it, if the ballot is voted by punching a card,]~~ in accordance with the instructions, deposit it in the return envelope, seal the envelope, affix his signature on the back of the envelope in the space provided therefor and mail the return envelope.

2. Except as otherwise provided in subsection 3, if an absent voter who has requested a ballot by mail applies to vote the ballot in person at:

(a) The office of the county clerk, he must mark ~~or punch~~ the ballot, seal it in the return envelope and affix his signature in the same manner as provided in subsection 1, and deliver the envelope to the clerk.

(b) A polling place, including, without limitation, a polling place for early voting, he must surrender the absent ballot and provide satisfactory identification before being issued a ballot to vote at the polling place. A person who receives a surrendered absent ballot shall mark it "Cancelled."

3. If an absent voter who has requested a ballot by mail applies to vote in person at the office of the county clerk or a polling place, including, without limitation, a polling place for early voting, and the voter does not have the absent ballot to deliver or surrender, the voter must be issued a ballot to vote if the voter:

(a) Provides satisfactory identification;

(b) Is a registered voter who is otherwise entitled to vote; and

(c) Signs an affirmation under penalty of perjury on a form prepared by the Secretary of State declaring that the voter has not voted during the election.

4. Except as otherwise provided in NRS 293.316, it is unlawful for any person to return an absent ballot other than the voter who requested the absent ballot or, at the request of the voter, a member of his family. A person who returns an absent ballot and who is a member of the family of the voter who requested the absent ballot shall, under penalty of perjury, indicate on a form prescribed by the county clerk that he is a member of the family of the voter who requested the absent ballot and that the voter requested that he return the absent ballot. A person who violates the provisions of this subsection is guilty of a category E felony and shall be punished as provided in NRS 193.130.

Sec. 32. NRS 293.333 is hereby amended to read as follows:

293.333 On the day of an election, the precinct or district election boards receiving the absent voters' ballots from the county clerk shall, in the presence of a majority of the election board officers, remove the ballots from

the ballot box and the containers in which the ballots were transported pursuant to NRS 293.325 and deposit the ballots in the regular ballot box in the following manner:

1. The name of the voter, as shown on the return envelope, must be called and checked as if the voter were voting in person;
2. The signature on the back of the return envelope must be compared with that on the original application to register to vote;
3. If the board determines that the absent voter is entitled to cast his ballot, the envelope must be opened, the numbers on the ballot and envelope compared, the number strip or stub detached from the ballot ~~{}~~ and, if the numbers are the same, the ballot deposited in the regular ballot box; and
4. The election board officers shall mark in the ~~{pollbook}~~ *roster* opposite the name of the voter the word "Voted."

Sec. 33. NRS 293.350 is hereby amended to read as follows:

293.350 1. The county clerk shall:

- (a) Make certain of the names and addresses of all voters registered to vote in mailing precincts and absent ballot mailing precincts;
 - (b) Enroll the name and address of each voter found eligible to vote in those precincts in the mailing precinct record book;
 - (c) Mark the number of the ballot on the return envelope; and
 - (d) Mail the ballot to the registered voter.
2. ~~{Except as otherwise provided in subsection 3, the}~~ **The** ballot must be accompanied by:

- (a) ~~{Supplies for marking the ballot;~~
- ~~(b)}~~ A return envelope;
- ~~{(e)}~~ **(b)** An envelope or similar device into which the ballot is inserted to ensure its secrecy;
- ~~{(d)}~~ **(c)** A sample ballot; and
- ~~{(e)}~~ **(d)** Instructions regarding the manner of marking and returning the ballot.

~~{3.—In those counties using a mechanical voting system whereby a vote is cast by punching a card, the ballot must be accompanied by:~~

- ~~(a)—A sheet of foam plastic or similar backing material attached to the card;~~
- ~~(b)—A punching instrument;~~
- ~~(c)—A return envelope;~~
- ~~(d)—An envelope or similar device into which the card is inserted to ensure its secrecy;~~
- ~~(e)—A sample ballot; and~~
- ~~(f)—Instructions regarding the manner of punching and returning the card.]~~

Sec. 34. NRS 293.353 is hereby amended to read as follows:

293.353 Upon receipt of a mailing ballot from the county clerk, the registered voter must:

1. ~~{Except as otherwise provided in subsection 2;~~
- ~~(a)}~~ Immediately after opening the envelope, mark and fold the ballot;

- ~~[(b)]~~ 2. Place the ballot in the return envelope;
- ~~[(c)]~~ 3. Affix his signature on the back of the envelope; and
- ~~[(d)]~~ 4. Mail or deliver the envelope to the county clerk.

~~[2.—In those counties using a mechanical voting system whereby a vote is cast by punching a card:~~

- ~~(a) Immediately after opening the envelope, punch the card;~~
- ~~(b) Place the unfolded card in the return envelope;~~
- ~~(c) Affix his signature on the back of the envelope; and~~
- ~~(d) Mail or deliver the envelope to the county clerk.]~~

Sec. 35. NRS 293.356 is hereby amended to read as follows:

293.356 If a request is made to vote early by a registered voter in person, the election board shall issue a ballot for early voting to the voter. Such a ballot must be voted on the premises of a polling place for early voting established pursuant to NRS 293.3564 or 293.3572 . ~~[and returned to the election board. If the ballot is a paper ballot, a ballot which is voted by punching a card or a ballot which is voted by any other system authorized by state or federal law, the election board shall follow the same procedure as in the case of absent ballots received by mail.]~~

Sec. 36. NRS 293.3568 is hereby amended to read as follows:

293.3568 1. The period for early voting by personal appearance begins the third Saturday preceding a primary or general election and extends through the Friday before election day, Sundays and holidays excepted.

2. The county clerk may:

(a) Include any Sunday or holiday that falls within the period for early voting by personal appearance.

(b) Require a permanent polling place for early voting to remain open until

8 p.m. on any Saturday that falls within the period for early voting.

3. A permanent polling place for early voting must remain open:

(a) On Monday through Friday:

(1) During the first week of early voting, from 8 a.m. until 6 p.m.

(2) During the second week of early voting, from 8 a.m. until 6 p.m. , or until 8 p.m. if the county clerk so requires.

(b) On any Saturday that falls within the period for early voting, ~~[from]~~ **for at least 4 hours between** 10 a.m. ~~[until]~~ **and** 6 p.m.

(c) If the county clerk includes a Sunday that falls within the period for early voting pursuant to subsection 2, during such hours as he may establish.

Sec. 37. NRS 293.3585 is hereby amended to read as follows:

293.3585 1. Upon the appearance of a person to cast a ballot for early voting, the deputy clerk for early voting shall:

(a) Determine that the person is a registered voter in the county;

(b) Instruct the voter to sign the roster for early voting; and

(c) Verify the signature of the voter against that contained on the original application to register to vote or facsimile thereof, the card issued to the voter at the time of registration or some other piece of official identification.

2. The county clerk shall prescribe a procedure, approved by the Secretary of State, to determine that the voter has not already voted pursuant to this section.

3. The roster for early voting must contain:

- (a) The voter's name, the address where he is registered to vote, his voter identification number and a place for the voter's signature;
- (b) The voter's precinct or voting district number; and
- (c) The date of voting early in person.

4. When a voter is entitled to cast his ballot and has identified himself to the satisfaction of the deputy clerk for early voting, he is entitled to receive the appropriate ballot or ballots, but only for his own use at the polling place for early voting.

5. ~~If the ballot is voted by punching a card, the deputy clerk for early voting shall:~~

~~(a) Ensure that the voter's precinct or voting district and the form of ballot are indicated on the card;~~

~~(b) Direct the voter to the appropriate mechanical recording device for his form of ballot; and~~

~~(c) Allow the voter to place his voted ballot in the ballot box.~~

~~6.} If the ballot is voted on a mechanical recording device which directly records the votes electronically, the deputy clerk for early voting shall:~~

~~(a) Prepare the mechanical recording device for the voter;~~

~~(b) Ensure that the voter's precinct or voting district and the form of ballot are indicated on ~~each part of~~ the voting receipt ~~};~~~~

~~(c) Retain one part of the voting receipt for the election board and return the other part of the voting receipt to the voter; and~~

~~(d) , if the county clerk uses voting receipts; and~~

~~(e) Allow the voter to cast his vote.~~

~~7.} 6. A voter applying to vote early by personal appearance may be challenged pursuant to NRS 293.303.~~

Sec. 38. NRS 293.3604 is hereby amended to read as follows:

293.3604 If ballots which are voted on a mechanical recording device which directly records the votes electronically are used during the period for early voting by personal appearance in an election other than a presidential preference primary election:

1. At the close of each voting day the election board shall:

(a) Prepare and sign a statement for the polling place. The statement must include:

(1) The title of the election;

(2) The number of the precinct or voting district;

(3) The number which identifies the mechanical recording device and the storage device required pursuant to NRS 293B.084;

(4) The number of ballots voted on the mechanical recording device for that day; *and*

(5) The number of signatures in the roster for early voting for that day .
~~}; and~~

~~(6) The number of voting receipts retained pursuant to NRS 293.3585 for that day.}~~

(b) Secure:

(1) The ballots pursuant to the plan for security required by NRS 293.3594; and

(2) Each mechanical voting device in the manner prescribed by the Secretary of State pursuant to NRS 293.3594.

2. At the close of the last voting day, the county clerk shall deliver to the ballot board for early voting:

(a) The statements for all polling places for early voting;

(b) ~~{The voting receipts retained pursuant to NRS 293.3585;~~

~~{c}~~ The voting rosters used for early voting;

~~{d}~~ (c) The storage device required pursuant to NRS 293B.084 from each mechanical recording device used during the period for early voting; and

~~{e}~~ (d) Any other items as determined by the county clerk.

3. Upon receipt of the items set forth in subsection 2 at the close of the last voting day, the ballot board for early voting shall:

(a) Sort the items by precinct or voting district;

(b) Count the number of ballots voted by precinct or voting district;

(c) Account for all ballots on an official statement of ballots; and

(d) Place the items in the container provided to transport those items to the central counting place and seal the container with a numbered seal. The official statement of ballots must accompany the items to the central counting place.

Sec. 39. NRS 293.3625 is hereby amended to read as follows:

293.3625 The county clerk shall make a record of the receipt at the central counting place of each sealed container used to transport official ballots pursuant to NRS 293.304, 293.325, ~~{293.3602,}~~ 293B.330 and 293B.335. The record must include the numbers indicated on the container and its seal pursuant to NRS 293.462.

Sec. 40. NRS 293.363 is hereby amended to read as follows:

293.363 When the polls are closed, the counting board shall prepare to count the ballots voted. The counting procedure must be public and continue without adjournment until completed. If the ballots are paper ballots , ~~{or ballots which are voted by punching a card,}~~ the counting board shall prepare in the following manner:

1. ~~{The pollbooks must be compared and errors corrected until the books agree.}~~

~~2.}~~ The container that holds the ballots, or the ballot box must be opened and the ballots contained therein counted by the counting board and opened far enough to ascertain whether each ballot is single. If two or more ballots are found folded together to present the appearance of a single ballot, they

must be laid aside until the count of the ballots is completed. If ~~on comparison of the count with the pollbook,~~ a majority of the inspectors are of the opinion that the ballots folded together were voted by one person, the ballots must be rejected and placed in an envelope, upon which must be written the reason for their rejection. The envelope must be signed by the counting board officers and placed in the container or ballot box after the count is completed.

~~3.]~~ 2. If the ballots in the container or box are found to exceed in number the number of names *as are indicated* on the ~~pollbooks,~~ *roster as having voted*, the ballots must be replaced in the container or box, and a counting board officer, with his back turned to the container or box, shall draw out a number of ballots equal to the excess. The excess ballots must be marked on the back thereof with the words "Excess ballots not counted." The ballots when so marked must be immediately sealed in an envelope and returned to the county clerk with the other ballots rejected for any cause.

~~4.]~~ 3. When it has been ascertained that ~~the pollbook and~~ the number of ballots ~~agree~~ *agrees* with the number of names of registered voters shown to have voted, the board shall proceed to count. If there is a discrepancy between the number of ballots and the number of voters, a record of the discrepancy must be made.

Sec. 41. NRS 293.367 is hereby amended to read as follows:

293.367 1. The basic factor to be considered by an election board when making a determination of whether a particular ballot must be rejected is whether any identifying mark appears on the ballot which, in the opinion of the election board, constitutes an identifying mark such that there is a reasonable belief entertained in good faith that the ballot has been tampered with and, as a result of the tampering, the outcome of the election would be affected.

2. The regulations for counting ballots must include provisions that:

(a) An error in marking one or more votes on a ballot does not invalidate any votes properly marked on that ballot.

(b) A soiled or defaced ballot may not be rejected if it appears that the soiling or defacing was inadvertent and was not done purposely to identify the ballot.

(c) Only devices provided for in this chapter or chapter 293B of NRS may be used in marking ballots.

(d) It is unlawful for any election board officer to place any mark upon any ballot other than a spoiled ballot.

(e) When an election board officer rejects a ballot for any alleged defect or illegality, the officer shall seal the ballot in an envelope and write upon the envelope a statement that it was rejected and the reason for rejecting it. Each election board officer shall sign the envelope.

~~[(f) In counties where mechanical voting systems are used whereby a vote is cast by punching a card, a superfluous punch into any card does not constitute grounds for rejection of the ballot unless the election board~~

determines that the condition of the ballot justifies its exclusion pursuant to subsection 1.]

Sec. 42. NRS 293.3677 is hereby amended to read as follows:

293.3677 1. When counting a vote in an election, if more choices than permitted by the instructions for a ballot are marked for any office or question, the vote for that office or question may not be counted.

2. ~~Except as otherwise provided in subsection 1, in an election in which a paper ballot is used whereby a vote is cast by placing a cross in the designated square on the paper ballot, a vote on the ballot must not be counted unless indicated by a cross in the designated square.~~

3. ~~Except as otherwise provided in subsection 1, in an election in which a mechanical voting system is used whereby a vote is cast by punching a card:~~

~~(a) A chip on the card must be counted as a vote if:~~

~~(1) The chip has at least one corner that is detached from the card; or~~

~~(2) The fibers of paper on at least one edge of the chip are broken in a way that permits unimpeded light to be seen through the card.~~

~~(b) A writing or other mark on the card, including, without limitation, a cross, check, tear or scratch, may not be counted as a vote. The remaining votes on such a card must be counted unless the ballot is otherwise disqualified.~~

4.] Except as otherwise provided in subsection 1, in an election in which a mechanical voting system is used whereby a vote is cast by darkening a designated space on the ballot:

(a) A vote must be counted if the designated space is darkened or there is a writing in the designated space, including, without limitation, a cross or check; and

(b) Except as otherwise provided in paragraph (a), a writing or other mark on the ballot, including, without limitation, a cross, check, tear or scratch may not be counted as a vote.

~~5.]~~ 3. The Secretary of State:

(a) May adopt regulations establishing additional uniform, statewide standards, not inconsistent with this section, for counting a vote cast by a method of voting described in subsection 2 ; ~~3 or 4;~~ and

(b) Shall adopt regulations establishing uniform, statewide standards for counting a vote cast by each method of voting used in this State that is not described in subsection 2, ~~3 or 4,~~ including, without limitation, a vote cast on a mechanical recording device which directly records the votes electronically.

Sec. 43. NRS 293.370 is hereby amended to read as follows:

293.370 1. When all the votes have been ~~tallied,~~ **counted**, the counting board officers shall enter on the tally lists by the name of each candidate the number of votes he received. The number must be expressed in words and figures. The vote for and against any question submitted to the electors must be entered in the same manner.

2. The tally lists must show the number of votes, other than absentee votes and votes in a mailing precinct, which each candidate received in each precinct at:

- (a) A primary election held in an even-numbered year; or
- (b) A general election.

Sec. 44. NRS 293.373 is hereby amended to read as follows:

293.373 If paper ballots ~~for ballots which are voted by punching a card~~ are used:

1. After the ~~tally lists~~ **ballots** have been ~~completed,~~ **counted**, the voted ballots, rejected ballots, tally lists for regular ballots, tally list for rejected ballots, challenge list, stubs of used ballots, spoiled ballots and unused ballots must be sealed under cover by the counting board officers and addressed to the county clerk.

2. The other ~~pollbooks,~~ **rosters**, tally lists and election board register must be returned to the county clerk.

Sec. 45. NRS 293.384 is hereby amended to read as follows:

293.384 1. ~~Beginning at 8 a.m. on the day~~ **Not earlier than 4 working days** before the ~~day of an~~ election, the counting board, if it is responsible for counting absent ballots, or the absent ballot central counting board shall withdraw all the ballots from each ballot box or container that holds absent ballots received before that day and ascertain that each box or container has the required number of ballots according to the county clerk's absent voters' record.

2. The counting board or absent ballot central counting board shall count the number of ballots in the same manner as election boards.

Sec. 46. NRS 293.385 is hereby amended to read as follows:

293.385 1. ~~After 8 a.m. on election day,~~ **Each day after the initial withdrawal of the ballots pursuant to NRS 293.384 and before the day of the election**, the counting board, if it is responsible for counting absent ballots, or the absent ballot central counting board shall withdraw from the appropriate ballot boxes or containers all the ballots received the previous day and ascertain that each box or container has the required number of ballots according to the county clerk's absent voters' ballot record.

2. If any absent ballots are received by the county clerk on election day pursuant to NRS 293.316, the county clerk shall deposit the absent ballots in the appropriate ballot boxes or containers.

3. ~~After 8 a.m. on election day,~~ **Not earlier than 4 working days before the election**, the appropriate board shall, ~~count~~ in public, **count** the votes cast on the absent ballots.

4. If paper ballots are used, the results of the absent ballot vote in each precinct must be certified and submitted to the county clerk who shall have the results added to the regular votes of the precinct. ~~If a mechanical voting system is used in which a voter casts his ballot by punching a card which is counted by a computer, the absent ballots may be counted with the regular votes of the precinct.~~ The returns of absent ballots must be reported

separately from the regular votes of the precinct, unless reporting the returns separately would violate the secrecy of a voter's ballot. The county clerks shall develop a procedure to ensure that each ballot is kept secret.

5. Any person who disseminates to the public in any way information pertaining to the count of absent ballots before the polls close is guilty of a misdemeanor.

Sec. 47. NRS 293.391 is hereby amended to read as follows:

293.391 1. The voted ballots, rejected ballots, spoiled ballots, challenge lists, ~~[voting receipts,]~~ records printed on paper of voted ballots collected pursuant to NRS 293B.400, and stubs of the ballots used, enclosed and sealed, must, after canvass of the votes by the board of county commissioners, be deposited in the vaults of the county clerk. The records of voted ballots that are maintained in electronic form must, after canvass of the votes by the board of county commissioners, be sealed and deposited in the vaults of the county clerk. The tally lists ~~[and pollbooks]~~ collected pursuant to NRS 293B.400 must, after canvass of the votes by the board of county commissioners, be deposited in the vaults of the county clerk without being sealed. All materials described by this subsection must be preserved for at least 22 months, and all such sealed materials must be destroyed immediately after the preservation period. A notice of the destruction must be published by the clerk in at least one newspaper of general circulation in the county not less than 2 weeks before the destruction.

2. Unused ballots, enclosed and sealed, must, after canvass of the votes by the board of county commissioners, be deposited in the vaults of the county clerk and preserved for at least the period during which the election may be contested and adjudicated, after which the unused ballots may be destroyed.

3. The ~~[pollbooks]~~ *rosters* containing the signatures of those persons who voted in the election and the tally lists deposited with the board of county commissioners are subject to the inspection of any elector who may wish to examine them at any time after their deposit with the county clerk.

4. A contestant of an election may inspect all of the material regarding that election which is preserved pursuant to subsection 1 or 2, except the voted ballots.

5. The voted ballots deposited with the county clerk are not subject to the inspection of anyone, except in cases of *a* contested election, and then only by the judge, body or board before whom the election is being contested, or by the parties to the contest, jointly, pursuant to an order of such judge, body or board.

Sec. 48. NRS 293.440 is hereby amended to read as follows:

293.440 1. Any person who desires a copy of any list of the persons who are registered to vote in any precinct, district or county may obtain a copy by applying at the office of the county clerk and paying therefor a sum of money equal to 1 cent per name on the list, except that one copy of each original and supplemental list for each precinct, district or county must be

provided *both* to the state ~~for~~ *central committee of any major political party and to the* county central committee of any major political party ~~for~~, *and* to the executive committee of any minor political party upon request, without charge.

2. Except as otherwise provided in NRS 293.5002 and 293.558, the copy of the list provided pursuant to this section must indicate the address, date of birth, telephone number and the serial number on each application to register to vote. If the county maintains this information in a computer database, the date of the most recent addition or revision to an entry, if made on or after July 1, 1989, must be included in the database and on any resulting list of the information. The date must be expressed numerically in the order of month, day and year.

3. A county may not pay more than 10 cents per folio or more than \$6 per thousand copies for printed lists for a precinct or district.

4. A county which has a system of computers capable of recording information on magnetic tape or diskette shall, upon request of the state *central committee* or county central committee of any major political party or the executive committee of any minor political party which has filed a certificate of existence with the Secretary of State, record for ~~that~~ *both the state central committee and the county* central committee ~~for~~ *of the major political party, if requested, and for the* executive committee *of the minor political party, if requested*, on magnetic tape or diskette supplied by it:

(a) The list of persons who are registered to vote and the information required in subsection 2; and

(b) Not more than four times per year, as requested by the *state or county* central committee or the executive committee:

(1) A complete list of the persons who are registered to vote with a notation for the most recent entry of the date on which the entry or the latest change in the information was made; or

(2) A list that includes additions and revisions made to the list of persons who are registered to vote after a date specified by the *state or county* central committee or the executive committee.

5. If a political party does not provide its own magnetic tape or diskette, or if a political party requests the list in any other form that does not require printing, the county clerk may charge a fee to cover the actual cost of providing the tape, diskette or list.

6. Any state or county central committee of a major political party, any executive committee of a minor political party or any member or representative of such a central committee or executive committee who receives without charge a list of the persons who are registered to vote in any precinct, district or county pursuant to this section shall not:

(a) Use the list for any purpose that is not related to an election; or

(b) Sell the list for compensation or other valuable consideration.

Sec. 49. NRS 293.443 is hereby amended to read as follows:

293.443 1. Except as otherwise provided in subsection 3, the expense of providing all ballots, forms and other supplies to be used at any election regulated by this chapter or chapter 293C of NRS and all expenses necessarily incurred in the preparation for, or the conduct of, any such election is a charge upon the municipality, county, district or State, as the case may be.

2. The county or city clerk may submit the printing of ballots for competitive bidding.

3. If a political party or other entity requests more than 50 applications to register to vote by mail ~~[]~~ **in any 12-month period**, the clerk may assess a charge, not to exceed the cost of printing the applications . ~~[, for each application requested in excess of 50.]~~

Sec. 50. NRS 293.462 is hereby amended to read as follows:

293.462 1. Each container used to transport official ballots pursuant to NRS 293.304, 293.325, ~~[293.3602,]~~ 293B.330 and 293B.335 must:

- (a) Be constructed of metal or any other rigid material; and
- (b) Contain a seal which is placed on the container to ensure detection of any opening of the container.

2. The container and seal must be separately numbered for identification.

Sec. 51. NRS 293.481 is hereby amended to read as follows:

293.481 1. Except as otherwise provided in subsection 2 or NRS 295.121 or 295.217, every governing body of a political subdivision, public or quasi-public corporation, or other local agency authorized by law to submit questions to the qualified electors or registered voters of a designated territory, when the governing body decides to submit a question:

(a) At a general election, shall provide to each county clerk within the designated territory on or before the third Monday in July preceding the election:

- (1) A copy of the question, including an explanation of the question;
- (2) Arguments for and against the question; and
- (3) If the question is an advisory question that proposes a bond, tax, fee or expense, a fiscal note prepared by the governing body in accordance with subsection 4 of NRS 293.482.

(b) At a primary election, shall provide to each county clerk within the designated territory on or before the second Friday after the first Monday in May preceding the election:

- (1) A copy of the question, including an explanation of the question;
- (2) Arguments for and against the question; and
- (3) If the question is an advisory question that proposes a bond, tax, fee or expense, a fiscal note prepared by the governing body in accordance with subsection 4 of NRS 293.482.

(c) At any election other than a primary or general election at which the county clerk gives notice of the election or otherwise performs duties in connection therewith other than the registration of electors and the making of

records of registered voters available for the election, shall provide to each county clerk at least 60 days before the election:

- (1) A copy of the question, including an explanation of the question;
- (2) Arguments for and against the question; and
- (3) If the question is an advisory question that proposes a bond, tax, fee or expense, a fiscal note prepared by the governing body in accordance with subsection 4 of NRS 293.482.

(d) At any city election at which the city clerk gives notice of the election or otherwise performs duties in connection therewith, shall provide to the city clerk at least 60 days before the election:

- (1) A copy of the question, including an explanation of the question;
- (2) Arguments for and against the question; and
- (3) If the question is an advisory question that proposes a bond, tax, fee or expense, a fiscal note prepared by the governing body in accordance with subsection 4 of NRS 293.482.

2. A question may be submitted after the dates specified in subsection 1 if the question is expressly privileged or required to be submitted pursuant to the provisions of Article 19 of the Constitution of the State of Nevada, or pursuant to the provisions of chapter 295 of NRS or any other statute except NRS 293.482, 354.59817, 354.5982, 387.3285 or 387.3287 or any statute that authorizes the governing body to issue bonds upon the approval of the voters.

3. *A question that is submitted pursuant to subsection 1 may be withdrawn if the governing body provides notification to each of the county or city clerks within the designated territory of its decision to withdraw the particular question on or before the same dates specified for submission pursuant to paragraph (a), (b), (c) or (d) of subsection 1, as appropriate.*

4. A county or city clerk ~~may~~:

(a) Shall assign a unique identification number to a question submitted pursuant to this section; and

(b) May charge any political subdivision, public or quasi-public corporation, or other local agency which submits a question a reasonable fee sufficient to pay for the increased costs incurred in including the question, explanation, arguments and fiscal note on the ballot.

Sec. 52. NRS 293.507 is hereby amended to read as follows:

293.507 1. The Secretary of State shall prescribe:

- (a) A standard form for applications to register to vote; ~~and~~
- (b) A special form for registration to be used in a county where registrations are performed and records of registration are kept by computer ~~;~~; *and*

(c) A standard form for the affidavit described in subsection 5.

2. The county clerks shall provide forms for applications to register to vote to field registrars in the form and number prescribed by the Secretary of State.

3. Each form for an application to register to vote must include a:

- (a) Unique control number assigned by the Secretary of State; and
 - (b) Receipt which:
 - (1) Includes a space for a person assisting ~~{a voter}~~ **an applicant** in completing the form to enter his name; and
 - (2) May be retained by the applicant upon completion of the form.
 - 4. The form for an application to register to vote must include:
 - (a) A line for use by the ~~{county clerk}~~ **applicant** to enter:
 - (1) The number indicated on the ~~{voter's}~~ **applicant's** current and valid driver's license issued by the Department of Motor Vehicles, if the ~~{voter}~~ **applicant** has such a driver's license;
 - (2) The last four digits of the ~~{voter's}~~ **applicant's** social security number, if the ~~{voter}~~ **applicant** does not have a driver's license issued by the Department of Motor Vehicles and does have a social security number; or
 - (3) The number issued to the ~~{voter}~~ **applicant** pursuant to subsection 5, if the ~~{voter}~~ **applicant** does not have a current and valid driver's license issued by the Department of Motor Vehicles or a social security number.
 - (b) A line on which to enter the address at which the ~~{voter}~~ **applicant** actually resides, as set forth in NRS 293.486.
 - (c) A notice that the ~~{voter}~~ **applicant** may not list a business as the address required pursuant to paragraph (b) unless he actually resides there.
 - (d) A line on which to enter an address at which the ~~{voter}~~ **applicant** may receive mail, including, without limitation, a post office box or general delivery.
 - 5. If ~~{a voter}~~ **an applicant** does not have the identification set forth in subparagraph (1) or (2) of paragraph (a) of subsection 4, the ~~{voter}~~ **applicant** shall sign an affidavit stating that he does not have a current and valid driver's license issued by the Department of Motor Vehicles or a social security number. Upon receipt of the affidavit, the county clerk shall issue an identification number to the ~~{voter}~~ **applicant** which must be the same number as the unique identifier assigned to the ~~{voter}~~ **applicant** for purposes of the statewide voter registration list.
 - 6. The Secretary of State shall adopt regulations to carry out the provisions of subsections 3, 4 and 5.
- Sec. 53. NRS 293.517 is hereby amended to read as follows:
- 293.517 1. Any elector residing within the county may register:
- (a) Except as otherwise provided in NRS 293.560 and 293C.527, by appearing before the county clerk, a field registrar or a voter registration agency, completing the application to register to vote, giving true and satisfactory answers to all questions relevant to his identity and right to vote, and providing proof of his residence and identity;
 - (b) By completing and mailing or personally delivering to the county clerk an application to register to vote pursuant to the provisions of NRS 293.5235;
 - (c) Pursuant to the provisions of NRS 293.501 or 293.524; or
 - (d) At his residence with the assistance of a field registrar pursuant to NRS 293.5237.

↪ The county clerk shall require a person to submit official identification as proof of residence and identity, such as a driver's license or other official document, before registering him. If the applicant registers to vote pursuant to this subsection and fails to provide proof of his residence and identity, the applicant must provide proof of his residence and identity before casting a ballot in person or by mail or after casting a provisional ballot pursuant to NRS 293.3081 or 293.3083.

2. The application to register to vote must be signed and verified under penalty of perjury by the elector registering.

3. Each elector who is or has been married must be registered under his own given or first name, and not under the given or first name or initials of his spouse.

4. An elector who is registered and changes his name must complete a new application to register to vote. He may obtain a new application:

(a) At the office of the county clerk or field registrar;

(b) By submitting an application to register to vote pursuant to the provisions of NRS 293.5235;

(c) By submitting a written statement to the county clerk requesting the county clerk to mail an application to register to vote; or

(d) At any voter registration agency.

↪ If the elector fails to register under his new name, he may be challenged pursuant to the provisions of NRS 293.303 or 293C.292 and may be required to furnish proof of identity and subsequent change of name.

5. ~~{An}~~ *Except as otherwise provided in subsection 7, an* elector who registers to vote pursuant to paragraph (a) of subsection 1 shall be deemed to be registered upon the completion of his application to register to vote.

6. After the county clerk determines that the application to register to vote of a person is complete and that the person is eligible to vote ~~{}~~ *pursuant to NRS 293.485*, he shall issue a voter registration card to the voter which contains:

(a) The name, address, political affiliation and precinct number of the voter;

(b) The date of issuance; and

(c) The signature of the county clerk.

7. *If an elector submits an application to register to vote or an affidavit described in paragraph (c) of subsection 1 of NRS 293.507 that contains any handwritten additions, erasures or interlineations, the county clerk may object to the application to register to vote if he believes that because of such handwritten additions, erasures or interlineations, the application to register to vote of the elector is incomplete or that the elector is not eligible to vote pursuant to NRS 293.485. If the county clerk objects pursuant to this subsection, he shall immediately notify the elector and the district attorney of the county. Not later than 5 business days after the district attorney receives such notification, the district attorney shall advise the county clerk whether:*

(a) The application to register to vote of the elector is complete and the elector is eligible to vote pursuant to NRS 293.485; and

(b) The county clerk should proceed to process the application to register to vote.

↪ If the District Attorney advises the county clerk to process the application to register to vote, the county clerk shall immediately issue a voter registration card to the applicant pursuant to subsection 6.

Sec. 54. NRS 293.547 is hereby amended to read as follows:

293.547 1. After the 30th day but not later than the 25th day before any election, a written challenge may be filed with the county clerk.

2. A registered voter may file a written challenge if:

(a) He is registered to vote in the same precinct ~~for district~~ as the person whose right to vote is challenged; ~~for~~ **and**

(b) The challenge is based on the personal knowledge of the registered voter.

3. The challenge must be signed and verified by the registered voter and name the person whose right to vote is challenged and the ground of the challenge.

4. A challenge filed pursuant to this section must not contain the name of more than one person whose right to vote is challenged. The county clerk shall not accept for filing any challenge which contains more than one such name.

5. The county clerk shall:

(a) File the challenge in the registrar of voters' register and:

(1) In counties where records of registration are not kept by computer, he shall attach a copy of the challenge to the challenged registration in the election board register.

(2) In counties where records of registration are kept by computer, he shall have the challenge printed on the computer entry for the challenged registration and add a copy of it to the election board register.

(b) Within 5 days after a challenge is filed, mail a notice in the manner set forth in NRS 293.530 to the person whose right to vote has been challenged pursuant to this section informing him of the challenge. If the person fails to respond or appear to vote within the required time, the county clerk shall cancel his registration. A copy of the challenge and information describing how to reregister properly must accompany the notice.

(c) Immediately notify the district attorney. A copy of the challenge must accompany the notice.

6. Upon receipt of a notice pursuant to this section, the district attorney shall investigate the challenge within 14 days and, if appropriate, cause proceedings to be instituted and prosecuted in a court of competent jurisdiction without delay. The court shall give such proceedings priority over other civil matters that are not expressly given priority by law. Upon court order, the county clerk shall cancel the registration of the person whose right to vote has been challenged pursuant to this section.

Sec. 55. NRS 293B.032 is hereby amended to read as follows:

293B.032 "Mechanical recording device" means a device ~~[-~~

~~1. Which] which~~ mechanically or electronically compiles a total of the number of votes cast for each candidate and for or against each measure voted on. ~~[- or~~

~~2. To which a list of offices and candidates and the statements of measures to be voted on may be affixed and into which a card may be inserted so that the votes cast for each candidate and for or against each measure may be indicated by punching the card with reference to the list.]~~

Sec. 56. NRS 293B.033 is hereby amended to read as follows:

293B.033 "Mechanical voting system" means a system of voting whereby a voter may cast his vote:

1. On a device which mechanically or electronically compiles a total of the number of votes cast for each candidate and for or against each measure voted on; or

2. By ~~[punching a card or]~~ marking a paper ballot which is subsequently counted on an electronic tabulator, counting device or computer.

Sec. 57. NRS 293B.084 is hereby amended to read as follows:

293B.084 1. A mechanical recording device which directly records votes electronically must:

(a) Bear a number which identifies that mechanical recording device.

(b) Be equipped with a storage device which:

(1) Stores the ballots voted on the mechanical recording device;

(2) Can be removed from the mechanical recording device for the purpose of transporting the ballots stored therein to a central counting place; and

(3) Bears the same number as the mechanical recording device.

(c) Be designed in such a manner that voted ballots may be stored within the mechanical recording device and the storage device required pursuant to paragraph (b) at the same time.

(d) Be capable of providing a record printed on paper of:

(1) Each ballot voted on the mechanical recording device; and

(2) The total number of votes recorded on the mechanical recording device for each candidate and for or against each measure.

2. The paper record described in paragraph (d) of subsection 1 must ~~[-~~

~~(a) Be] be~~ printed and made available for a manual audit, as ~~[necessary; and~~

~~(b) Be printed and serve as an official record for a recount, as] necessary.~~

Sec. 58. NRS 293B.103 is hereby amended to read as follows:

293B.103 ~~[1. If a mechanical voting system is used whereby votes are cast by punching a card:~~

~~(a) The cards to be used must have two detachable stubs.~~

~~(b) Each of the stubs attached to a particular card must bear the number of that card.~~

~~(e) One of the stubs must be detached and given to the voter when he returns his voted ballot, and the other stub must be retained by the election board.~~

~~2.] If a mechanical voting system is used whereby votes are directly recorded electronically [:~~

~~(a) A], a voting receipt [which has two parts must] may be used.~~

~~[(b) Each part of the voting receipt must bear the same number for identification.~~

~~(e) One part of the voting receipt must be given to the voter when he votes and the other part of the voting receipt must be retained by the election board.]~~

Sec. 59. NRS 293B.155 is hereby amended to read as follows:

293B.155 1. The tests prescribed by NRS 293B.150 and 293B.165 must be conducted by processing a preaudited group of logic and accuracy test ballots so ~~[punched,]~~ voted or marked as to record a predetermined number of valid votes for each candidate and on each measure, and must include for each office one or more ballots which have votes in excess of the number allowed by law in order to test the ability of the mechanical recording device or the automatic tabulating equipment and programs to reject those votes.

2. If any error is detected, the cause therefor must be ascertained and corrected and an errorless count must be made before the mechanical recording device or the automatic tabulating equipment and programs are approved.

3. When satisfied with the accuracy of the mechanical recording device or automatic tabulating equipment and computer program, the accuracy certification board and the county or city clerk shall date and sign all reports, and seal the program, if any, and the reports and all test material in an appropriate container. The container must be kept sealed by the clerk.

4. Except as otherwise provided in this subsection, the contents of such a sealed container are not subject to the inspection of anyone except in the case of a contested election, and then only by the judge, body or board before whom the election is being contested, or by the parties to the contest, jointly, pursuant to an order of that judge, body or board. For the period set forth in NRS 293.413 during which a candidate may file a statement of contest, the results of the test must be made available in the clerk's office for public inspection.

Sec. 60. NRS 293B.300 is hereby amended to read as follows:

293B.300 1. In a primary election, a member of the election board for a precinct shall issue each partisan voter a ballot which contains a distinctive code associated with the major political party of the voter and on which is clearly printed the name of the party.

2. If a mechanical voting system is used in a primary election whereby votes are directly recorded electronically, a member of the election board shall, *if the clerk uses voting receipts*, in addition to the ballot described in

subsection 1, issue each partisan voter a voting receipt on which is clearly printed the name of the major political party of the voter.

3. The member of the election board shall direct the partisan voter to a mechanical recording device containing the list of offices and candidates arranged for the voter's major political party in the manner provided in NRS 293B.190.

Sec. 61. NRS 293B.305 is hereby amended to read as follows:

293B.305 Unless a major political party allows a nonpartisan voter to vote for its candidates:

1. In a primary election, a member of the election board for a precinct shall issue each nonpartisan voter a ballot with a distinctive code and printed designation identifying it as a nonpartisan ballot.

2. If a mechanical voting system is used in a primary election whereby votes are directly recorded electronically, a member of the election board shall, *if the clerk uses voting receipts*, in addition to the ballot described in subsection 1, issue the nonpartisan voter a voting receipt with a printed designation identifying it as a nonpartisan ballot.

3. The member of the election board shall:

(a) Direct the nonpartisan voter to a mechanical recording device containing a list of offices and candidates setting forth only the nonpartisan ballot; *or*

(b) Direct the nonpartisan voter to a mechanical recording device containing a list of offices and candidates arranged for a partisan ballot, instruct the voter to vote only the nonpartisan section of the list and advise the voter that any votes he may cast in the partisan section will not be counted. ~~;~~

~~(c) Issue a nonpartisan ballot attached to a sheet of foam plastic or similar backing material, a punching instrument, a sample nonpartisan ballot and an instruction sheet to the nonpartisan voter and instruct him to punch his ballot by reference to the sample ballot.~~

Sec. 62. NRS 293B.330 is hereby amended to read as follows:

293B.330 1. Upon closing of the polls, the election board shall:

(a) Secure all mechanical recording devices against further voting.

~~(b) If a mechanical voting system is used whereby votes are cast by punching a card:~~

~~(1) Count the number of ballots in the ballot boxes.~~

~~(2) Account for all ballots on the statement of ballots.~~

~~(3) Place all official ballots, the ballot statement and any other records, reports and materials as directed by the county clerk into the container provided by him to transport those items to a central counting place and seal the container.~~

~~(c)~~ If a mechanical voting system is used whereby votes are directly recorded electronically:

(1) Ensure that each mechanical recording device:

(I) Provides a record printed on paper of the total number of votes recorded on the device for each candidate and for or against each measure; and

(II) Transfers the ballots voted on that device to the storage device required pursuant to NRS 293B.084.

(2) Count the number of ballots voted at the polling place.

(3) Account for all ballots on the statement of ballots.

(4) Place all records printed on paper provided by the mechanical recording devices, all storage devices which store the ballots voted on the mechanical recording devices, and any other records, reports and materials as directed by the county clerk into the container provided by him to transport those items to a central counting place and seal the container.

~~[(d)]~~ (c) Record the number of voters on a form provided by the county clerk.

2. If a difference exists between the number of voters and the number of ballots voted, the election board shall report the difference and any known reasons for the difference, in writing, to the county clerk.

3. After closing the polls, the election board shall:

(a) Compare the quantity of the supplies furnished by the county clerk with the inventory of those supplies; and

(b) Note any shortages.

4. The county clerk shall allow members of the general public to observe the handling of the ballots pursuant to subsection 1 if those members do not interfere with the handling of the ballots.

Sec. 63. NRS 293B.365 is hereby amended to read as follows:

293B.365 The central ballot inspection board shall:

1. Receive the ballots in sealed containers.

2. Inspect the containers, record the number indicated on each container and its seal pursuant to NRS 293.462 and remove the ~~[ballots or]~~ storage devices which store the ballots voted on mechanical recording devices which directly record votes electronically.

3. Register the numbers of ballots by precinct.

4. Deliver any damaged *paper* ballots to the ballot duplicating board . ~~[if the ballots were voted by punching a card.]~~

5. Receive duplicates of damaged *paper* ballots from the ballot duplicating board and place the duplicates with the voted ballots of the appropriate precinct . ~~[if the ballots were voted by punching a card.]~~

6. Place each damaged original *paper* ballot in a separate envelope and note on the outside of the envelope the appropriate number of the precinct . ~~[if the ballot was voted by punching a card.]~~

7. Reject any *paper* ballot that has been marked in a way that identifies the voter.

8. Place each rejected *paper* ballot in a separate envelope and note on the outside of the envelope the appropriate number of the precinct and the reason

for the board's rejection of the ballot. ~~{, if the ballot was voted by punching a card.}~~

Sec. 64. NRS 293B.375 is hereby amended to read as follows:

293B.375 ~~{If ballots which are voted by punching a card are used, the}~~
The ballot duplicating board shall:

1. Receive damaged ballots ~~{}~~ **pursuant to NRS 293B.365**, including ballots which have been torn, bent or mutilated.

2. ~~{Receive cards with incompletely punched chips.}~~

~~3.}~~ Prepare on a distinctly colored, serially numbered ballot marked "duplicate" an exact copy of each damaged ballot.

~~{4. In the case of a card with an incompletely punched chip:~~

~~(a) Remove the incompletely punched chip if:~~

~~(1) The chip has at least one corner that is detached from the card; or~~

~~(2) The fibers of paper on at least one edge of the chip are broken in a way that permits unimpeded light to be seen through the card; or~~

~~(b) Duplicate the card without punching the location of the incompletely punched chip if:~~

~~(1) The chip does not have at least one corner that is detached from the card; and~~

~~(2) The fibers of paper on no edge of the chip are broken in a way that permits unimpeded light to be seen through the card.~~

~~5.}~~ **3.** Record the serial number of the duplicate ballot on the damaged original ballot and return the damaged and duplicate ballots to the appropriate ballot inspection board.

~~6.}~~ **4.** Hold aside the duplicated ballots for counting after all other ballots are counted if this procedure is directed by the county clerk.

Sec. 65. 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,}~~ **293C.245**, inclusive, and 293C.382. ~~{, 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. 66. NRS 293C.230 is hereby amended to read as follows:

~~293C.230 [1.—In precincts or districts in a city where there are less than 200 registered voters and paper ballots are used, the election board shall perform all duties required from the time of preparing for the opening of the polls through delivering the supplies and result of votes cast to the city clerk.~~

~~2.] Except as otherwise provided in NRS 293C.240, one election board must be appointed by the city clerk for all mailing precincts within the city and must be designated the central election board. The city clerk shall deliver the mailed ballots to that board in his office and the board shall count the votes on those ballots in the manner required by law.~~

Sec. 67. NRS 293C.256 is hereby amended to read as follows:

293C.256 An absent ballot for a city election or a ballot for a city election voted by a voter who resides in a mailing precinct must be voted on a paper ballot. ~~[for a ballot which is voted by punching a card.]~~

Sec. 68. NRS 293C.261 is hereby amended to read as follows:

293C.261 1. A ballot prepared for use in a city election must be dated and marked in such a manner as to indicate clearly at which city election the ballot will be used.

2. If a ballot includes a detachable stub, both the ballot and the stub must include the date of the city election and indicate clearly at which city election the ballot will be used.

3. If a ballot includes a voting receipt, ~~[which has two parts, each part of]~~ the voting receipt must include the date of the city election and indicate clearly at which city election the ~~[ballot will be used.]~~ **voter cast his ballot.**

Sec. 69. NRS 293C.275 is hereby amended to read as follows:

~~293C.275 [1.] A registered voter who applies to vote must state his name to the election board officer in charge of the election board register, and the officer shall immediately announce the name and take the registered voter's signature. [After a registered voter is properly identified at a polling place where paper ballots are used, one ballot correctly folded, must be given to the voter and the number of the ballot must be written by an election board officer upon the pollbook, opposite the name of the registered voter receiving the ballot.~~

~~2.—In pollbooks in which the names of the voters have been entered, election officers may indicate the application to vote without writing the name.]~~

Sec. 70. NRS 293C.285 is hereby amended to read as follows:

293C.285 [1.—Except as otherwise provided in subsection 2:

~~(a) Any voter who spoils his ballot may return the spoiled ballot to the election board and receive another in its place.~~

~~(b) The election board officers shall indicate in the pollbook that the ballot is spoiled and shall enter the number of the ballot issued in its place.~~

~~(c) Each spoiled ballot returned must be cancelled by writing the word "Cancelled" across the back of the ballot. A spoiled paper ballot must be cancelled without unfolding it.~~

~~(d) A record must be made of those cancelled ballots at the closing of the polls and before counting. The ballots must be placed in a separate envelope and returned to the city clerk with the election supplies.~~

~~2. If ballots that are voted on a~~ A mechanical recording device which directly records ~~the~~ votes electronically ~~are used,~~ **must allow** the voter ~~must be able~~ to change his vote before the mechanical recording device permanently records that vote.

Sec. 71. NRS 293C.295 is hereby amended to read as follows:

293C.295 1. If a person is successfully challenged on the ground set forth in paragraph (a) of subsection 2 of NRS 293C.292 or if a person refuses to provide an affirmation pursuant to NRS 293C.525, the election board shall instruct the voter that he may vote only at the special polling place in the manner set forth in this section.

2. The city clerk shall maintain at least one special polling place at such locations as he deems necessary during each election. The ballots voted at the special polling place must be kept separate from the ballots of voters who have not been so challenged or who have provided an affirmation pursuant to NRS 293C.525 in ~~the~~:

~~(a) A special ballot box if the ballots are paper ballots or ballots that are voted by punching a card; or~~

~~(b) A~~ **a** special sealed container if the ballots are ballots that are voted on a mechanical recording device which directly records the votes electronically.

3. A person who votes at a special polling place may place his vote only for the following offices and questions:

(a) All officers for whom all voters in the city may vote; and

(b) Questions that have been submitted to all voters of the city.

4. The ballots voted at the special polling place must be counted when other ballots are counted and ~~the~~:

~~(a) If the ballots are paper ballots or ballots that are voted by punching a card, maintained in a separate ballot box; or~~

~~(b) If,~~ **if** the ballots are ballots that are voted on a mechanical recording device that directly records the votes electronically, maintained in a separate sealed container ~~the~~

~~the~~ until any contest of election is resolved or the date for filing a contest of election has passed, whichever is later.

Sec. 72. NRS 293C.322 is hereby amended to read as follows:

293C.322 1. Except as otherwise provided in subsection 2, if the request for an absent ballot is made by mail or facsimile machine, the city clerk shall, as soon as the official absent ballot for the precinct or district in which the applicant resides has been printed, send to the voter by first-class mail **or by any class of mail if the Official Election Mail logo or an**

equivalent logo or mark created by the United States Postal Service is properly placed on the official absent ballot, if the absent voter is within the boundaries of the United States, its territories or possessions or on a military base, or by air mail if the absent voter is in a foreign country but not on a military base:

(a) ~~Except as otherwise provided in paragraph (b):~~

~~(1)~~ An absent ballot;

~~{(2)}~~ (b) A return envelope;

~~{(3)}~~ Supplies for marking the ballot;

~~(4)~~ (c) An envelope or similar device into which the ballot is inserted to ensure its secrecy; and

~~{(5)}~~ Instructions.

(b) ~~In those cities using a mechanical voting system whereby a vote is cast by punching a card:~~

~~(1) A card attached to a sheet of foam plastic or similar backing material;~~

~~(2) A return envelope;~~

~~(3) A punching instrument;~~

~~(4) A sample ballot;~~

~~(5) An envelope or similar device into which the card is inserted to ensure its secrecy; and~~

~~{(6)}~~ (d) Instructions.

2. If the city clerk fails to send an absent ballot pursuant to subsection 1 to a voter who resides within the continental United States, the city clerk may use a facsimile machine to send an absent ballot and instructions to the voter. The voter shall mail his absent ballot to the city clerk.

3. The return envelope sent pursuant to subsection 1 must include postage prepaid by first-class mail if the absent voter is within the boundaries of the United States, its territories or possessions or on a military base.

4. Nothing may be enclosed or sent with an absent ballot except as required by subsection 1 or 2.

5. Before depositing a ballot with the United States Postal Service or sending a ballot by facsimile machine, the city clerk shall record the date the ballot is issued, the name of the registered voter to whom it is issued, his precinct or district, the number of the ballot and any remarks he finds appropriate.

6. The Secretary of State shall adopt regulations to carry out the provisions of subsection 2.

Sec. 73. NRS 293C.325 is hereby amended to read as follows:

293C.325 1. Except as otherwise provided in ~~subsections~~ **subsection 2**, ~~and 3,~~ when an absent ballot is returned by a registered voter to the city clerk through the mails ~~{}~~ **or in person**, and record thereof is made in the absent ballot record book, the city clerk shall neatly stack, unopened, the absent ballot with any other absent ballot received that day in a container and

deliver, or cause to be delivered, that container to the precinct or district election board.

2. If ~~the city clerk has appointed~~ an absent ballot central counting board ~~[, the city clerk shall, upon receipt of each absent voter's ballot, make a record of the return and check the signature on the return envelope against the original signature of the voter on the county clerk's register. If the city clerk determines that the absent voter is entitled to cast his ballot, he shall deposit the ballot in the proper ballot box. At the end of each day before election day, the city clerk may remove the ballots from each ballot box and neatly stack the ballots in a container. Except as otherwise provided in subsection 3, on election day the city clerk shall deliver the ballot box and, if applicable, each container to the absent ballot counting board to be counted.~~

3. ~~If the city uses a mechanical voting system, the city clerk shall, upon receipt of each absent voter's ballot, make a record of the return and~~ ***has been appointed, when an absent ballot is returned by a registered voter to the county clerk through the mails or in person, the county clerk shall*** check the signature on the return envelope against the original signature of the county clerk's register. If the city clerk determines that the absent voter is entitled to cast his ballot, he shall deposit the ballot in the proper ballot box or place the ballot, unopened, in a container that must be securely locked or under the control of the city clerk at all times. At the end of each day before election day, the city clerk may remove the ballots from each ballot box, neatly stack the ballots in a container and seal the container with a numbered seal. ~~[Except as otherwise provided in this subsection, on election day the city clerk shall deliver the ballot box and each container, if applicable, to the central counting place. If the city uses a mechanical voting system and the city clerk has appointed an absent ballot central counting board, the city clerk may, not]~~ ***Not*** earlier than 4 working days before the election, ***the county clerk shall*** deliver the ballots to the absent ballot central counting board to be processed and prepared for ~~tabulation~~ ***counting*** pursuant to the procedures established by the Secretary of State ~~[]~~ ***to ensure the confidentiality of the prepared ballots until after the polls have closed pursuant to NRS 293C.267 or 293C.297.***

Sec. 74. NRS 293C.330 is hereby amended to read as follows:

293C.330 1. Except as otherwise provided in NRS 293C.315 and subsection 2 of NRS 293C.322 and any regulations adopted pursuant thereto, when an absent voter receives his ballot, he must mark and fold it ~~[, if it is a paper ballot, or punch it, if the ballot is voted by punching a card,]~~ in accordance with the instructions, deposit it in the return envelope, seal the envelope, affix his signature on the back of the envelope in the space provided therefor and mail the return envelope.

2. Except as otherwise provided in subsection 3, if an absent voter who has requested a ballot by mail applies to vote the ballot in person at:

(a) The office of the city clerk, he must mark ~~for punch~~ the ballot, seal it in the return envelope and affix his signature in the same manner as provided in subsection 1, and deliver the envelope to the city clerk.

(b) A polling place, including, without limitation, a polling place for early voting, he must surrender the absent ballot and provide satisfactory identification before being issued a ballot to vote at the polling place. A person who receives a surrendered absent ballot shall mark it "Cancelled."

3. If an absent voter who has requested a ballot by mail applies to vote in person at the office of the city clerk or a polling place, including, without limitation, a polling place for early voting, and the voter does not have the absent ballot to deliver or surrender, the voter must be issued a ballot to vote if the voter:

(a) Provides satisfactory identification;

(b) Is a registered voter who is otherwise entitled to vote; and

(c) Signs an affirmation under penalty of perjury on a form prepared by the Secretary of State declaring that the voter has not voted during the election.

4. Except as otherwise provided in NRS 293C.317, it is unlawful for any person to return an absent ballot other than the voter who requested the absent ballot or, at the request of the voter, a member of his family. A person who returns an absent ballot and who is a member of the family of the voter who requested the absent ballot shall, under penalty of perjury, indicate on a form prescribed by the city clerk that he is a member of the family of the voter who requested the absent ballot and that the voter requested that he return the absent ballot. A person who violates the provisions of this subsection is guilty of a category E felony and shall be punished as provided in NRS 193.130.

Sec. 75. NRS 293C.332 is hereby amended to read as follows:

293C.332 On the day of an election, the precinct or district election boards receiving the absent voters' ballots from the city clerk shall, in the presence of a majority of the election board officers, remove the ballots from the ballot box and the containers in which the ballots were transported pursuant to NRS 293C.325 and deposit the ballots in the regular ballot box in the following manner:

1. The name of the voter, as shown on the return envelope, must be called and checked as if the voter were voting in person;

2. The signature on the back of the return envelope must be compared with that on the original application to register to vote;

3. If the board determines that the absent voter is entitled to cast his ballot, the envelope must be opened, the numbers on the ballot and envelope compared, the number strip or stub detached from the ballot and, if the numbers are the same, the ballot deposited in the regular ballot box; and

4. The election board officers shall mark in the ~~pollbook~~ **roster** opposite the name of the voter the word "Voted."

Sec. 76. NRS 293C.347 is hereby amended to read as follows:

293C.347 1. The city clerk shall:

- (a) Make certain of the names and addresses of all voters registered to vote in mailing precincts and absent ballot mailing precincts;
- (b) Enroll the name and address of each voter found eligible to vote in those precincts in the mailing precinct record book;
- (c) Mark the number of the ballot on the return envelope; and
- (d) Mail the ballot to the registered voter.

2. ~~{Except as otherwise provided in subsection 3, the}~~ **The** ballot must be accompanied by:

- ~~{(a) Supplies for marking the ballot;~~
- ~~{(b)} A return envelope;~~
- ~~{(c)}~~ **(b)** An envelope or similar device into which the ballot is inserted to ensure its secrecy;
- ~~{(d)}~~ **(c)** A sample ballot; and
- ~~{(e)}~~ **(d)** Instructions regarding the manner of marking and returning the ballot.

~~{3.—In those cities using a mechanical voting system whereby a vote is cast by punching a card, the ballot must be accompanied by:~~

- ~~{(a) A sheet of foam plastic or similar backing material attached to the card;~~
- ~~{(b) A punching instrument;~~
- ~~{(c) A return envelope;~~
- ~~{(d) An envelope or similar device into which the card is inserted to ensure its secrecy;~~
- ~~{(e) A sample ballot; and~~
- ~~{(f) Instructions concerning the manner of punching and returning the card.}~~

Sec. 77. NRS 293C.350 is hereby amended to read as follows:

293C.350 Upon receipt of a mailing ballot from the city clerk, the registered voter must:

1. ~~{Except as otherwise provided in subsection 2:~~

- ~~{(a)}~~ Immediately after opening the envelope, mark and fold the ballot;
- ~~{(b)}~~ **2.** Place the ballot in the return envelope;
- ~~{(c)}~~ **3.** Affix his signature on the back of the envelope; and
- ~~{(d)}~~ **4.** Mail or deliver the envelope to the city clerk.

~~{2.—In those cities using a mechanical voting system whereby a vote is cast by punching a card:~~

- ~~{(a) Immediately after opening the envelope, punch the card;~~
- ~~{(b) Place the unfolded card in the return envelope;~~
- ~~{(c) Affix his signature on the back of the envelope; and~~
- ~~{(d) Mail or deliver the envelope to the city clerk.}~~

Sec. 78. NRS 293C.356 is hereby amended to read as follows:

293C.356 1. If a request is made to vote early by a registered voter in person, the city clerk shall issue a ballot for early voting to the voter. Such a ballot must be voted on the premises of the clerk's office and returned to the

clerk. ~~[If the ballot is a paper ballot or a ballot which is voted by punching a card, the clerk shall follow the same procedure as in the case of absent ballots received by mail.]~~

2. On the dates for early voting prescribed in NRS 293C.3568, each city clerk shall provide a voting booth, with suitable equipment for voting, on the premises of his office for use by registered voters who are issued ballots for early voting in accordance with this section.

Sec. 79. NRS 293C.3568 is hereby amended to read as follows:

293C.3568 1. The period for early voting by personal appearance begins the third Saturday preceding a primary city election or general city election, and extends through the Friday before election day, Sundays and holidays excepted.

2. The city clerk may:

(a) Include any Sunday or holiday that falls within the period for early voting by personal appearance.

(b) Require a permanent polling place for early voting to remain open until

8 p.m. on any Saturday that falls within the period for early voting.

3. A permanent polling place for early voting must remain open:

(a) On Monday through Friday:

(1) During the first week of early voting, from 8 a.m. until 6 p.m.

(2) During the second week of early voting, from 8 a.m. until 6 p.m., or until 8 p.m. if the city clerk so requires.

(b) On any Saturday that falls within the period for early voting, ~~from~~ **for at least 4 hours between 10 a.m. ~~until~~ and 6 p.m.**

(c) If the city clerk includes a Sunday that falls within the period for early voting pursuant to subsection 2, during such hours as he may establish.

Sec. 80. NRS 293C.3585 is hereby amended to read as follows:

293C.3585 1. Upon the appearance of a person to cast a ballot for early voting, the deputy clerk for early voting shall:

(a) Determine that the person is a registered voter in the county;

(b) Instruct the voter to sign the roster for early voting; and

(c) Verify the signature of the voter against that contained on the original application to register to vote or facsimile thereof, the card issued to the voter at the time of registration or some other piece of official identification.

2. The city clerk shall prescribe a procedure, approved by the Secretary of State, to determine that the voter has not already voted pursuant to this section.

3. The roster for early voting must contain:

(a) The voter's name, the address where he is registered to vote, his voter identification number and a place for the voter's signature;

(b) The voter's precinct or voting district number; and

(c) The date of voting early in person.

4. When a voter is entitled to cast his ballot and has identified himself to the satisfaction of the deputy clerk for early voting, he is entitled to receive

the appropriate ballot or ballots, but only for his own use at the polling place for early voting.

5. ~~If the ballot is voted by punching a card, the deputy clerk for early voting shall:~~

~~(a) Ensure that the voter's precinct or voting district and the form of ballot are indicated on the card;~~

~~(b) Direct the voter to the appropriate mechanical recording device for his form of ballot; and~~

~~(c) Allow the voter to place his voted ballot in the ballot box.~~

6. If the ballot is voted on a mechanical recording device which directly records the votes electronically, the deputy clerk for early voting shall:

(a) Prepare the mechanical recording device for the voter;

(b) Ensure that the voter's precinct or voting district and the form of ballot are indicated on ~~each part of~~ the voting receipt;

~~(c) Retain one part of the voting receipt for the election board and return the other part of the voting receipt to the voter; and~~

~~(d)~~, **if the city clerk uses voting receipts; and**

(c) Allow the voter to cast his vote.

~~7.~~ 6. A voter applying to vote early by personal appearance may be challenged pursuant to NRS 293C.292.

Sec. 81. NRS 293C.3604 is hereby amended to read as follows:

293C.3604 If ballots which are voted on a mechanical recording device which directly records the votes electronically are used during the period for early voting by personal appearance in an election other than a presidential preference primary election:

1. At the close of each voting day the election board shall:

(a) Prepare and sign a statement for the polling place. The statement must include:

(1) The title of the election;

(2) The number of the precinct or voting district;

(3) The number which identifies the mechanical recording device and the storage device required pursuant to NRS 293B.084;

(4) The number of ballots voted on the mechanical recording device for that day; **and**

(5) The number of signatures in the roster for early voting for that day.

~~;~~ **and**

~~(6) The number of voting receipts retained pursuant to NRS 293C.3585 for that day.~~

(b) Secure:

(1) The ballots pursuant to the plan for security required by NRS 293C.3594; and

(2) Each mechanical voting device in the manner prescribed by the Secretary of State pursuant to NRS 293C.3594.

2. At the close of the last voting day, the city clerk shall deliver to the ballot board for early voting:

- (a) The statements for all polling places for early voting;
- (b) ~~[(The voting receipts retained pursuant to NRS 293C.3585;~~
- ~~(c)]~~ The voting rosters used for early voting;
- ~~[(d)]~~ (c) The storage device required pursuant to NRS 293B.084 from each mechanical recording device used during the period for early voting; and

~~[(e)]~~ (d) Any other items as determined by the city clerk.

3. Upon receipt of the items set forth in subsection 2 at the close of the last voting day, the ballot board for early voting shall:

- (a) Sort the items by precinct or voting district;
- (b) Count the number of ballots voted by precinct or voting district;
- (c) Account for all ballots on an official statement of ballots; and
- (d) Place the items in the container provided to transport those items to the central counting place and seal the container with a number seal. The official statement of ballots must accompany the items to the central counting place.

Sec. 82. NRS 293C.3615 is hereby amended to read as follows:

293C.3615 The city clerk shall make a record of the receipt at the central counting place of each sealed container used to transport official ballots pursuant to NRS 293C.295, 293C.325, ~~[293C.3602,]~~ 293C.630 and 293C.635. The record must include the numbers indicated on the container and its seal pursuant to NRS 293C.700.

Sec. 83. NRS 293C.362 is hereby amended to read as follows:

293C.362 When the polls are closed, the counting board shall prepare to count the ballots voted. The counting procedure must be public and continue without adjournment until completed. If the ballots are paper ballots, ~~[or ballots that are voted by punching a card,]~~ the counting board shall prepare in the following manner:

1. ~~[(The pollbooks must be compared and errors corrected until the books agree.)~~

~~2.]~~ The container that holds the ballots, or the ballot box must be opened and the ballots contained therein counted by the counting board and opened far enough to determine whether each ballot is single. If two or more ballots are found folded together to present the appearance of a single ballot, they must be laid aside until the count of the ballots is completed. If ~~[, or a comparison of the count with the pollbook,]~~ a majority of the inspectors are of the opinion that the ballots folded together were voted by one person, the ballots must be rejected and placed in an envelope, upon which must be written the reason for their rejection. The envelope must be signed by the counting board officers and placed in the container or ballot box after the count is completed.

~~3.]~~ 2. If the ballots in the container or box are found to exceed the number of names *as are indicated* on the ~~[pollbooks,]~~ *roster as having voted*, the ballots must be replaced in the container or box and a counting board officer shall, with his back turned to the container or box, draw out a number of ballots equal to the excess. The excess ballots must be marked on the back

thereof with the words "Excess ballots not counted." The ballots when so marked must be immediately sealed in an envelope and returned to the city clerk with the other ballots rejected for any cause.

~~[4.]~~ 3. When it has been determined that the ~~[pollbook and the]~~ number of ballots ~~[agree]~~ *agrees* with the number of names of registered voters shown to have voted, the board shall proceed to count. If there is a discrepancy between the number of ballots and the number of voters, a record of the discrepancy must be made.

Sec. 84. NRS 293C.367 is hereby amended to read as follows:

293C.367 1. The basic factor to be considered by an election board when making a determination of whether a particular ballot must be rejected is whether any identifying mark appears on the ballot which, in the opinion of the election board, constitutes an identifying mark such that there is a reasonable belief entertained in good faith that the ballot has been tampered with and, as a result of the tampering, the outcome of the election would be affected.

2. Regulations for counting ballots must include provisions that:

(a) An error in marking one or more votes on a ballot does not invalidate any votes properly marked on that ballot.

(b) A soiled or defaced ballot may not be rejected if it appears that the soiling or defacing was inadvertent and was not done purposely to identify the ballot.

(c) Only devices provided for in this chapter, chapter 293 or 293B of NRS may be used in marking ballots.

(d) It is unlawful for any election board officer to place any mark upon any ballot other than a spoiled ballot.

(e) When an election board officer rejects a ballot for any alleged defect or illegality, the officer shall seal the ballot in an envelope and write upon the envelope a statement that it was rejected and the reason for rejecting it. Each election board officer shall sign the envelope.

~~[(f) In cities where mechanical voting systems are used whereby a vote is cast by punching a card, a superfluous punch into any card does not constitute grounds for rejection of the ballot unless the election board determines that the condition of the ballot justifies its exclusion pursuant to subsection 1.]~~

Sec. 85. NRS 293C.369 is hereby amended to read as follows:

293C.369 1. When counting a vote in an election, if more choices than permitted by the instructions for a ballot are marked for any office or question, the vote for that office or question may not be counted.

2. ~~[Except as otherwise provided in subsection 1, in an election in which a paper ballot is used whereby a vote is cast by placing a cross in the designated square on the paper ballot, a cross in the designated square must be counted as a vote.~~

3. ~~Except as otherwise provided in subsection 1, in an election in which a mechanical voting system is used whereby a vote is cast by punching a card:~~

~~(a) A chip on the card must be counted as a vote if:~~

~~(1) The chip has at least one corner that is detached from the card; or~~

~~(2) The fibers of paper on at least one edge of the chip are broken in a way that permits unimpeded light to be seen through the card.~~

~~(b) A writing or other mark on the card, including, without limitation, a cross, check, tear or scratch, may not be counted as a vote. The remaining votes on such a card must be counted unless the ballot is otherwise disqualified.~~

~~4.] Except as otherwise provided in subsection 1, in an election in which a mechanical voting system is used whereby a vote is cast by darkening a designated space on the ballot:~~

~~(a) A vote must be counted if the designated space is darkened or there is a writing in the designated space, including, without limitation, a cross or check; and~~

~~(b) Except as otherwise provided in paragraph (a), a writing or other mark on the ballot, including, without limitation, a cross, check, tear or scratch may not be counted as a vote.~~

~~{5.] 3. The Secretary of State:~~

~~(a) May adopt regulations establishing additional uniform, statewide standards, not inconsistent with this section, for counting a vote cast by a method of voting described in subsection 2 ; ~~{3 or 4;} and~~~~

~~(b) Shall adopt regulations establishing uniform, statewide standards for counting a vote cast by each method of voting used in this State that is not described in subsection 2, ~~{3 or 4,}~~ including, without limitation, a vote cast on a mechanical recording device which directly records the votes electronically.~~

Sec. 86. NRS 293C.372 is hereby amended to read as follows:

293C.372 When all the votes have been ~~tallied,~~ **counted**, the counting board officers shall enter on the tally lists by the name of each candidate the number of votes he received. The number must be expressed in words and figures. The vote for and against any question submitted to the electors must be entered in the same manner.

Sec. 87. NRS 293C.375 is hereby amended to read as follows:

293C.375 If paper ballots ~~for ballots which are voted by punching a card}~~ are used:

1. After the ~~{tally lists}~~ **ballots** have been ~~{completed,}~~ **counted**, the voted ballots, rejected ballots, tally lists for regular ballots, tally list for rejected ballots, challenge list, stubs of used ballots, spoiled ballots and unused ballots must be sealed under cover by the counting board officers and addressed to the city clerk.

2. The other ~~{pollbooks,}~~ **rosters**, tally lists and election board register must be returned to the city clerk.

Sec. 88. NRS 293C.382 is hereby amended to read as follows:

293C.382 1. ~~{Beginning at 8 a.m. on the day before the day of an}~~ **Not earlier than 4 working days before the** election, the counting board, if it is

responsible for counting absent ballots, or the absent ballot central counting board shall withdraw the ballots from each ballot box or container that holds absent ballots received before that day and determine whether each box or container has the required number of ballots according to the city clerk's absent voters' record.

2. The counting board or absent ballot central counting board shall count the number of ballots in the same manner as election boards.

Sec. 89. NRS 293C.385 is hereby amended to read as follows:

293C.385 1. ~~After 8 a.m. on election day,~~ ***Each day after the initial withdrawal of the ballots pursuant to NRS 293C.382 and before the day of the election,*** the counting board, if it is responsible for counting absent ballots, or the absent ballot central counting board shall withdraw from the appropriate ballot boxes or containers all the ballots received the previous day and determine whether each box or container has the required number of ballots according to the city clerk's absent voters' ballot record.

2. If any absent ballots are received by the city clerk on election day pursuant to NRS 293C.317, the city clerk shall deposit the absent ballots in the appropriate ballot boxes or containers.

3. ~~After 8 a.m. on election day,~~ ***Not earlier than 4 working days before the election,*** the appropriate board shall, ~~count~~ in public, ***count*** the votes cast on the absent ballots.

4. If paper ballots are used, the results of the absent ballot vote in each precinct must be certified and submitted to the city clerk, who shall have the results added to the regular votes of the precinct. ~~If a mechanical voting system is used in which a voter casts his ballot by punching a card that is counted by a computer, the absent ballots may be counted with the regular votes of the precinct.~~ The returns of absent ballots must be reported separately from the regular votes of the precinct, unless reporting the returns separately would violate the secrecy of a voter's ballot. The city clerks shall develop a procedure to ensure that each ballot is kept secret.

5. Any person who disseminates to the public information relating to the count of absent ballots before the polls close is guilty of a misdemeanor.

Sec. 90. NRS 293C.390 is hereby amended to read as follows:

293C.390 1. The voted ballots, rejected ballots, spoiled ballots, challenge lists, ~~voting receipts,~~ records printed on paper of voted ballots collected pursuant to NRS 293B.400, and stubs of the ballots used, enclosed and sealed, must, after canvass of the votes by the governing body of the city, be deposited in the vaults of the city clerk. The records of voted ballots that are maintained in electronic form must, after canvass of the votes by the governing body of the city, be sealed and deposited in the vaults of the city clerk. The tally lists ~~and pollbooks~~ collected pursuant to NRS 293B.400 must, after canvass of the votes by the governing body of the city, be deposited in the vaults of the city clerk without being sealed. All materials described by this subsection must be preserved for at least 22 months, and all such sealed materials must be destroyed immediately after that period. A

notice of the destruction must be published by the city clerk in at least one newspaper of general circulation in the city, or if no newspaper is of general circulation in that city, in a newspaper of general circulation in the nearest city, not less than 2 weeks before the destruction of the materials.

2. Unused ballots, enclosed and sealed, must, after canvass of the votes by the governing body of the city, be deposited in the vaults of the city clerk and preserved for at least the period during which the election may be contested and adjudicated, after which the unused ballots may be destroyed.

3. The ~~pollbooks~~ *rosters* containing the signatures of those persons who voted in the election and the tally lists deposited with the governing body of the city are subject to the inspection of any elector who may wish to examine them at any time after their deposit with the city clerk.

4. A contestant of an election may inspect all of the material relating to that election which is preserved pursuant to subsection 1 or 2, except the voted ballots.

5. The voted ballots deposited with the city clerk are not subject to the inspection of any person, except in *cases of* a contested election, and only by the judge, body or board before whom the election is being contested, or by the parties to the contest, jointly, pursuant to an order of the judge, body or board.

Sec. 91. NRS 293C.620 is hereby amended to read as follows:

293C.620 1. At each election a member of the election board for a precinct shall issue each voter a ballot.

2. If a mechanical voting system is used in a primary city election whereby votes are directly recorded electronically, a member of the election board shall, *if the clerk uses voting receipts*, in addition to the ballot described in subsection 1, issue the voter a voting receipt.

3. The member of the election board shall

~~(a) Direct~~ *direct* the voter to a mechanical recording device containing a list of offices and candidates.

~~(b) Issue a ballot attached to a sheet of foam plastic or similar backing material, a punching instrument, a sample ballot and an instruction sheet to the voter and instruct him to punch his ballot by reference to the sample ballot.~~

Sec. 92. NRS 293C.630 is hereby amended to read as follows:

293C.630 1. Upon closing of the polls, the election board shall:

(a) Secure all mechanical recording devices against further voting.

~~(b) If a mechanical voting system is used whereby votes are cast by punching a card:~~

~~(1) Count the number of ballots in the ballot boxes.~~

~~(2) Account for all ballots on the statement of ballots.~~

~~(3) Place all official ballots, the ballot statement and any other records, reports and materials as directed by the city clerk into the container provided by him to transport those items to a central counting place and seal the container.~~

~~(e)}~~ If a mechanical voting system is used whereby votes are directly recorded electronically:

(1) Ensure that each mechanical recording device:

(I) Provides a record printed on paper of the total number of votes recorded on the device for each candidate and for or against each measure; and

(II) Transfers the ballots voted on that device to the storage device required pursuant to NRS 293B.084.

(2) Count the number of ballots voted at the polling place.

(3) Account for all ballots on the statement of ballots.

(4) Place all records printed on paper provided by the mechanical recording devices, all storage devices which store the ballots voted on the mechanical recording devices, and any other records, reports and materials as directed by the city clerk into the container provided by him to transport those items to a central counting place and seal the container.

~~(d)}~~ (c) Record the number of voters on a form provided by the city clerk.

2. If a difference exists between the number of voters and the number of ballots voted, the election board shall report the difference and any known reasons for the difference, in writing, to the city clerk.

3. After closing the polls, the election board shall:

(a) Compare the quantity of the supplies furnished by the city clerk with the inventory of those supplies; and

(b) Note any shortages.

4. The city clerk shall allow members of the general public to observe the handling of the ballots pursuant to subsection 1 if those members do not interfere with the handling of the ballots.

Sec. 93. NRS 293C.645 is hereby amended to read as follows:

293C.645 The central ballot inspection board shall:

1. Receive the ballots in sealed containers.

2. Inspect the containers, record the number indicated on each container and its seal pursuant to NRS 293.462 and remove the ~~ballots or~~ storage devices that store the ballots voted on mechanical recording devices that directly record votes electronically.

3. Register the numbers of ballots by precinct.

4. Deliver any damaged *paper* ballots to the ballot duplicating board . ~~if the ballots were voted by punching a card.~~

5. Receive duplicates of damaged *paper* ballots from the ballot duplicating board and place the duplicates with the voted ballots of the appropriate precinct . ~~if the ballots were voted by punching a card.~~

6. Place each damaged original *paper* ballot in a separate envelope and note on the outside of the envelope the appropriate number of the precinct . ~~if the ballot was voted by punching a card.~~

7. Reject any *paper* ballot that has been marked in a way that identifies the voter.

8. Place each rejected *paper* ballot in a separate envelope and note on the outside of the envelope the appropriate number of the precinct and the reason for the board's rejection of the ballot. ~~{, if the ballot was voted by punching a card.}~~

Sec. 94. NRS 293C.655 is hereby amended to read as follows:

293C.655 ~~{If ballots that are voted by punching a card are used, the}~~ *The* ballot duplicating board shall:

1. Receive damaged ballots ~~{}~~ *pursuant to NRS 293C.645*, including ballots that have been torn, bent or mutilated.

2. ~~{Receive cards with incompletely punched chips.}~~

3. Prepare on a distinctly colored, serially numbered ballot marked "duplicate" an exact copy of each damaged ballot.

4. ~~In the case of a card with an incompletely punched chip:~~

~~(a) Remove the incompletely punched chip if:~~

~~(1) The chip has at least one corner that is detached from the card; or~~

~~(2) The fibers of paper on at least one edge of the chip are broken in a way that permits unimpeded light to be seen through the card; or~~

~~(b) Duplicate the card without punching the location of the incompletely punched chip if:~~

~~(1) The chip does not have at least one corner that is detached from the card; and~~

~~(2) The fibers of paper on no edge of the chip are broken in a way that permits unimpeded light to be seen through the card.~~

5. ~~3.~~ Record the serial number of the duplicate ballot on the damaged original ballot and return the damaged and duplicate ballots to the appropriate ballot inspection board.

6. ~~4.~~ Hold aside the duplicated ballots for counting after all other ballots are counted if this procedure is directed by the city clerk.

Sec. 95. NRS 293C.700 is hereby amended to read as follows:

293C.700 1. Each container used to transport official ballots pursuant to NRS 293C.295, 293C.325, ~~{293C.360,}~~ 293C.630 and 293C.635 must:

(a) Be constructed of metal or any other rigid material; and

(b) Contain a seal which is placed on the container to ensure detection of any opening of the container.

2. The container and seal must be separately numbered for identification.

Sec. 96. NRS 233B.070 is hereby amended to read as follows:

233B.070 1. A permanent regulation becomes effective when the Legislative Counsel files with the Secretary of State the original of the final draft or revision of a regulation, except as otherwise provided in NRS 233B.0665 *or 293.247* or where a later date is specified in the regulation.

2. Except as otherwise provided in NRS 233B.0633, an agency that has adopted a temporary regulation may not file the temporary regulation with the Secretary of State until 35 days after the date on which the temporary regulation was adopted by the agency. A temporary regulation becomes effective when the agency files with the Secretary of State the original of the

final draft or revision of the regulation, together with the informational statement prepared pursuant to NRS 233B.066. The agency shall also file a copy of the temporary regulation with the Legislative Counsel, together with the informational statement prepared pursuant to NRS 233B.066.

3. An emergency regulation becomes effective when the agency files with the Secretary of State the original of the final draft or revision of an emergency regulation, together with the informational statement prepared pursuant to NRS 233B.066. The agency shall also file a copy of the emergency regulation with the Legislative Counsel, together with the informational statement prepared pursuant to NRS 233B.066.

4. The Secretary of State shall maintain the original of the final draft or revision of each regulation in a permanent file to be used only for the preparation of official copies.

5. The Secretary of State shall file, with the original of each agency's rules of practice, the current statement of the agency concerning the date and results of its most recent review of those rules.

6. Immediately after each permanent or temporary regulation is filed, the agency shall deliver one copy of the final draft or revision, bearing the stamp of the Secretary of State indicating that it has been filed, including material adopted by reference which is not already filed with the State Library and Archives Administrator, to the State Library and Archives Administrator for use by the public. If the agency is a licensing board as defined in NRS 439B.225 and it has adopted a permanent regulation relating to standards for licensing or registration or for the renewal of a license or a certificate of registration issued to a person or facility regulated by the agency, the agency shall also deliver one copy of the regulation, bearing the stamp of the Secretary of State, to the Legislative Committee on Health Care within 10 days after the regulation is filed with the Secretary of State.

7. Each agency shall furnish a copy of all or part of that part of the Nevada Administrative Code which contains its regulations, to any person who requests a copy, and may charge a reasonable fee for the copy based on the cost of reproduction if it does not have money appropriated or authorized for that purpose.

8. An agency which publishes any regulations included in the Nevada Administrative Code shall use the exact text of the regulation as it appears in the Nevada Administrative Code, including the leadlines and numbers of the sections. Any other material which an agency includes in a publication with its regulations must be presented in a form which clearly distinguishes that material from the regulations.

Sec. 97. NRS 353.264 is hereby amended to read as follows:

353.264 1. The Reserve for Statutory Contingency Account is hereby created in the State General Fund.

2. The State Board of Examiners shall administer the Reserve for Statutory Contingency Account. The money in the Account must be expended only for:

(a) The payment of claims which are obligations of the State pursuant to NRS 41.03435, 41.0347, 62I.050, 176.485, 179.310, 212.040, 212.050, 212.070, 281.174, 282.290, 282.315, 288.203, 293.253, 293.405, 353.120, 353.262, 412.154 and 475.235;

(b) The payment of claims which are obligations of the State pursuant to:

(1) Chapter 472 of NRS arising from operations of the Division of Forestry of the State Department of Conservation and Natural Resources directly involving the protection of life and property; and

(2) NRS 7.155, 34.750, 176A.640, 179.225 ~~[, 213.153 and 293B.210,]~~ **and 213.153,**

↪ except that claims may be approved for the respective purposes listed in this paragraph only when the money otherwise appropriated for those purposes has been exhausted;

(c) The payment of claims which are obligations of the State pursuant to NRS 41.0349 and 41.037, but only to the extent that the money in the Fund for Insurance Premiums is insufficient to pay the claims; and

(d) The payment of claims which are obligations of the State pursuant to NRS 535.030 arising from remedial actions taken by the State Engineer when the condition of a dam becomes dangerous to the safety of life or property.

3. The State Board of Examiners may authorize its Clerk, under such circumstances as it deems appropriate, to approve, on behalf of the Board, the payment of claims from the Reserve for Statutory Contingency Account. For the purpose of exercising any authority granted to the Clerk of the State Board of Examiners pursuant to this subsection, any statutory reference to the State Board of Examiners relating to such a claim shall be deemed to refer to the Clerk of the Board.

Sec. 98. NRS 353.264 is hereby amended to read as follows:

353.264 1. The Reserve for Statutory Contingency Account is hereby created in the State General Fund.

2. The State Board of Examiners shall administer the Reserve for Statutory Contingency Account. The money in the Account must be expended only for:

(a) The payment of claims which are obligations of the State pursuant to NRS 41.03435, 41.0347, 62I.025, 176.485, 179.310, 212.040, 212.050, 212.070, 281.174, 282.290, 282.315, 288.203, 293.253, 293.405, 353.120, 353.262, 412.154 and 475.235;

(b) The payment of claims which are obligations of the State pursuant to:

(1) Chapter 472 of NRS arising from operations of the Division of Forestry of the State Department of Conservation and Natural Resources directly involving the protection of life and property; and

(2) NRS 7.155, 34.750, 176A.640, 179.225 ~~[, 213.153 and 293B.210,]~~ **and 213.153,**

↪ except that claims may be approved for the respective purposes listed in this paragraph only when the money otherwise appropriated for those purposes has been exhausted;

(c) The payment of claims which are obligations of the State pursuant to NRS 41.0349 and 41.037, but only to the extent that the money in the Fund for Insurance Premiums is insufficient to pay the claims; and

(d) The payment of claims which are obligations of the State pursuant to NRS 535.030 arising from remedial actions taken by the State Engineer when the condition of a dam becomes dangerous to the safety of life or property.

3. The State Board of Examiners may authorize its Clerk, under such circumstances as it deems appropriate, to approve, on behalf of the Board, the payment of claims from the Reserve for Statutory Contingency Account. For the purpose of exercising any authority granted to the Clerk of the State Board of Examiners pursuant to this subsection, any statutory reference to the State Board of Examiners relating to such a claim shall be deemed to refer to the Clerk of the Board.

Sec. 99. NRS 539.143 is hereby amended to read as follows:

539.143 In all ~~pollbooks~~ **rosters** and lists of registered electors prepared for any election under this chapter, the names of electors who have registered or reregistered for such election shall be distinguished from the names of those who voted at the last preceding district election but who have not so registered or reregistered, by the letter “R” enclosed in parentheses placed before each of the names of the former and the omission thereof in connection with the names of the latter.

Sec. 100. Section 8 of the Elko Convention and Visitors Authority Act, being chapter 227, Statutes of Nevada 1975, as last amended by chapter 70, Statutes of Nevada 2001, at page 516, is hereby amended to read as follows:

Sec. 8. 1. The Authority must be governed by a Board of Governors consisting of five members appointed or elected as follows:

(a) One member appointed by the Board of Supervisors of the City of Elko, who must be a current member of the Board of Supervisors;

(b) One member appointed by the Board of County Commissioners of Elko County, who must be a current member of the Board of County Commissioners;

(c) Two members elected at large, who must reside within the City of Elko and within the boundaries of the Authority; and

(d) One member elected at large, who must reside outside the City of Elko but within the boundaries of the Authority.

2. Subject to the provisions of subsection 3, the terms of those members appointed pursuant to paragraphs (a) and (b) of subsection 1 are coterminous with their respective terms in their specified elective offices.

3. Those members appointed pursuant to paragraph (a) or (b) of subsection 1 may be removed by the appointing board with or without cause.

4. Any vacancy occurring among the members of the Board appointed pursuant to paragraph (a) or (b) of subsection 1 must be filled promptly by the Board which appointed the member whose position has become vacant. Any vacancy occurring among the members of the Board elected pursuant to paragraph (c) or (d) of subsection 1 must be filled promptly by appointment

by the Board of County Commissioners of Elko County. The member appointed by the Board of County Commissioners to fill a vacancy in a position created pursuant to paragraph (c) or (d) must not be a member of the Board of County Commissioners but must meet the residency requirements for the vacant position.

5. If a member elected pursuant to paragraph (c) or (d) of subsection 1 or appointed to fill a vacancy in a position created pursuant to one of those paragraphs ceases to reside in the area specified in the paragraph under which he was elected or appointed, he is automatically disqualified from serving on the Board. A disqualified member's position must be filled by the prompt appointment of a successor in the manner specified in subsection 4.

6. The term of a person appointed to fill a vacancy is the unexpired term of the member he replaces.

7. A general authority election must be held in conjunction with the general election in 1992 and with such elections every 2 years thereafter. The three members of the Board described in paragraphs (c) and (d) of subsection 1 must be elected at the general authority election in 1992. The offices created pursuant to those paragraphs are nonpartisan. Each candidate for one of these offices must file a declaration of candidacy with the County Clerk not earlier than January 1 preceding the election and not later than 5 p.m. on the third Friday in August of the year of the election. ***In any general authority election, if, at 5 p.m. on the third Friday in August, only one candidate has filed a declaration of candidacy for one of the offices created pursuant to paragraph (c) or (d) of subsection 1, that candidate must be declared elected to that office and no election may be held for that office.***

The terms of office of the members described in paragraphs (c) and (d) of subsection 1 are 4 years, except that, the initial term of office of one of the members described in paragraph (c) of subsection 1 is 2 years. The County Clerk shall designate the seat which will have an initial term of 2 years before any candidate files a declaration of candidacy for the election. The period for registering to vote in the general authority election must be closed on the 30th calendar day preceding the date of the election. All persons who are qualified to vote at general elections in this State and reside within the boundaries of the authority upon the date of the close of registration are entitled to vote at the general authority election. Except as otherwise provided in this subsection, a general authority election must be carried out in the same manner as provided for other general elections in title 24 of NRS.

Sec. 101. NRS 293.075, 293.12756, 293.233, 293.245, 293.293, 293.300, 293.359, 293.3598, 293.3602, 293.447, 293B.160, 293B.210, 293B.325, 293C.235, 293C.250, 293C.280, 293C.287, 293C.359, 293C.3598 and 293C.3602 are hereby repealed.

Sec. 102. 1. This section and sections 1 to 97, inclusive, 99, 100 and 101 of this act become effective on October 1, 2007.

2. Section 97 of this act expires by limitation upon enactment of the Interstate Compact for Juveniles into law by the 35th jurisdiction.

3. Section 98 of this act becomes effective upon enactment of the Interstate Compact for Juveniles into law by the 35th jurisdiction.

LEADLINES OF REPEALED SECTIONS

293.075 "Pollbook" defined.

293.12756 Informational pamphlet concerning petitions; fee.

293.233 Appointment and duties of voting board and counting board in precinct or district where there are 200 or more registered voters and paper ballots are used.

293.245 Placing of absent ballots in ballot box.

293.293 Procedure for voting by paper ballot; duties of election board officer upon receipt of voted ballot.

293.300 Return of ballot not voted; cancellation.

293.359 Ballot boxes for paper ballots or ballots voted by punching card; seals.

293.3598 Ballot board.

293.3602 Custody of paper ballots or ballots voted by punching card; observation by general public of handling of ballots.

293.447 Employment of messenger to convey election returns to Secretary of State; compensation.

293B.160 Test program and card deck to be used for certain mechanical voting systems at election.

293B.210 Clerk to furnish lists of candidates and measures to be voted on at election; Secretary of State to provide to or reimburse county for cards used in elections.

293B.325 Pickup and delivery; processing before polls close.

293C.235 Appointment and duties of voting board and counting board in precinct or district where 200 or more registered voters and paper ballots used.

293C.250 Absent ballot central counting board or central election board responsible for placing absent ballots in ballot boxes in absent ballot mailing precinct.

293C.280 Procedure for voting by paper ballot; duties of election board officer upon receipt of voted ballot.

293C.287 Return and cancellation of ballot not voted.

293C.359 Ballot boxes for paper ballots or ballots voted by punching card; seals.

293C.3598 Ballot board.

293C.3602 Custody of paper ballots or ballots voted by punching card; observation by general public of handling of ballots.

Assemblywoman Koivisto moved that the Assembly concur in the Senate amendment to Assembly Bill No. 569.

Remarks by Assemblywoman Koivisto.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Ocegüera moved that the Assembly do not recede from its actions on Senate Bill No. 18, that a conference be requested, and that Madam Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Ocegüera.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Madam Speaker appointed Assemblymen Conklin, Parks, and Gansert as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 18.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Ocegüera moved that the Assembly do not recede from its action on Senate Bill No. 412, that a conference be requested, and that Madam Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Ocegüera.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Madam Speaker appointed Assemblymen Conklin, Gerhardt, and Mabey as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 412.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 139.

The following Senate amendment was read:

Amendment No. 804.

AN ACT relating to local governmental administration; authorizing boards of county commissioners to apply for and accept certain rights over federal lands and to indemnify the Federal Government in connection with **such** rights ; ~~granted over those federal lands;~~ providing for the disposition of excess payments made to a county recorder; revising provisions relating to the appointment and oath of deputy sheriffs; exempting the sheriff of ~~the county whose population is 400,000 or more;~~ **certain larger counties** from the requirement to attend in person or by deputy all sessions in district court in that county; **authorizing the judge of each district court and the justice of the peace in each justice court in certain larger counties to appoint a deputy marshal for the court;** authorizing boards of county commissioners to delegate authority to approve certain claims for refunds of charges , ~~for~~ fees **or deposits** paid to county departments of aviation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes boards of county commissioners to apply for and accept grants of rights-of-way, permits, leases and patents over federal lands within the National Forest System pursuant to certain federal laws. (NRS 244.277) Section 1 of this bill adds the Southern Nevada Public Lands Management Act of 1998, Public Law 105-263, to the list of federal laws concerning lands with respect to which boards of county commissioners may apply for and accept such land rights. Section 1 of this bill also authorizes boards of county commissioners to indemnify the United States in connection with such land rights.

Under existing law, a county recorder collects various fees. (NRS 247.305) Section 2 of this bill provides that if a fee collected by a county recorder exceeds by \$5 or less the amount required by law to be paid, the county recorder is required to deposit the overpayment with the county treasurer for credit to the county general fund. If the overpayment is more than \$5, the county recorder is required to refund the entire amount of the overpayment.

Existing law authorizes a sheriff to appoint, in writing, deputy sheriffs and requires each deputy sheriff to take an oath to discharge his duties. (NRS 248.040) Section 3 of this bill changes the office where the oath and written appointment of a deputy sheriff must be officially retained from the county auditor to the county recorder. Under existing law, the oaths and written appointments of deputies of many county elected officers are recorded with the county recorder or their respective counties. (NRS 246.030, 247.040, 249.060, 250.060, 252.070, 253.025, 258.060)

Existing law requires each county sheriff to attend in person or by deputy all sessions of the district court in that county. (NRS 248.100) Section 4 of this bill exempts the sheriff of a county whose population is 400,000 or more (currently Clark County) from that requirement.

Existing law authorizes the judge of each district court to appoint a bailiff for the court. (NRS 3.310) Section 5 of this bill authorizes the judge of each district court in a county whose population is 400,000 or more (currently Clark County) to appoint a deputy marshal for the court and confers on those deputy marshals the duties and responsibilities of the bailiffs. Section 5 also requires each deputy marshal to be certified as a category I peace officer within 18 months after appointment. Section 6 of this bill authorizes the appointment of a deputy marshal for each justice court in a county whose population is 400,000 or more (currently Clark County) and also requires such deputy marshals to be certified as category I peace officers within 18 months after appointment. (Chapter 4 of NRS) Section 11 of this bill provides that persons appointed before July 1, 2007, to serve as bailiffs of a district court or justice court in a county whose population is 400,000 or more (currently Clark County) are deemed to be deputy marshals if such persons are certified as category II peace officers on or before January 1, 2009.

Existing law authorizes boards of county commissioners to delegate to the county manager, the county administrator or, in counties without a manager or administrator, any other county employee the authority to approve certain claims for refunds of registration fees or deposits paid to the county department of parks and recreation. (NRS 354.240) Section ~~5~~ **10** of this bill authorizes boards of county commissioners to delegate to the same types of county officials or employees the authority to approve certain claims for refunds of ~~registration~~ **charges**, fees or deposits paid to the county department of aviation.

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

Section 1. NRS 244.277 is hereby amended to read as follows:

244.277 The board of county commissioners may apply for and accept:

1. Grants of rights-of-way, permits, leases and patents and subsequent renewals of grants of rights-of-way, permits, leases and patents over, upon, under or through any land or interest in land owned by the United States and administered by the Secretary of the Interior through the Bureau of Land Management and by the Secretary of Agriculture with respect to lands within the National Forest System, pursuant to Title V of the Federal Land Policy and Management Act of 1976, 43 U.S.C. §§ 1761-1771, ~~and~~ the Recreation and Public Purposes Act, 43 U.S.C. §§ 869-869-4 ~~+~~, **and the Southern Nevada Public Land Management Act of 1998, Public Law 105-263**; and

2. Special use permits for parks, forests and public property owned by the United States and administered by the Secretary of Agriculture, through the United States Forest Service, pursuant to Title 16 of the United States Code and 36 C.F.R. Part 251,

↪ and in connection therewith may **indemnify the United States and may** comply with federal regulations and stipulations consistent with the federal statutes and regulations set forth in this section or any other applicable federal statute or regulation.

Sec. 2. NRS 247.305 is hereby amended to read as follows:

247.305 1. If another statute specifies the fee to be charged for a service, county recorders shall charge and collect only the fee specified. Otherwise, unless prohibited by NRS 375.060, county recorders shall charge and collect the following fees:

For recording any document, for the first page.....	\$10
For each additional page	1
For recording each portion of a document which must be separately indexed, after the first indexing.....	3
For copying any record, for each page.....	1
For certifying, including certificate and seal	4
For a certified copy of a certificate of marriage.....	10
For a certified abstract of a certificate of marriage	10

2. Except as otherwise provided in this subsection and NRS 375.060, a county recorder may charge and collect, in addition to any fee that a county recorder is otherwise authorized to charge and collect, an additional fee not to exceed \$3 for recording a document, instrument, paper, notice, deed, conveyance, map, chart, survey or any other writing. A county recorder may not charge the additional fee authorized in this subsection for recording the originally signed copy of a certificate of marriage described in NRS 122.120. On or before the fifth day of each month, the county recorder shall pay the amount of fees collected by him pursuant to this subsection to the county treasurer for credit to the account established pursuant to NRS 247.306.

3. Except as otherwise provided in this subsection and NRS 375.060, a county recorder shall charge and collect, in addition to any fee that a county recorder is otherwise authorized to charge and collect, an additional fee of \$1 for recording a document, instrument, paper, notice, deed, conveyance, map, chart, survey or any other writing. A county recorder shall not charge the additional fee authorized in this subsection for recording the originally signed copy of a certificate of marriage described in NRS 122.120. On or before the fifth day of each month, the county recorder shall pay the amount of fees collected by him pursuant to this subsection to the county treasurer. On or before the 15th day of each month, the county treasurer shall remit the money received by him pursuant to this subsection to the State Treasurer for credit to the Account to Assist Persons Formerly in Foster Care established pursuant to NRS 432.017.

4. Except as otherwise provided in this subsection, subsection 5 or by specific statute, a county recorder shall charge and collect, in addition to any fee that a county recorder is otherwise authorized to charge and collect, an additional fee of \$25 for recording any document that does not meet the standards set forth in subsection 3 of NRS 247.110. A county recorder shall not charge the additional fee authorized by this subsection for recording a document that is exempt from the provisions of subsection 3 of NRS 247.110.

5. Except as otherwise provided in subsection 6, a county recorder shall not charge or collect any fees for any of the services specified in this section when rendered by him to:

- (a) The county in which his office is located.
- (b) The State of Nevada or any city or town within the county in which his office is located, if the document being recorded:
 - (1) Conveys to the State, or to that city or town, an interest in land;
 - (2) Is a mortgage or deed of trust upon lands within the county which names the State or that city or town as beneficiary;
 - (3) Imposes a lien in favor of the State or that city or town; or
 - (4) Is a notice of the pendency of an action by the State or that city or town.

6. A county recorder shall charge and collect the fees specified in this section for copying any document at the request of the State of Nevada, and

any city or town within the county. For copying, and for his certificate and seal upon the copy, the county recorder shall charge the regular fee.

7. For the purposes of this section, “State of Nevada,” “county,” “city” and “town” include any department or agency thereof and any officer thereof in his official capacity.

8. *If the amount of money collected by a county recorder for a fee pursuant to this section:*

(a) *Exceeds by \$5 or less the amount required by law to be paid, the county recorder shall deposit the excess payment with the county treasurer for credit to the county general fund.*

(b) *Exceeds by more than \$5 the amount required by law to be paid, the county recorder shall refund the entire amount of the excess payment.*

9. Except as otherwise provided in subsection 2, ~~3~~ or 8 or by an ordinance adopted pursuant to the provisions of NRS 244.207, county recorders shall, on or before the fifth working day of each month, account for and pay to the county treasurer all such fees collected during the preceding month.

Sec. 3. NRS 248.040 is hereby amended to read as follows:

248.040 1. Except as provided in NRS 248.045, each sheriff may:

(a) Appoint, in writing signed by him, one or more deputies, who may perform all the duties devolving on the sheriff of the county and such other duties as the sheriff may from time to time direct. The appointment of a deputy sheriff must not be construed to confer upon that deputy policymaking authority for the office of the sheriff or the county by which the deputy sheriff is employed.

(b) Except as otherwise provided in this paragraph, only remove a deputy who has completed a probationary period of 12 months for cause. A deputy who functions as the head of a department or an administrative employee or who has not completed the probationary period may be removed at the sheriff’s pleasure.

2. No deputy sheriff is qualified to act as such unless he has taken an oath to discharge the duties of the office faithfully and impartially. The oath, **together with the written appointment**, must be ~~certified on the back of his appointment and filed~~ **recorded** in the office of the **recorder of the county** ~~auditor~~ **within which the sheriff legally holds and exercises his office. Revocations of such appointments must be recorded as provided in this subsection. From the time of the recording of the appointments or revocations therein, persons shall be deemed to have notice of the appointments or revocations.**

3. The sheriff may require of his deputies such bonds as to him seem proper.

Sec. 4. NRS 248.100 is hereby amended to read as follows:

248.100 1. The sheriff shall:

(a) ~~Attend~~ *Except in ~~counties~~ a county whose population is 400,000 or more, attend* in person, or by deputy, all sessions of the district court in his county.

(b) Obey all the lawful orders and directions of the ~~same~~ *district court in his county.*

(c) Except as otherwise provided in subsection 2, execute the process, writs or warrants of courts of justice, judicial officers and coroners, when delivered to him for that purpose.

2. The sheriff may authorize the constable of the appropriate township to receive and execute the process, writs or warrants of courts of justice, judicial officers and coroners.

Sec. 5. NRS 3.310 is hereby amended to read as follows:

3.310 1. ~~The~~ *Except as otherwise provided in this subsection, the* judge of each district court may appoint a bailiff for the court in counties polling 4,500 or more votes. In counties polling less than 4,500 votes, the judge may appoint a bailiff with the concurrence of the sheriff. *Subject to the provisions of subsections 2, 4 and 10, in a county whose population is 400,000 or more, the judge of each district court may appoint a deputy marshal for the court instead of a bailiff.* In ~~either~~ *each* case, the bailiff *or deputy marshal* serves at the pleasure of the judge he serves.

2. In all judicial districts where there is more than one judge, there may be a number of bailiffs *or deputy marshals* at least equal to the number of judges, and in any judicial district where a circuit judge has presided for more than 50 percent of the regular judicial days of the prior calendar year, there may be one additional bailiff ~~or~~ *or deputy marshal*, each bailiff *or deputy marshal* to be appointed by the joint action of the judges. If the judges cannot agree upon the appointment of any bailiff *or deputy marshal* within 30 days after a vacancy occurs in the office of bailiff ~~or~~ *or deputy marshal*, then the appointment must be made by a majority of the board of county commissioners.

3. Each bailiff *or deputy marshal* shall:

(a) Preserve order in the court.

(b) Attend upon the jury.

(c) Open and close court.

(d) Perform such other duties as may be required of him by the judge of the court.

4. The bailiff *or deputy marshal* must be a qualified elector of the county and shall give a bond, to be approved by the district judge, in the sum of \$2,000, conditioned for the faithful performance of his duty.

5. The compensation of each bailiff *or deputy marshal* for his services must be fixed by the board of county commissioners of the county and his salary paid by the county wherein he is appointed, the same as the salaries of other county officers are paid.

6. The board of county commissioners of the respective counties shall allow the salary stated in subsection 5 as other salaries are allowed to county

officers, and the county auditor shall draw his warrant for it, and the county treasurer shall pay it.

7. The provisions of this section do not:

(a) Authorize the bailiff or deputy marshal to serve any civil or criminal process, except such orders of the court which are specially directed by the court or the presiding judge thereof to him for service.

(b) ~~Relieve~~ Except in a county whose population is 400,000 or more, relieve the sheriff of any duty required of him by law to maintain order in the courtroom.

8. If a deputy marshal is appointed for a court pursuant to subsection 1, each session of the court must be attended by the deputy marshal.

9. For good cause shown, a deputy marshal appointed for a court pursuant to subsection 1 may be assigned temporarily to assist other judicial departments or assist with court administration as needed.

10. A person appointed to be a deputy marshal for a court pursuant to subsection 1 must be certified by the Peace Officers' Standards and Training Commission as a category I peace officer not later than 18 months after appointment.

Sec. 6. Chapter 4 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Subject to the provisions of subsections 2, 4 and 10, in a county whose population is 400,000 or more, the justice of the peace for each justice court may appoint a deputy marshal for the court instead of a bailiff. The deputy marshal serves at the pleasure of the justice of the peace that he serves.

2. In all townships where there is more than one justice of the peace, there may be a number of deputy marshals at least equal to the number of justices of the peace. If the justices of the peace cannot agree upon the appointment of any deputy marshal within 30 days after a vacancy occurs in the office of deputy marshal, the appointment must be made by a majority of the board of county commissioners.

3. Each deputy marshal shall:

(a) Preserve order in the court.

(b) Open and close court.

(c) Perform other such duties as may be required of him by the justice of the peace of the court.

4. The deputy marshal must be a qualified elector of the county and shall give bond, to be approved by the justice of the peace, in the sum of \$2,000, conditioned for the faithful performance of his duty.

5. The compensation of each deputy marshal for his services must be fixed by the board of county commissioners of the county and his salary paid by the county wherein he is appointed, the same as the salaries of other county officers are paid.

6. The board of county commissioners of the respective counties shall allow the salary stated in subsection 5 as other salaries are allowed to

county officers, and the county auditor shall draw his warrant for it, and the county treasurer shall pay it.

7. The provisions of this section do not authorize the deputy marshal to serve any civil or criminal process, except such orders of the court which are specially directed by the court or the presiding justice of the peace thereof to him for service.

8. If a deputy marshal is appointed for a court pursuant to subsection 1, each session of the court must be attended by the deputy marshal.

9. For good cause shown, a deputy marshal appointed for a court pursuant to subsection 1 may be assigned temporarily to assist other justice courts or assist with court administration as needed.

10. A person appointed to be a deputy marshal pursuant to subsection 1 must be certified by the Peace Officers' Standards and Training Commission as a category I peace officer not later than 18 months after appointment.

Sec. 7. NRS 18.005 is hereby amended to read as follows:

18.005 For the purposes of NRS 18.010 to 18.150, inclusive, the term "costs" means:

1. Clerks' fees.
2. Reporters' fees for depositions, including a reporter's fee for one copy of each deposition.
3. Jurors' fees and expenses, together with reasonable compensation of an officer appointed to act in accordance with NRS 16.120.
4. Fees for witnesses at trial, pretrial hearings and deposing witnesses, unless the court finds that the witness was called at the instance of the prevailing party without reason or necessity.
5. Reasonable fees of not more than five expert witnesses in an amount of not more than \$1,500 for each witness, unless the court allows a larger fee after determining that the circumstances surrounding the expert's testimony were of such necessity as to require the larger fee.
6. Reasonable fees of necessary interpreters.
7. The fee of any sheriff or licensed process server for the delivery or service of any summons or subpoena used in the action, unless the court determines that the service was not necessary.
8. Compensation for the official reporter or reporter pro tempore.
9. Reasonable costs for any bond or undertaking required as part of the action.
10. Fees of a court bailiff or deputy marshal who was required to work overtime.
11. Reasonable costs for telecopies.
12. Reasonable costs for photocopies.
13. Reasonable costs for long distance telephone calls.
14. Reasonable costs for postage.
15. Reasonable costs for travel and lodging incurred taking depositions and conducting discovery.

16. Fees charged pursuant to NRS 19.0335.

17. Any other reasonable and necessary expense incurred in connection with the action, including reasonable and necessary expenses for computerized services for legal research.

Sec. 8. NRS 289.150 is hereby amended to read as follows:

289.150 The following persons have the powers of a peace officer:

1. Sheriffs of counties and of metropolitan police departments, their deputies and correctional officers.
2. Marshals, policemen and correctional officers of cities and towns.
3. The bailiff of the Supreme Court.
4. The bailiffs and deputy marshals of the district courts, Justice Courts and municipal courts whose duties require them to carry weapons and make arrests.
5. Constables and their deputies whose official duties require them to carry weapons and make arrests.

Sec. 9. NRS 289.550 is hereby amended to read as follows:

289.550 1. Except as otherwise provided in subsection 2, NRS 3.310 and section 6 of this act, a person upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive, must be certified by the Commission within 1 year after the date on which the person commences employment as a peace officer unless the Commission, for good cause shown, grants in writing an extension of time, which must not exceed 6 months, by which the person must become certified. A person who fails to become certified within the required time shall not exercise any of the powers of a peace officer after the time for becoming certified has expired.

2. The following persons are not required to be certified by the Commission:

- (a) The Chief Parole and Probation Officer;
- (b) The Director of the Department of Corrections;
- (c) The State Fire Marshal;
- (d) The Director of the Department of Public Safety, the deputy directors of the Department, the chiefs of the divisions of the Department other than the Investigation Division and the Nevada Highway Patrol, and the members of the State Disaster Identification Team of the Division of Emergency Management of the Department;
- (e) The Commissioner of Insurance and his chief deputy;
- (f) Railroad policemen; and
- (g) California correctional officers.

~~Sec. 5.~~ **Sec. 10.** NRS 354.240 is hereby amended to read as follows:

354.240 1. If a board of county commissioners determines by competent evidence that money has been paid into the treasury of the county under any of the circumstances mentioned in NRS 354.220, the board of county commissioners, by its unanimous resolution, may direct the county

treasurer to refund to the applicant the amount of money paid into the county treasury in excess of the amount legally payable.

2. In the case of a claim for a refund of property tax, if the board has unanimously found that the applicant is entitled to a refund, it shall direct the county treasurer to refund to the applicant the amount claimed if the claim is made within 3 years after the tax was due. The county may withhold amounts refunded from its subsequent apportionments of revenues from property tax to the other taxing units in the county which levied a tax represented in the combined tax rate.

3. If the county treasurer determines by competent evidence that money in the amount of \$500 or less has been paid into the county treasury under any of the circumstances listed in NRS 354.220, he may, upon receiving the written approval of the district attorney, refund to the applicant the amount paid which is in excess of the amount legally payable.

4. In the case of a claim for a refund of property tax which has been authorized and approved in the manner provided in subsection 3, the county treasurer shall make a refund to the applicant in the amount claimed if the claim is made within 3 years after the tax was due. The county may withhold amounts refunded from its subsequent apportionments of revenues from property tax to the other taxing units in the county which levied a tax represented in the combined tax rate.

5. A board of county commissioners may, in the case of a claim for a refund of a registration fee or deposit paid to the county department of parks and recreation, delegate the authority to approve all such claims of less than \$1,000, to:

- (a) The county manager or his designee;
- (b) The county administrator or his designee; or
- (c) In a county that has neither a county manager nor a county administrator, any other county employee.

6. ***A board of county commissioners may, in the case of a claim for a refund of ~~the registration fee or deposit~~ any charges, fees or deposits paid to the county department of aviation, delegate the authority to approve all such claims of less than \$100, to:***

- (a) The county manager or his designee;***
- (b) The county administrator or his designee; or***
- (c) In a county that has neither a county manager nor a county administrator, any other county employee.***

7. A county treasurer, upon receiving written approval of a claim pursuant to subsection 5 ~~{7}~~ **or 6**, may refund to the applicant the amount of the refund due.

~~{7}~~ **8.** At the end of each month the county treasurer shall provide to the board of county commissioners a list of all refunds made by him during that month. The list must contain the name of each taxpayer or other person to whom a refund was made and the amount of the refund. The county treasurer shall maintain a copy of the list and make it available for public inspection.

Sec. 11. Notwithstanding the provisions of NRS 3.310, as amended by section 5 of this act, and section 6 of this act, a person appointed before July 1, 2007, to serve as the bailiff for a district court or justice court in a county whose population is 400,000 or more:

1. Must be certified by the Peace Officers' Standards and Training Commission as a category II peace officer on or before January 1, 2009; and

2. On and after July 1, 2007, shall be deemed to be a deputy marshal with the duties thereof pursuant to NRS 3.310, as amended by section 5 of this act, or section 6 of this act, unless the person does not comply with the requirement set forth in subsection 1 by January 1, 2009.

~~{Sec. 6.}~~ **Sec. 12. 1. This ~~{act becomes}~~ section and section 11 of this act become effective upon passage and approval.**

2. Sections 1 to 10, inclusive, of this act become effective on July 1, 2007.

Assemblywoman Kirkpatrick moved that the Assembly concur in the Senate amendment to Assembly Bill No. 139.

Remarks by Assemblywoman Kirkpatrick.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

REPORTS OF CONFERENCE COMMITTEES

Madam Speaker:

The first Conference Committee concerning Assembly Bill No. 418, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendment No. 757 of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 2, which is attached to and hereby made a part of this report.

MARK AMODEI

TERRY CARE

MIKE MCGINNESS

Senate Conference Committee

BERNIE ANDERSON

HARVEY MUNFORD

GARN MABEY

Assembly Conference Committee

Conference Amendment No. CA2.

AN ACT relating to unarmed combat; removing references to wrestling in various statutes relating to unarmed combat; ~~{eliminating the Medical Advisory Board.}~~ **changing the appointing authority for the Medical Advisory Board from the Governor to the Nevada Athletic Commission; repealing the Medical Advisory Board effective July 1, 2009;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Sections 1-3 of this bill remove references to wrestling that are contained in various statutes relating to unarmed combat.

Section ~~{4.5}~~ **1.5** of this bill ~~{eliminates}~~ **provides that the Nevada Athletic Commission, rather than the Governor, is authorized to appoint the members of the Medical Advisory Board, which ~~{currently}~~ recommends standards for the physical and mental examination of contestants,**

recommends physicians for licensing, advises the Nevada Athletic Commission as to the physical or mental fitness of a contestant and submits reports containing recommendations for revisions in the law to protect the health of contestants. (NRS 467.018) **Section 4.5 of this bill repeals the provisions of NRS 467.0101, 467.012, 467.015 and 467.018 governing the creation, membership and duties of the Board effective July 1, 2009.**

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

Section 1. NRS 467.0107 is hereby amended to read as follows:

467.0107 "Unarmed combat" means boxing ~~[-, wrestling]~~ or any form of competition in which a blow is usually struck which may reasonably be expected to inflict injury.

Sec. 1.5. NRS 467.012 is hereby amended to read as follows:

467.012 1. The Medical Advisory Board consisting of five members to be appointed by the ~~[-Governor]~~ **Commission** is hereby created.

2. The ~~[-Governor]~~ **Commission** shall designate one of the members of the Board as its Chairman.

3. After the initial terms, ~~[-the Governor]~~ **the Commission** shall appoint each member to a term of 4 years. If the position of a member is vacated, the ~~[-Governor]~~ **Commission** shall appoint a qualified person to replace the member for the remainder of the unexpired term.

Sec. 2. NRS 467.108 is hereby amended to read as follows:

467.108 1. Except as otherwise provided in subsection 2, in addition to the payment of any other fees or taxes required by this chapter, a promoter shall pay to the Commission a fee of \$1.00 for each ticket sold for admission to a live professional ~~[-boxing or wrestling]~~ contest ~~[-, match or exhibition]~~ **of unarmed combat** which is held in this State.

2. In lieu of the fee imposed pursuant to subsection 1, the Executive Director of the Commission may require a promoter to pay to the Commission a fee of \$0.50 for each ticket sold for admission to a live professional ~~[-boxing or wrestling]~~ contest ~~[-, match or exhibition]~~ **of unarmed combat** which is held in this State if the gross receipts from admission fees to the contest ~~[-, match or exhibition]~~ **of unarmed combat** are less than \$500,000.

3. The money collected pursuant to subsections 1 and 2 must be used by the Commission to award grants to organizations which promote amateur ~~[-boxing]~~ contests or exhibitions **of unarmed combat** in this State.

4. The Commission shall adopt by regulation ~~[-the]~~:

(a) **The** manner in which ~~[-~~

~~[-The]~~ **the** fees required by subsections 1 and 2 must be paid.

(b) ~~[-Applications]~~ **The manner in which applications** for grants may be submitted to the Commission. ~~[-and the]~~

(c) *The* standards to be used to award grants to organizations which promote amateur ~~boxing~~ contests or exhibitions of *unarmed combat* in this State.

Sec. 3. NRS 467.135 is hereby amended to read as follows:

467.135 1. The Commission, its Executive Director or any other employee authorized by the Commission may order the promoter to withhold any part of a purse or other money belonging or payable to any contestant, manager or second if, in the judgment of the Commission, Executive Director or other employee:

(a) The contestant is not competing honestly or to the best of his skill and ability or the contestant otherwise violates any regulations adopted by the Commission or any of the provisions of this chapter, including, but not limited to, the provisions of subsection 1 of NRS 467.110; or

(b) The manager or seconds violate any regulations adopted by the Commission or any of the provisions of this chapter, including, but not limited to, the provisions of subsection 1 of NRS 467.110.

~~2. This section does not apply to any contestant in a wrestling exhibition who appears not to be competing honestly or to the best of his skill and ability.~~

~~3.~~ Upon the withholding of any part of a purse or other money pursuant to this section, the Commission shall immediately schedule a hearing on the matter, provide adequate notice to all interested parties and dispose of the matter as promptly as possible.

~~4.~~ 3. If it is determined that a contestant, manager or second is not entitled to any part of his share of the purse or other money, the promoter shall pay the money over to the Commission. Subject to the provisions of subsection ~~5.~~ 4, the money must be deposited with the State Treasurer for credit to the State General Fund.

~~5.~~ 4. Money turned over to the Commission pending final action in any matter must be credited to the Athletic Commission's Agency Account and must remain in that Account until the Commission orders its disposition in accordance with the final action taken.

Sec. 4. (Deleted by amendment.)

Sec. 4.3. 1. The members of the Medical Advisory Board who are serving on the effective date of this act continue to serve until their terms expire. If the position of a member becomes vacant on or after the effective date of this act, the Nevada Athletic Commission shall appoint a qualified person to replace the member for the remainder of the unexpired term.

2. Notwithstanding the provisions of NRS 467.012, the Commission shall appoint to the Board three persons who are qualified pursuant to NRS 467.015 to serve terms commencing on July 1, 2007, and expiring on June 30, 2009.

Sec. 4.5. NRS 467.0101, 467.012, 467.015 and 467.018 are hereby repealed.

Sec. 5. 1. This section and sections 1 to 4.3, inclusive, of this act ~~becomes~~ become effective ~~for July 1, 2007~~ upon passage and approval.

2. Section 4.5 of this act becomes effective on July 1, 2009.

LEADLINES OF REPEALED SECTIONS

467.0101 "Board" defined.

467.012 Creation; Chairman; terms.

467.015 Qualifications of members.

467.018 Duties.

Assemblyman Anderson moved that the Assembly adopt the report of the first Conference Committee concerning Assembly Bill No. 418.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 212.

The following Senate amendment was read:

Amendment No. 1061.

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

Legislative Counsel's Digest:

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

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

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

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

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

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

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

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

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

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

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

- (a) Work in consultation with a school counselor to develop an academic plan for the pupil;**
- (b) Sign the academic plan; and**
- (c) Review the academic plan at least once each school year in consultation with a school counselor and revise the plan if necessary.**

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

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

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

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

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

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

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

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

(e) The assignment of:

(1) Guidance counselors;

(2) At least one licensed school administrator; and

(3) Appropriate adult mentors,

↪ specifically for the pupils enrolled in ninth grade.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) Notice of his parent or legal guardian or other person who has control or charge over the pupil pursuant to subsection 3 of NRS 392.130,
 ↪ may again be declared a habitual truant.

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

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

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

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

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

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

(a) The local law enforcement agency;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. Makes a false statement concerning the age or attendance at school;
2. Presents a false birth certificate or record of attendance at school; or
3. Refuses to furnish a suitable identifying document, record of attendance at school or proof of change of name, upon request by a local law enforcement agency conducting an investigation in response to notification pursuant to subsection 4 of NRS 392.165,

↪ of a child under ~~{17}~~ **18** years of age who is under his control or charge, is guilty of a misdemeanor.

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

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

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

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

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

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

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

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

↪ of a child under ~~17~~ 18 years of age who is under his control or charge, is guilty of a misdemeanor.

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

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

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

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

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

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

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

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

Assemblywoman Parnell moved that the Assembly concur in the Senate amendment to Assembly Bill No. 212.

Remarks by Assemblywoman Parnell.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblywoman Kirkpatrick moved that the Assembly do not recede from its action on Senate Bill No. 487, that a conference be requested, and that Madam Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblywoman Kirkpatrick.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Madam Speaker appointed Assemblymen Kirkpatrick, Bobzien, and Gansert as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 487.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Atkinson moved that the Assembly do not recede from its action on Senate Bill No. 43, that a conference be requested, and that Madam Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Atkinson.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Madam Speaker appointed Assemblymen Atkinson, Bobzien, and Carpenter as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 43.

Madam Speaker appointed Assemblymen Horne, Parks, and Allen as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 396.

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

Assembly in recess at 12:28 p.m.

ASSEMBLY IN SESSION

At 1:29 p.m.

Madam Speaker presiding.

Quorum present.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committees on Ways and Means and Finance:

Assembly Bill No. 627—AN ACT relating to education; ensuring sufficient funding for K-12 public education for the 2007-2009 biennium; apportioning the State Distributive School Account in the State General Fund for the 2007-2009 biennium; authorizing certain expenditures; making

appropriations for purposes relating to class-size reduction and other educational purposes; revising certain provisions governing the Account for Programs for Innovation and the Prevention of Remediation; revising certain provisions governing the count of pupils for purposes of apportioning money from the State Distributive School Account; and providing other matters properly relating thereto.

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

Motion carried.

Assemblyman Ocegüera moved that the Assembly recess until 4:30 p.m.

Motion carried.

Assembly in recess at 1:30 p.m.

ASSEMBLY IN SESSION

At 4:47 p.m.

Madam Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which was referred Senate Bill No. 422, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JERRY D. CLABORN, *Chair*

Madam Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 627, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY JR., *Chair*

GENERAL FILE AND THIRD READING

Assembly Bill No. 627.

Bill read third time.

Remarks by Assemblymen Arberry and Parnell.

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

ASSEMBLYMAN ARBERRY:

Assembly Bill 627 appropriates \$1.041 billion in the first year and \$1.091 billion in the second year of the 2007-09 biennium from the state General Fund to the Distributive School Account (DSA). In addition, there are \$172.2 million and \$182.7 million of other revenues authorized to be received and expended for the state support of public education for the next two years. These other revenues include an annual tax on slot machines, sales tax collected on out-of-state sales, interest earned on the Permanent School Fund, and revenue from mineral leases on federal land.

The statewide average basic support per pupil increases over the upcoming biennium from \$4,696 in the current year to \$5,122 in FY 2008, and \$5,323 in Y 2009. Enrollment is projected to grow 3.15 percent in the first year and .68 percent in the second year of the biennium. A two

percent cost-of-living adjustment for school district employees is included in the DSA for FY 2008 and four percent in FY 2009.

State funding for special education continues to be allocated on the basis of special education units. Total funding for the units amounts to \$111.3 million or 3,046 units of \$36,541 each in FY 2008 and \$121.3 million for 3,128 units of \$38,763 each in FY 2009. As in the past, 40 of those units will be reserved for the State Board of Education to assign to districts that have unexpected needs. In addition to the 40 "discretionary" units, the bill includes 4.70 units and 4.22 units for FY 2008 and FY 2009, respectively, for gifted and talented pupils to participate in the "Star Gate" program.

To fund adult high school diploma programs, including those in prison facilities, \$21.4 million and \$23.4 million are budgeted in the first and second years of the biennium, respectively, for the support of courses approved by the Department of Education as meeting the course of study for an adult standard high school diploma as approved by the State Board.

The bill appropriates \$12.9 million and \$13.3 million for the first and second years, respectively, for regional professional development centers to train teachers to teach to the academic standards, and includes funding for an evaluation of those programs.

The bill includes funding for the Early Childhood Education program of \$3.3 million for each year of the upcoming biennium for competitive grants to school districts and community-based organizations for early childhood education programs.

The bill includes funding to continue the retirement credit incentive program for certain licensed educational personnel in the amount of \$22.9 million for FY 2008 and \$31.1 million for FY 2009.

For continued support of the Class-Size Reduction (CSR) program, this bill allocates \$141 million in FY 2008 and \$153 million in FY 2009. This money will pay for the salaries and benefits of at least 2,201 teachers hired to reduce pupil-teacher ratios in the first year and 2,260 in the second year. The bill continues the CSR program in the DSA, and maintains the separate expenditure category to highlight the program. Funds will be allocated based upon the number of teachers needed in each school district to reach the pupil-teacher ratios of 16 to 1 in first and second grades and 19 to 1 in third grade, the same ratios as in the current biennium.

The bill continues the flexibility for the school districts to carry out alternative programs for reducing the ratio of pupils per teacher or to implement remedial programs that have been found to be effective in improving pupil achievement. To use the funds in this manner, school districts are required to receive approval of their written plan from the Superintendent of Public Instruction, evaluate the effectiveness of their program and ensure that the combined ratio of pupils per teacher in the aggregate of grades K through 3 does not exceed the combined ratio in those grades in the 2004-05 school year.

This bill appropriates \$21.5 million and \$22.5 million for the first and second years, respectively, for the Other State Education Programs Account. Through this account, state General Fund support is provided for the System for Accountability Information in Nevada (SAIN), Educational Technology, Peer Mediation, Career and Technical Education programs, the Apprenticeship program, Local Education Agency Library Books, Public Broadcasting, the Teacher Signing Bonus program, the National Board Certification program for teachers and counselors, and other miscellaneous programs.

This bill continues the Account for Programs for Innovation and the Prevention of Remediation with appropriations of \$60.4 million in FY 2008 and \$85.5 million in FY 2009. Of these amounts, \$25.6 million in FY 2008 and \$40.8 million in FY 2009 is provided to continue and expand the full-day kindergarten program in Nevada. Through the Account for Programs for Innovation and the Prevention of Remediation, this bill provides \$180,000 in FY 2008 and \$8.9 million in FY 2009 to support a new program of empowerment schools.

Finally, beginning in FY 2009, this bill revises the hold harmless provisions to provide that a school district and charter school with less than a five percent decline in enrollment will be held harmless for one year and school districts and charter schools with more than five percent decline in enrollment will continue the existing two-year hold harmless.

ASSEMBLYWOMAN PARNELL:

As Chair of the Assembly Committee on Education, I rise in support of Assembly Bill 627. I would like to thank all of my colleagues who have worked so hard to make the numbers work and for taking into account the interest that so many of us have with regards to education. I see it as a bill that addresses the needs of our students— from our very youngest to those in their high school years. It is something that is very important and something that we all have been very cognizant of in this session. It also takes into account the needs of our public school teachers. Again, I rise in support and thank all of my colleagues and staff who have worked so hard.

Roll call on Assembly Bill No. 627:

YEAS—41.

NAYS—None.

EXCUSED—Cobb.

Assembly Bill No. 627 having received a constitutional majority, Madam Speaker declared it passed.

Assemblyman Oceguela moved that all rules be suspended and that Assembly Bill No. 627 be immediately transmitted to the Senate.

Motion carried.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguela moved that Assembly Bill No. 291 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 422.

Bill read third time.

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

Amendment No. 1081.

SUMMARY—Requires the ~~creation~~ establishment of a registry of greenhouse gas emissions and an inventory of greenhouse gases ~~emitted~~ released in this State. (BDR 40-678)

AN ACT relating to pollution; requiring the State Environmental Commission to ~~establish a registry~~ **mandate the reporting of all greenhouse gases emitted by each affected ~~units~~ unit in this State ~~to~~ for inclusion in a registry of greenhouse gas emissions;** requiring the State Department of Conservation and Natural Resources to issue a statewide inventory of greenhouse ~~gas emissions;~~ **gases released in this State;** providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the State Environmental Commission may adopt certain regulations to prevent, abate and control air pollution and establish standards for air quality. (NRS 445B.210) ~~Also under existing law, a district board of health, county board of health or board of county commissioners in each county whose population is 100,000 or more (currently Clark and~~

~~Washoe Counties) must establish a program for the control of air pollution and administer that program. In any other county, or in any city, a similar program may be established through cooperative or interlocal agreement or the county or city may establish its own program for the control of air pollution. (NRS 445B.500)~~

Section 5 of this bill requires the Commission to ~~establish, by regulation, a statewide registry,~~ **mandate the reporting** of greenhouse gases emitted by certain generators of electricity in this State ~~for inclusion in a registry of greenhouse gas emissions and to establish the requirements for participation in the registry.~~ Section 4 of this bill defines a “greenhouse gas” to mean carbon dioxide, hydrofluorocarbons, methane, nitrous oxide, perfluorocarbons and sulphur hexafluoride. Section 5 ~~requires~~ **authorizes** the Commission to prescribe the requirements and procedures for reporting the emissions of greenhouse gases that must be included in the registry, methods for ~~identifying and measuring~~ **determining** the greenhouse gases that must be reported and methods for independently verifying the information that is reported. The Commission ~~is required to~~ **may** establish the reporting period, but the period must not ~~be longer than~~ **exceed** 1 year. ~~Finally, section 5 authorizes the Commission to establish procedures for the voluntary reporting of emissions of greenhouse gases from sources that are not otherwise required to report.~~

Section 6.5 of this bill requires the State Department of Conservation and Natural Resources to issue, at least every 4 years, a statewide inventory of greenhouse ~~gas emissions~~ **gases released** in this State. The inventory must include the ~~sources,~~ **origins**, types and amounts of the greenhouse gases, together with the Department’s ~~evaluation of the emissions,~~ **analysis of those gases**, and must be supported with documentation.

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

Section 1. Chapter 445B of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 6.5, inclusive, of this act.

Sec. 2. ~~“Affected unit” means a facility for the generation of electricity that~~

- ~~1. Has a maximum design capacity of at least 5 megawatts;~~
- ~~2. Emits a greenhouse gas; and~~
- ~~3. Generates electricity for sale.~~ (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. **“Greenhouse gas” means ~~for~~ any of the following gases, either alone or in combination:**

- 1. Carbon dioxide ~~for~~ (CO₂);**
- 2. Hydrofluorocarbons;**
- 3. Methane ~~for~~ (CH₄);**
- 4. Nitrous oxide ~~for~~ (N₂O);**
- 5. Perfluorocarbons; and**

6. Sulphur hexafluoride ~~+~~ (SF6).

Sec. 5. 1. In addition to any regulation adopted pursuant to NRS 445B.210 to prevent, abate and control air pollution, the Commission shall, by regulation ~~+~~, establish a statewide registry ;

(a) Mandate the reporting of all greenhouse gases emitted by each affected ~~units~~ unit in this State ~~during the reporting period established by the Commission~~ for inclusion in a registry of greenhouse gas emissions;
and

(b) Except as otherwise provided in subsection 3, establish the requirements for participation in the registry.

2. The regulations ~~must~~ may include, without limitation, provisions setting forth:

(a) The requirements and procedures for reporting emissions of greenhouse gases;

(b) Methods for ~~identifying, measuring and otherwise~~ determining the emissions of greenhouse gases that must be reported for inclusion in the registry;

(c) Methods for independently verifying the information reported for inclusion in the registry; and

(d) The reporting period, except that the period must not ~~be longer than~~ exceed 1 year.

3. The ~~Commission may establish procedures for the inclusion~~ requirements for participation in the registry ~~of greenhouse gases emitted from a source other than~~ established pursuant to paragraph (b) of subsection 1 must not prohibit a person who does not own or operate an affected unit ~~+~~ from voluntarily participating in the registry.

4. As used in this section:

(a) "Affected unit" means a unit for the generation of electricity that:

(1) Has a maximum design output capacity of not less than 5 megawatts;

(2) Emits a greenhouse gas; and

(3) Generates electricity for sale.

↪ The term does not include a unit that uses renewable energy, as defined in NRS 704.7811, to generate electricity.

(b) "Registry of greenhouse gas emissions" or "registry" means a repository or ongoing account of verified greenhouse gas emissions.

Sec. 6. (Deleted by amendment.)

Sec. 6.5. 1. The Department shall, not later than December 31, 2008, and at least every 4 years thereafter, issue a statewide inventory of greenhouse ~~gas emissions~~ gases released in this State.

2. The inventory must include, without limitation:

(a) The ~~sources~~ origins, types and amounts of ~~the~~ those greenhouse gases ; ~~emitted in this State;~~

(b) The Department's ~~evaluation~~ analysis of the ~~emissions;~~ information set forth in paragraph (a); and

(c) *Documentation for the information set forth in paragraphs (a) and (b).*

Sec. 7. NRS 445B.105 is hereby amended to read as follows:

445B.105 As used in NRS 445B.100 to 445B.640, inclusive, ***and sections 2 to 6.5, inclusive, of this act***, unless the context otherwise requires, the words and terms defined in NRS 445B.110 to 445B.155, inclusive, ***and ~~sections 2 and~~ section 4 of this act*** have the meanings ascribed to them in those sections.

Sec. 8. NRS 445B.210 is hereby amended to read as follows:

445B.210 The Commission may:

1. Subject to the provisions of NRS 445B.215, adopt regulations consistent with the general intent and purposes of NRS 445B.100 to 445B.640, inclusive, ***and sections 2 to 6.5, inclusive, of this act*** to prevent, abate and control air pollution.

2. Establish standards for air quality.

3. Require access to records relating to emissions which cause or contribute to air pollution.

4. Cooperate with other governmental agencies, including other states and the Federal Government.

5. Establish such requirements for the control of emissions as may be necessary to prevent, abate or control air pollution.

6. By regulation:

(a) Designate as a hazardous air pollutant any substance which, on or after October 1, 1993, is on the federal list of hazardous air pollutants pursuant to 42 U.S.C. § 7412(b); and

(b) Delete from designation as a hazardous air pollutant any substance which, after October 1, 1993, is deleted from the federal list of hazardous air pollutants pursuant to 42 U.S.C. § 7412(b),

↪ based upon the Commission's determination of the extent to which such a substance presents a risk to the public health.

7. Hold hearings to carry out the provisions of NRS 445B.100 to 445B.640, inclusive, ***and sections 2 to 6.5, inclusive, of this act***, except as otherwise provided in those sections.

8. Establish fuel standards for both stationary and mobile sources of air contaminants. Fuel standards for mobile sources of air contaminants must be established to achieve air quality standards that protect the health of the residents of the State of Nevada.

9. Require elimination of devices or practices which cannot be reasonably allowed without generation of undue amounts of air contaminants.

Sec. 9. NRS 445B.220 is hereby amended to read as follows:

445B.220 In carrying out the purposes of NRS 445B.100 to 445B.640, inclusive, ***and sections 2 to 6.5, inclusive, of this act***, the Commission, in addition to any other action which may be necessary or appropriate to carry out ~~such~~ ***those*** purposes, may:

1. Cooperate with appropriate federal officers and agencies of the Federal Government, other states, interstate agencies, local governmental agencies and other interested parties in all matters relating to air pollution control in preventing or controlling the pollution of the air in any area.

2. Recommend measures for control of air pollution originating in this State.

Sec. 10. NRS 445B.230 is hereby amended to read as follows:

445B.230 The Department shall:

1. Make such determinations and issue such orders as may be necessary to implement the purposes of NRS 445B.100 to 445B.640, inclusive ~~{-}~~, **and sections 2 to 6.5, inclusive, of this act.**

2. Apply for and receive grants or other funds or gifts from public or private agencies.

3. Cooperate and contract with other governmental agencies, including other states and the Federal Government.

4. Conduct investigations, research and technical studies consistent with the general purposes of NRS 445B.100 to 445B.640, inclusive ~~{-}~~, **and sections 2 to 6.5, inclusive, of this act.**

5. Prohibit as specifically provided in NRS 445B.300 and 445B.320 and as generally provided in NRS 445B.100 to 445B.640, inclusive, **and sections 2 to 6.5, inclusive, of this act** the installation, alteration or establishment of any equipment, device or other article capable of causing air pollution.

6. Require the submission of such preliminary plans and specifications and other information as it deems necessary to process permits.

7. Enter into and inspect at any reasonable time any premises containing an air contaminant source or a source under construction for purposes of ascertaining compliance with NRS 445B.100 to 445B.640, inclusive ~~{-}~~, **and sections 2 to 6.5, inclusive, of this act.**

8. Specify the manner in which incinerators may be constructed and operated.

9. Institute proceedings to prevent continued violation of any order issued by the Director and to enforce the provisions of NRS 445B.100 to 445B.640, inclusive ~~{-}~~, **and sections 2 to 6.5, inclusive, of this act.**

10. Require access to records relating to emissions which cause or contribute to air pollution.

11. Take such action in accordance with the rules, regulations and orders promulgated by the Commission as may be necessary to prevent, abate and control air pollution.

Sec. 11. ~~NRS 445B.500 is hereby amended to read as follows:~~

~~445B.500 1. Except as otherwise provided in this section and in NRS 445B.310:~~

~~(a) The district board of health, county board of health or board of county commissioners in each county whose population is 100,000 or more shall establish a program for the control of air pollution and administer the program within its jurisdiction unless superseded.~~

~~(b) The program:~~

~~(1) Must include, without limitation, standards for the control of emissions, emergency procedures and variance procedures established by ordinance or local regulation which are equivalent to or stricter than those established by statute or state regulation;~~

~~(2) May, in a county whose population is 400,000 or more, include requirements for the creation, receipt and exchange for consideration of credits to reduce and control air contaminants in accordance with NRS 445B.508; and~~

~~(3) Must provide for adequate administration, enforcement, financing and staff.~~

~~(e) The district board of health, county board of health or board of county commissioners is designated as the air pollution control agency of the county for the purposes of NRS 445B.100 to 445B.640, inclusive, and sections 2 to 6.5, inclusive, of this act, and the Federal Act insofar as it pertains to local programs, and that agency is authorized to take all action necessary to secure for the county the benefits of the Federal Act.~~

~~(d) Powers and responsibilities provided for in NRS 445B.210, 445B.240 to 445B.470, inclusive, 445B.560, 445B.570, 445B.580 and 445B.640 are binding upon and inure to the benefit of local air pollution control authorities within their jurisdiction.~~

~~2.—The local air pollution control board shall carry out all provisions of NRS 445B.215 with the exception that notices of public hearings must be given in any newspaper, qualified pursuant to the provisions of chapter 238 of NRS, once a week for 3 weeks. The notice must specify with particularity the reasons for the proposed regulations and provide other informative details. NRS 445B.215 does not apply to the adoption of existing regulations upon transfer of authority as provided in NRS 445B.610.~~

~~3.—In a county whose population is 400,000 or more, the local air pollution control board may delegate to an independent hearing officer or hearing board its authority to determine violations and levy administrative penalties for violations of the provisions of NRS 445B.100 to 445B.450, inclusive, and 445B.500 to 445B.640, inclusive, and sections 2 to 6.5, inclusive, of this act or any regulation adopted pursuant to those sections. If such a delegation is made, 17.5 percent of any penalty collected must be deposited in the county treasury in an account to be administered by the local air pollution control board to a maximum of \$17,500 per year. The money in the account may only be used to defray the administrative expenses incurred by the local air pollution control board in enforcing the provisions of NRS 445B.100 to 445B.640, inclusive [.] , and sections 2 to 6.5, inclusive, of this act. The remainder of the penalty must be deposited in the county school district fund of the county where the violation occurred.~~

~~4.—Any county whose population is less than 100,000 or any city may meet the requirements of this section for administration and enforcement through cooperative or interlocal agreement with one or more other counties.~~

or through agreement with the State, or may establish its own program for the control of air pollution. If the county establishes such a program, it is subject to the approval of the Commission.

~~5.—No district board of health, county board of health or board of county commissioners may adopt any regulation or establish a compliance schedule, variance order or other enforcement action relating to the control of emissions from plants which generate electricity by using steam produced by the burning of fossil fuel.~~

~~6.—For the purposes of this section, “plants which generate electricity by using steam produced by the burning of fossil fuel” means plants that burn fossil fuels in a boiler to produce steam for the production of electricity. The term does not include any plant which uses technology for a simple or combined cycle combustion turbine, regardless of whether the plant includes duct burners.] (Deleted by amendment.)~~

Sec. 12. (Deleted by amendment.)

Sec. 13. [NRS 445B.540 is hereby amended to read as follows:

~~445B.540 1. A county or area whose local jurisdiction over air pollution control has been superseded may establish or restore a local air pollution control program if such program is approved as adequate by the Commission.~~

~~2.—A district, county or city which has an air pollution control program in operation on July 1, 1971, may continue its program if within 1 year after July 1, 1971, the program is approved as adequate by the Commission. Such approval shall be deemed granted unless the Commission specifically disapproves the program after a public hearing. Nothing in NRS 445B.100 to 445B.640, inclusive, and sections 2 to 6.5, inclusive, of this act is to be construed as invalidating any rule, regulation, enforcement action, variance, permit, cease and desist order, compliance schedule, or any other legal action taken by any existing air pollution control authority pursuant to former NRS 445.400 to 445.595, inclusive, on or before July 1, 1971, unless it is specifically repealed, superseded or disapproved, pursuant to NRS 445B.215.] (Deleted by amendment.)~~

Sec. 14. NRS 445B.590 is hereby amended to read as follows:

445B.590 1. The Account for the Management of Air Quality is hereby created in the State General Fund, to be administered by the Department.

2. Money in the Account for the Management of Air Quality must be expended only:

(a) To carry out and enforce the provisions of NRS 445B.100 to 445B.640, inclusive, and *sections 2 to 6.5, inclusive, of this act and* of any regulations adopted pursuant to those sections, including, without limitation, the direct and indirect costs of:

(1) Preparing regulations and recommendations for legislation regarding those provisions;

(2) Furnishing guidance for compliance with those provisions;

(3) Reviewing and acting upon applications for operating permits;

(4) Administering and enforcing the terms and conditions of operating permits;

(5) Monitoring emissions and the quality of the ambient air;

(6) Preparing inventories and tracking emissions;

(7) Performing modeling, analyses and demonstrations; and

(8) Establishing and administering a program for the provision of assistance, pursuant to 42 U.S.C. § 7661f, to small businesses operating stationary sources; and

(b) In any other manner required as a condition to the receipt of federal money for the purposes of NRS 445B.100 to 445B.640, inclusive ~~[]~~, **and sections 2 to 6.5, inclusive, of this act.**

3. All interest earned on the money in the Account for the Management of Air Quality must be credited to the Account. Claims against the Account for the Management of Air Quality must be paid as other claims against the State are paid.

Sec. 15. NRS 445B.600 is hereby amended to read as follows:

445B.600 NRS 445B.100 to 445B.595, inclusive, **and sections 2 to 6.5, inclusive, of this act** does not abridge, limit, impair, create, enlarge or otherwise affect substantively or procedurally the right of any person to damages or other relief on account of injury to persons or property and to maintain any action or other appropriate proceeding therefor in the courts of this State or the courts of the United States on a tort claim against the United States or a federal agency as authorized by federal statutes.

Sec. 16. NRS 445B.610 is hereby amended to read as follows:

445B.610 1. All rules, regulations and standards promulgated by the State Commission of Environmental Protection pertaining to air pollution control in force on July 1, 1973, ~~[shall]~~ remain in effect until such time as revised by the State Environmental Commission pursuant to NRS 445B.100 to 445B.640, inclusive ~~[]~~, **and sections 2 to 6.5, inclusive, of this act.**

2. Any and all action taken by the State Commission of Environmental Protection, including but not limited to existing orders, notices of violation, variances, permits, cease and desist orders and compliance schedules, shall remain in full force and effect and binding upon the State Environmental Commission, the Director, the Department and all persons to whom such action may apply on or after July 1, 1973.

3. In the event that a local air pollution control program described in NRS 445B.500 is transferred in whole or in part from an existing air pollution control agency to another agency, all rules and regulations adopted by the existing agency may be readopted as amended to reflect the transfer of authorities by the new agency immediately upon such transfer, and the provisions of NRS 445B.215 ~~[shall]~~ **do** not apply to such readoption.

4. If a transfer of local authority as described in subsection 3 occurs, all orders, notices of violation, variances, cease and desist orders, compliance schedules and other legal action taken by the existing air pollution control

board, control officer ~~[-]~~ or hearing board ~~[-shall]~~ remain in full force and effect, and ~~[-shall]~~ **must** not be invalidated by reason of such transfer.

Sec. 17. NRS 445B.640 is hereby amended to read as follows:

445B.640 1. Except as otherwise provided in subsection 4 and NRS 445C.010 to 445C.120, inclusive, any person who violates any provision of NRS 445B.100 to 445B.450, inclusive, and 445B.470 to 445B.640, inclusive, **and sections 2 to 6.5, inclusive, of this act**, or any regulation in force pursuant thereto, other than NRS 445B.570 on confidential information, is guilty of a civil offense and shall pay an administrative fine levied by the Commission of not more than \$10,000 per day per offense. Each day of violation constitutes a separate offense.

2. The Commission shall by regulation establish a schedule of administrative fines not exceeding \$500 for lesser violations of any provision of NRS 445B.100 to 445B.450, inclusive, and 445B.470 to 445B.640, inclusive, **and sections 2 to 6.5, inclusive, of this act**, or any regulation in force pursuant thereto.

3. Action pursuant to subsection 1 or 2 is not a bar to enforcement of the provisions of NRS 445B.100 to 445B.450, inclusive, and 445B.470 to 445B.640, inclusive, **and sections 2 to 6.5, inclusive, of this act**, regulations in force pursuant thereto, and orders made pursuant to NRS 445B.100 to 445B.450, inclusive, and 445B.470 to 445B.640, inclusive, **and sections 2 to 6.5, inclusive, of this act** by injunction or other appropriate remedy, and the Commission or the Director may institute and maintain in the name of the State of Nevada any such enforcement proceedings.

4. Any person who fails to pay a fine levied pursuant to subsection 1 or 2 within 30 days after the fine is imposed is guilty of a misdemeanor. The provisions of this subsection do not apply to persons found by the court to be indigent.

5. All administrative fines collected by the Commission pursuant to this section must be deposited in the county school district fund of the county where the violation occurred.

Sec. 18. NRS 445C.030 is hereby amended to read as follows:

445C.030 "Environmental requirement" means a requirement contained in NRS 444.440 to 444.645, inclusive, 445A.300 to 445A.730, inclusive, 445B.100 to 445B.640, inclusive, **and sections 2 to 6.5, inclusive, of this act**, 459.400 to 459.600, inclusive, 459.700 to 459.856, inclusive, or 519A.010 to 519A.280, inclusive, or in a regulation adopted pursuant to any of those ~~[-statutes.]~~ **sections**.

Sec. 19. NRS 459.460 is hereby amended to read as follows:

459.460 1. NRS 459.400 to 459.600, inclusive, do not apply to any activity or substance which is subject to control pursuant to NRS 445A.300 to 445A.955, inclusive, and 459.010 to 459.290, inclusive, except to the extent that they can be applied in a manner which is not inconsistent with those sections.

2. The Director shall administer NRS 459.400 to 459.600, inclusive, in a manner which avoids duplication of the provisions of NRS 445A.300 to 445A.955, inclusive, and 445B.100 to 445B.640, inclusive, **and sections 2 to 6.5, inclusive, of this act**, and the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. §§ 136 et seq.

Sec. 20. NRS 459.930 is hereby amended to read as follows:

459.930 1. Notwithstanding any other provision of law to the contrary and regardless of whether he is a participant in a program, a person who:

(a) Is a bona fide prospective purchaser is not liable for any response action or cleanup that may be required with respect to any real property pursuant to NRS 445A.300 to 445A.730, inclusive, 445B.100 to 445B.640, inclusive, **and sections 2 to 6.5, inclusive, of this act**, 459.400 to 459.600, inclusive, or any other applicable provision of law.

(b) Is an innocent purchaser is not liable for any response action or cleanup that may be required with respect to any real property pursuant to NRS 445A.300 to 445A.730, inclusive, 445B.100 to 445B.640, inclusive, **and sections 2 to 6.5, inclusive, of this act**, 459.400 to 459.600, inclusive, or any other applicable provision of law.

(c) Owns real property that:

(1) Is contiguous to or otherwise similarly situated with respect to; and

(2) Is or may be contaminated by a release or threatened release of a hazardous substance from,

↪ other real property that the person does not own, is not liable for any response action or cleanup that may be required with respect to the release or threatened release, provided that the person meets the requirements set forth in section 107(q)(1) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. § 9607(q)(1).

2. A person described in paragraph (a), (b) or (c) of subsection 1 shall report to the Division, in a manner prescribed by the Commission:

(a) Any of the following substances that are found on or at real property owned by the person:

(1) Hazardous substances at or above the required reporting levels designated pursuant to sections 102 and 103 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. §§ 9602 and 9603; and

(2) Petroleum products of such type and in such amount as are required by the Division to be reported; and

(b) Any response action or cleanup that has been performed with respect to the real property described in paragraph (a).

3. The provisions of this section do not otherwise limit the authority of the Administrator, the Commission or the Division to require any person who is responsible for the contamination or pollution of real property, by improperly managing hazardous substances at or on that real property, to perform a response action or cleanup with respect to that real property.

4. If there are costs relating to a response action or cleanup that are incurred and unrecovered by the State of Nevada with respect to real property for which a bona fide prospective purchaser of the real property is not liable pursuant to the provisions of this section, the State of Nevada:

(a) Has a lien against that real property in an amount not to exceed the increase in the fair market value of the real property that is attributable to the response action or cleanup, which increase in fair market value must be measured at the time of the sale or other disposition of the real property; or

(b) May, with respect to those incurred and unrecovered costs and by agreement with the bona fide prospective purchaser of the real property, obtain from that bona fide prospective purchaser:

(1) A lien on any other real property owned by the bona fide prospective purchaser; or

(2) Another form of assurance or payment that is satisfactory to the Administrator.

5. The provisions of this section:

(a) Do not affect the liability in tort of any party; and

(b) Apply only to real property that is acquired on or after the date that is 60 days after May 26, 2003.

6. As used in this section:

(a) "Administrator" means the Administrator of the Division.

(b) "Bona fide prospective purchaser" has the meaning ascribed to it in section 101(40) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. § 9601(40).

(c) "Commission" means the State Environmental Commission.

(d) "Division" means the Division of Environmental Protection of the State Department of Conservation and Natural Resources.

(e) "Hazardous substance" has the meaning ascribed to it in NRS 459.620.

(f) "Innocent purchaser" means a person who qualifies for the exemption from liability set forth in section 107(b)(3) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. § 9607(b)(3).

(g) "Participant" has the meaning ascribed to it in NRS 459.622.

(h) "Program" means a program of voluntary cleanup and relief from liability set forth in NRS 459.610 to 459.658, inclusive.

(i) "Response action" means any action to mitigate, attempt to mitigate or assist in the mitigation of the effects of a leak or spill of or an accident involving a hazardous substance, including, without limitation, any action to:

(1) Contain and dispose of the hazardous substance;

(2) Clean and decontaminate the area affected by the leak, spill or accident; or

(3) Investigate the occurrence of the leak, spill or accident.

Sec. 21. This act becomes effective on July 1, 2007.

Assemblyman Claborn moved the adoption of the amendment.

Remarks by Assemblyman Claborn.

Amendment adopted.

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

Assembly Bill No. 291.

Bill read third time.

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

Amendment No. 1091.

AN ACT relating to local financial administration; expanding the purposes for which, in certain smaller counties, money may be expended from a school district fund established to stabilize the operation of the school district; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for each county to receive a portion of the proceeds of an ad valorem tax levied against mining operations in that county and for each county treasurer to apportion certain amounts of those proceeds to each local government or other local entity. (NRS 362.170) Existing law also authorizes each school district that receives a portion of those proceeds to set aside a portion of the amount received for a fund to mitigate the adverse effects upon the school district that result from a decline in revenues from the tax on mining operations or the opening or closing of a mining operation in the county. (NRS 362.171) This bill expands those purposes to authorize school districts in counties with a population of less than ~~15,000~~ **5,000** (currently ~~White Pine, Pershing, Lander, Mineral,~~ Lincoln, Storey, Eureka and Esmeralda Counties) to use the money ~~to retire outstanding debt and, if available revenues are below a certain amount, to use the money~~ in the fund ~~as the school district determines is necessary.~~ **for certain specified purposes.**

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

Section 1. Chapter 354 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Each school district to which money is apportioned by a county pursuant to subsection 2 of NRS 362.170 may set aside a percentage of the amount apportioned to establish a school district fund for mitigation. Except as otherwise provided in subsection 2, money from the fund may be used by the school district only to mitigate adverse effects upon the school district which result from:

(a) A decline in the revenue received by the school district from the tax on the net proceeds of minerals during the 2 fiscal years immediately preceding the current fiscal year; or

(b) The opening or closing of an extractive operation from the net proceeds of which revenue has been or is reasonably expected to be derived pursuant to chapter 362 of NRS.

2. A school district in a county whose population is less than ~~15,000~~ ~~may~~

~~*(a) Use money from the fund to retire bonds issued by the school district or any other outstanding obligations of the school district.*~~

~~*(b) If 5,000 may, if the revenues available to the school district for the current fiscal year are less than 90 percent of the revenues available to the school district for the immediately preceding fiscal year, expend such money in the fund created pursuant to subsection 1 ~~as the board of trustees of the school district determines is necessary.~~ to continue the district's instructional programs or those services and activities necessary to support the district's instructional programs which would otherwise be reduced or eliminated if not for the provisions of this section.*~~

Sec. 2. NRS 362.171 is hereby amended to read as follows:

362.171 ~~{1.}~~ Each county to which money is appropriated by subsection 1 of NRS 362.170 may set aside a percentage of that appropriation to establish a county fund for mitigation. Money from the fund may be appropriated by the board of county commissioners only to mitigate adverse effects upon the county, or the school district located in the county, which result from:

~~{(a)}~~ 1. A decline in the revenue received by the county from the tax on the net proceeds of minerals during the 2 fiscal years immediately preceding the current fiscal year; or

~~{(b)}~~ 2. The opening or closing of an extractive operation from the net proceeds of which revenue has been or is reasonably expected to be derived pursuant to this chapter.

~~{2.} Each school district to which money is apportioned by a county pursuant to subsection 2 of NRS 362.170 may set aside a percentage of the amount apportioned to establish a school district fund for mitigation. Money from the fund may be used by the school district only to mitigate adverse effects upon the school district which result from:~~

~~(a) A decline in the revenue received by the school district from the tax on the net proceeds of minerals during the 2 fiscal years immediately preceding the current fiscal year; or~~

~~(b) The opening or closing of an extractive operation from the net proceeds of which revenue has been or is reasonably expected to be derived pursuant to this chapter.]~~

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

Assemblywoman Smith moved the adoption of the amendment.

Remarks by Assemblywoman Smith.

Amendment adopted.

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

Senate Bill No. 422.

Bill read third time.

Remarks by Assemblyman Bobzien.

Roll call on Senate Bill No. 422:

YEAS—41.

NAYS—None.

EXCUSED—Cobb.

Senate Bill No. 422 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 291.

Bill read third time.

Remarks by Assemblyman Goicoechea.

Roll call on Assembly Bill No. 291:

YEAS—41.

NAYS—None.

EXCUSED—Cobb.

Assembly Bill No. 291 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Government Affairs, to which was referred Senate Bill No. 499, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARILYN K. KIRKPATRICK, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Ocegüera moved that Senate Bill No. 499 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 Bill No. 431; Senate Bills Nos. 106, 128, 237, 242, 288, 394, 425, 450, 452, 548, 549; Senate Joint Resolutions Nos. 2, 3 and 18; Senate Concurrent Resolution No. 17.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to the following students from Katherine Dunn Elementary School: Cesar Aguero, Julian Baeza, Taylor Blake, Jesse Brock, Sean Byers, Mark Comia, Michael Darden, David Delazaro, Aniletzy Garcia, Christina Gouem, Austin Hanson, Taelor Hoffman, Benjamin Huerta, Chance Kazen, Kirsten Lealtad, Melissa Lopez,

Denzel Magpantay, Lisa Martin, Mazielle Martinez, Kayla Nocelo, Jaycob Nolte, Jaysen Nolte, Danielmyr Orpiada, Ryeli Pferschy, Ashlynn Rice, Jeovanie Sanchez, Karun Sharma, Kimberly Tovar, Danielle Van Heuklon, Trae Wells, Alexis Rhodes, Nicholas Martin, Karen Damon, Jayme Lealtad, Renee Brock and Deanna Layport.

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

On request of Assemblyman Hogan, the privilege of the floor of the Assembly Chamber for this day was extended to the following students from John R. Hummel Elementary School: Mona Ademe, Riley Chapman, Shayli Charles, Ryan Clark, Sage Cristostomo, Darby Dacus, Sadoria Manzano, Danielle Palmer, Ryan Pettrey, Ashlynn Poole, Dez' John Potter, Kaela Rodgers, Chesta Sarmiento, Matthew Simon, Ethan Tuilagi, Alikaya Lopez, Jose Corral, Negin Yazdkhasti, Austin Morrow, Rae Alfonso, Emani Bethley, Mackenzie Grobe, Amanda Kuhlman, Danny Lopez, Lexi Mansour, Romy Mansour, Sydnee Mansour, Javani Newton, Jade Pulcini, Tara Richardson, Keanu Torres, Madison Darrington, Matthew Grobe, Ignacio Lopez, Kimberly Lang, Christina Eagar, Rick Darrington, Betty Jane Parker, Jill Hochgraber, Marjory Hochgraber, Joseph Kennedy, Regina Clark, Dawn Dacus, Marie Bell Poole, Louisa Tuilagi and Debra Lopez.

On request of Assemblywoman Leslie, the privilege of the floor of the Assembly Chamber for this day was extended to Jessica Sferrazza.

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

On request of Assemblyman Stewart, the privilege of the floor of the Assembly Chamber for this day was extended to Neal Larsen and Marta Larsen.

Assemblyman Oceguera moved that the Assembly adjourn until Friday, June 1, 2007, at 11 a.m.

Motion carried.

Assembly adjourned at 5:09 p.m.

Approved:

BARBARA E. BUCKLEY
Speaker of the Assembly

Attest: SUSAN FURLONG REIL
Chief Clerk of the Assembly