

**THE NINETY-NINTH DAY**

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CARSON CITY (Monday), May 14, 2007

Senate called to order at 11:35 a.m.

President Krolicki presiding.

Roll called.

All present except Senator Horsford, who was excused.

Prayer by the Chaplain, Pastor Albert Tilstra.

Today, grant to the members and the officers of this body a sacred moment of quiet as they continue the duties of the day. Turn their thoughts to You and open their hearts to Your Spirit that they may have wisdom in their decisions, understanding in their thinking, love in their attitudes and mercy in their judgments.

Let them not think, when this prayer is said, that their dependence upon You is over and forget Your counsels for the rest of the day. Rather from these moments of heart-searching may there come such a sweetness of disposition that all may know that You are in this place. From this holy interlude may there flow light and joy and power that will remain with them until night shall bring Your whispered benediction, "Well done, good and faithful servant."

We ask these things in humbleness of heart.

AMEN.

Pledge of Allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

*Mr. President:*

Your Committee on Finance, to which were referred Assembly Bills Nos. 540, 549, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Finance, to which were referred Senate Bills Nos. 346, 455, 458, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

WILLIAM J. RAGGIO, *Chair*

*Mr. President:*

Your Committee on Human Resources and Education, to which were referred Assembly Bills Nos. 6, 70, 131, 233, 313, 446, 507, 576, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Human Resources and Education, to which was referred Assembly Concurrent Resolution No. 6, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

MAURICE E. WASHINGTON, *Chair*

*Mr. President:*

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 95, 323, 344, 352, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Judiciary, to which was referred Assembly Bill No. 428, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARK E. AMODEI, *Chair*

*Mr. President:*

Your Committee on Legislative Operations and Elections, to which was referred Assembly Bill No. 570, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Legislative Operations and Elections, to which was referred Senate Concurrent Resolution No. 17, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and be adopted as amended.

BARBARA K. CEGAVSKE, *Chair*

*Mr. President:*

Your Committee on Taxation, to which were referred Assembly Bill No. 236; Assembly Joint Resolution No. 16 of the 73rd Session, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MIKE MCGINNESS, *Chair*

*Mr. President:*

Your Committee on Transportation and Homeland Security, to which were referred Assembly Bills Nos. 57, 154, 181, 311, 493, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DENNIS NOLAN, *Chair*

#### MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, May 11, 2007

*To the Honorable the Senate:*

I have the honor to inform your honorable body that the Assembly on this day passed Assembly Bills Nos. 196, 201.

Also, I have the honor to inform your honorable body that the Assembly on this day adopted Senate Concurrent Resolutions Nos. 32, 33, 34, 35, 36, 37, 38, 39; Assembly Concurrent Resolution No. 29.

Also, I have the honor to inform your honorable body that the Assembly on this day concurred in the Senate Amendment No. 649 to Assembly Bill No. 72; Senate Amendment No. 648 to Assembly Bill No. 250; Senate Amendment No. 661 to Assembly Joint Resolution No. 6.

LUCINDA BENJAMIN

*Assistant Chief Clerk of the Assembly*

#### MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Transportation and Homeland Security:

Senate Concurrent Resolution No. 40—Urging the Department of Motor Vehicles to develop a tiered classification system to evaluate and rate driving schools.

Senator Nolan moved that the resolution be referred to the Committee on Transportation and Homeland Security.

Motion carried.

By the Committee on Legislative Operations and Elections:

Senate Concurrent Resolution No. 41—Directing the Legislative Commission to conduct an interim study of performance standards for state agencies.

Senator Cegavske moved that the resolution be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By the Committee on Legislative Operations and Elections:

Senate Concurrent Resolution No. 42—Providing for an interim study regarding taxation.

Senator Cegavske moved that the resolution be referred to the Committee on Legislative Operations and Elections.

Motion carried.

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

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

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

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

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

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

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

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

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

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

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

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

Senator Woodhouse moved the adoption of the resolution.

Remarks by Senator Woodhouse.

Senator Woodhouse requested that her remarks be entered in the Journal.

Thank you, Mr. President. Chronic Obstructive Pulmonary Disease, also known as COPD, is a lung disease in which the lungs are damaged, making it hard to breathe. In COPD, the airway—the tubes that carry air in and out of your lungs—are partly obstructed, making it difficult to get the air in and out.

Cigarette smoking is the most common cause of COPD. Most people with COPD are smokers or former smokers. Breathing in other kinds of lung irritants, like pollution, dust or chemicals, over a long period of time may also cause or contribute to COPD.

The airways branch out like an upside-down tree, and at the end of each branch there are many small, balloon-like air sacs. In healthy people, each airway is clear and open. The air sacs are small and dainty, and both the airways and air sacs are elastic and springy. When you breathe in, each air sac fills up with air like a small balloon; when you breathe out, the balloon deflates and the air goes out. In COPD, the airways and air sacs lose their shape and become floppy. Less air gets in and less air goes out because the airways and air sacs lose their elasticity, like an old rubber band; the walls between many of the air sacs are destroyed, the walls of the airways become thick, inflamed or swollen, and cells in the airways make more mucus than usual, which tends to clog the airways.

COPD develops slowly, and it may be many years before a person notices symptoms like feeling short of breath. Most of the time, COPD is diagnosed in middle-aged or older people.

COPD is a major cause of death and illness, and it is the fourth leading cause of death in the United States and throughout the world, with 89,000 Nevadans being affected.

There is no cure for COPD. The damage to your airways and lungs cannot be reversed, but there are things you can do to feel better and slow the damage.

COPD is not contagious; you cannot catch it from someone else. If you smoke, stop. If a loved one smokes, help them to stop. Assembly Concurrent Resolution 29 will focus needed attention on this debilitating disease. Thank you.

Resolution adopted.

Resolution ordered transmitted to the Assembly.

Senator Raggio moved that the Secretary of the Senate dispense with reading the histories and titles of all bills and resolutions this legislative day.

Motion carried.

Senator Townsend moved that Assembly Bill No. 215 be taken from the General File and placed on the Secretary's desk.

Remarks by Senator Townsend.

Motion carried.

Senator Titus moved that Assembly Bill No. 148 be taken from the General File and placed on the Secretary's desk.

Remarks by Senator Titus.

Motion carried.

Senator McGinness moved that Assembly Bill No. 227 be taken from the Secretary's desk and placed on the General File for the next legislative day.

Remarks by Senator McGinness.

Motion carried.

Senator Heck moved that Assembly Bill No. 90 be taken from the General File and placed on the General File for the next legislative day.

Remarks by Senator Heck.

Motion carried.

## INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Finance:

Senate Bill No. 569—AN ACT making an appropriation to the Storey County Youth and Community Resource Center; and providing other matters properly relating thereto.

Senator Raggio moved that the bill be referred to the Committee on Finance.

Motion carried.

By the Committee on Finance:

Senate Bill No. 570—AN ACT making an appropriation to the Office of the Director of the Department of Health and Human Services to fund a working group to study the methamphetamine problem in Nevada; and providing other matters properly relating thereto.

Senator Raggio moved that the bill be referred to the Committee on Finance.

Motion carried.

Assembly Bill No. 196.

Senator Nolan moved that Senate Standing Rule No. 40 be suspended and that the bill be referred to the Committee on Finance.

Remarks by Senator Nolan.

Motion carried.

Assembly Bill No. 201.

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

Motion carried.

## SECOND READING AND AMENDMENT

Assembly Bill No. 88.

Bill read second time.

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

Amendment No. 678.

"SUMMARY—Revises provisions governing the collection of debts by collection agencies. (BDR 54-630)"

"AN ACT relating to collection agencies; providing that ~~certain violations~~ a violation of the Fair Debt Collection Practices Act ~~are~~ is a violation of certain provisions governing collection agencies; ~~requiring a collection agency to send a written notice to a debtor within a certain period after the initial communication with the debtor; requiring a collection agency to verify a debt by obtaining or attempting to obtain certain documents;~~ prohibiting a collection agency, or a manager, agent or employee of a collection agency, from collecting or attempting to collect a debt under certain circumstances; providing a penalty; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Section ~~[1.5]~~ 1 of this bill provides that a violation of ~~[certain provisions]~~ any provision of the federal Fair Debt Collection Practices Act, 15 U.S.C. §§ ~~[1692g and 1692h]~~ 1692 et seq., or any regulation adopted pursuant thereto, shall be deemed to be a violation of chapter 649 of NRS governing collection agencies.

~~f Section 2 of this bill requires a collection agency, within 5 days after the initial communication with a debtor in connection with the collection of a debt, to send to the debtor a written notice setting forth a statement indicating that the payment or agreement to pay the debt may be construed as an acknowledgment of the debt and as a waiver of the statute of limitations applicable to the collection of the debt. Section 2 also provides that, to verify a debt, a collection agency is required to obtain certain documents from the creditor and mail those documents to the debtor.~~

Section 5 of this bill makes the provisions of ~~[sections 1.5 and 2]~~ section 1 of this bill applicable to a foreign collection agency.

Section 7 of this bill prohibits a collection agency, or a manager, agent or employee of a collection agency, from collecting or attempting to collect a debt or any portion of a debt if an applicable statute of limitations regarding the debt has expired. Section 7 also prohibits a collection agency, or the manager, agent or employee of a collection agency, from obtaining or attempting to obtain from the debtor an acknowledgement of the debt or a promise to pay the debt.

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

Section 1. Chapter 649 of NRS is hereby amended by adding thereto ~~[the provisions set forth as sections 1.5 and 2 of this act.]~~ a new section to read as follows:

A violation of any provision of the Fair Debt Collection Practices Act, 15 U.S.C. §§ 1692 et seq., or any regulation adopted pursuant thereto, shall be deemed to be a violation of this chapter.

Sec. 1.5. ~~A violation of any provision of section 809 or 810 of the Fair Debt Collection Practices Act, 15 U.S.C. §§ 1692g and 1692h, or any regulation adopted pursuant thereto, shall be deemed to be a violation of this chapter. (Deleted by amendment.)~~

Sec. 2. ~~f1. Within 5 days after the initial communication with a debtor in connection with the collection of a debt, a collection agency shall, unless the following information is included in the initial communication, send a written notice to the debtor that includes a statement indicating that:~~

~~(a) If the debtor pays or agrees to pay the debt or any portion of the debt, the payment or agreement to pay may be construed as:~~

~~(1) An acknowledgment of the debt by the debtor; and~~

~~(2) A waiver by the debtor of any applicable statute of limitations set forth in NRS 11.190 that otherwise precludes the collection of the debt; and~~

~~(b) If the debtor does not understand or has questions concerning his legal rights or obligations relating to the debt, the debtor should seek legal advice.~~

~~2. To verify a debt, a collection agency shall:~~

~~(a) Obtain or attempt to obtain from the creditor any document that is not in the possession of the collection agency and is reasonably responsive to the dispute of the debtor, if any; and~~

~~(b) If such a document is obtained, mail the document to the debtor.~~

(Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. NRS 649.171 is hereby amended to read as follows:

649.171 1. A person who is not licensed in this State as a collection agency may apply to the Commissioner for a certificate of registration as a foreign collection agency.

2. To be issued and to hold a certificate of registration as a foreign collection agency, a person:

(a) Must hold a license or permit to do business as a collection agency in another state;

(b) Must meet the qualifications to do business as a collection agency in this State;

(c) Must not have any employees or agents present in this State who engage in the collection of claims and must not maintain any business locations in this State as a collection agency;

(d) Must submit proof to the Commissioner, upon application and upon each annual renewal of the ~~[certification]~~ certificate of registration, that the person and his employees and agents will not, in this State:

(1) Engage in the business of soliciting the right to collect or receive payment for another of any claim; or

(2) Advertise or solicit, either in print, by letter, in person or otherwise, the right to collect or receive payment for another of any claim;

(e) When collecting claims against debtors who are present in this State, must:

(1) Limit his activities and those of his employees and agents to interstate communications by telephone, mail or facsimile; and

(2) Comply with the requirements of NRS 649.305 to 649.375, inclusive, and ~~sections 1.5 and 2~~ section 1 of this act, with regard to his activities and those of his employees and agents;

(f) Must pay:

(1) A fee to apply for a certificate of registration of not less than \$200 and not more than \$600, prorated on the basis of the registration year as determined by the Commissioner; and

(2) An annual renewal fee of not more than \$200;

(g) Must deposit and maintain a bond or an appropriate substitute for the bond in the same manner as an applicant or licensee pursuant to NRS 649.105, 649.115 and 649.119;

(h) Must maintain his accounts, books and records in accordance with generally accepted accounting principles and in accordance with the requirements of subsection 1 of NRS 649.335; and

(i) Must pay any fees related to any examination of his accounts, books and records conducted by the Commissioner pursuant to subsection 3.

3. The Commissioner may conduct an annual examination and any additional examinations pursuant to NRS 649.335 of the accounts, books and records of each person who holds a certificate of registration as a foreign collection agency.

4. The Commissioner may take disciplinary action pursuant to NRS 649.385, 649.390 and 649.395 against a person who holds a certificate of registration as a foreign collection agency for any act or omission that would be grounds for taking such disciplinary action under those sections.

5. The Commissioner shall adopt:

(a) Regulations establishing the amount of the fees required pursuant to this section; and

(b) Any other regulations as may be necessary to carry out the provisions of this section.

Sec. 6. (Deleted by amendment.)

Sec. 7. NRS 649.375 is hereby amended to read as follows:

649.375 A collection agency, or its manager, agents or employees, shall not:

1. Use any device, subterfuge, pretense or deceptive means or representations to collect any debt, nor use any collection letter, demand or notice which simulates a legal process or purports to be from any local, city, county, state or government authority or attorney.

2. Collect or attempt to collect any interest, charge, fee or expense incidental to the principal obligation unless:

(a) Any such interest, charge, fee or expense as authorized by law or as agreed to by the parties has been added to the principal of the debt by the creditor before receipt of the item of collection;

(b) Any such interest, charge, fee or expense as authorized by law or as agreed to by the parties has been added to the principal of the debt by the collection agency and described as such in the first written communication with the debtor; or

(c) The interest, charge, fee or expense has been judicially determined as proper and legally due from and chargeable against the debtor.

3. Assign or transfer any claim or account upon termination or abandonment of its collection business unless prior written consent by the customer is given for the assignment or transfer. The written consent must contain an agreement with the customer as to all terms and conditions of the assignment or transfer, including the name and address of the intended



assignee. Prior written consent of the Commissioner must also be obtained for any bulk assignment or transfer of claims or accounts, and any assignment or transfer may be regulated and made subject to such limitations or conditions as the Commissioner by regulation may reasonably prescribe.

4. Operate its business or solicit claims for collection from any location, address or post office box other than that listed on its license or as may be prescribed by the Commissioner.

5. Harass a debtor's employer in collecting or attempting to collect a claim, nor engage in any conduct that constitutes harassment as defined by regulations adopted by the Commissioner.

6. Advertise for sale or threaten to advertise for sale any claim as a means to enforce payment of the claim, unless acting under court order.

7. Publish or post, or cause to be published or posted, any list of debtors except for the benefit of its stockholders or membership in relation to its internal affairs.

8. Conduct or operate, in conjunction with its collection agency business, a debt counseling or prorater service for a debtor who has incurred a debt primarily for personal, family or household purposes whereby the debtor assigns or turns over to the counselor or prorater any of his earnings or other money for apportionment and payment of his debts or obligations. This section does not prohibit the conjunctive operation of a business of commercial debt adjustment with a collection agency if the business deals exclusively with the collection of commercial debt.

9. If an applicable statute of limitations for commencing an action regarding a debt has expired:

(a) Collect or attempt to collect the debt or any portion of the debt; or

(b) Obtain or attempt to obtain from the debtor an acknowledgement of the debt or a promise to pay the debt.

Senator Carlton moved the adoption of the amendment.

Remarks by Senators Townsend and Care.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 279.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 672.

"SUMMARY—Requires a certain portion of the unused value of certain gift certificates to escheat to the State. (BDR 52-961)"

"AN ACT relating to gift certificates; prohibiting an issuer from charging a service fee on the basis of inactivity if the inactivity is for less than 3 continuous years; requiring a certain portion of the unused value of certain gift certificates to escheat to the State; providing for the use of the proceeds from abandoned gift certificates for educational purposes; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Section 1 of this bill prohibits the issuer of a gift certificate from charging a service fee on the basis of inactivity if the inactivity is for less than 3 continuous years.

Section 2 of this bill provides that *a certain portion of* the unredeemed or uncharged value remaining on a gift certificate ~~that~~ *which* is issued or sold in this State and *which* has an expiration date is presumed abandoned on the expiration date. Section 3 of this bill requires that all proceeds received from abandoned gift certificates by the State Treasurer in his capacity as the Administrator of Unclaimed Property be accounted for separately and may be used only for educational purposes.

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

Section 1. NRS 598.0921 is hereby amended to read as follows:

598.0921 1. A person engages in a “deceptive trade practice” if, in the course of his business or occupation:

(a) He issues a gift certificate that expires on a certain date, unless either of the following is printed plainly and conspicuously on the front or back of the gift certificate in at least 10-point font and in such a manner that the print is readily visible to the buyer of the gift certificate before the buyer purchases the gift certificate:

(1) The expiration date of the gift certificate; or

(2) A toll-free telephone number accompanied by a statement setting forth that the buyer or holder of the gift certificate may call the telephone number to obtain the balance of the gift certificate and the expiration date of the gift certificate;

(b) He imposes upon the buyer or holder of a gift certificate a service fee, unless each of the following is printed plainly and conspicuously on the front or back of the gift certificate in at least 10-point font and in such a manner that the print is readily visible to the buyer of the gift certificate before the buyer purchases the gift certificate:

(1) The amount of the service fee;

(2) The event or events that will cause the service fee to be imposed;

(3) The frequency with which the service fee will be imposed; and

(4) If the service fee will be imposed on the basis of inactivity, the duration of inactivity, *which must not be less than 3 continuous years of nonuse*, that will cause the service fee to be imposed; or

(c) Regardless of the notice provided, he imposes upon the buyer or holder of a gift certificate:

(1) A service fee or a combination of service fees that exceed a total of \$1 per month; or

(2) A service fee that commences or is imposed within the first 12 months after the issuance of the gift certificate.

2. The provisions of this section do not apply to:

(a) A gift certificate that is issued as part of an award, loyalty, promotional, rebate, incentive or reward program and for which issuance the issuer does not receive money or any other thing of value;

(b) A gift certificate that is sold at a reduced price to an employer or nonprofit or charitable organization, if the expiration date of the gift certificate is not more than 30 days after the date of sale; and

(c) A gift certificate that is issued by an establishment licensed pursuant to the provisions of chapter 463 of NRS.

3. As used in this section:

(a) "Gift certificate" means an instrument or a record evidencing a promise by the seller or issuer of the instrument or record to provide goods or services to the holder of the gift certificate for the value shown in, upon or ascribed to the instrument or record and for which the value shown in, upon or ascribed to the instrument or record is decreased in an amount equal to the value of goods or services provided by the issuer or seller to the holder. The term includes, without limitation, a gift card, certificate or similar instrument. The term does not include:

(1) An instrument or record for prepaid telecommunications or technology services, including, without limitation, a card for prepaid telephone services, a card for prepaid technical support services and an instrument for prepaid Internet service purchased or otherwise distributed to a consumer of such services, including, without limitation, as part of an award, loyalty, promotional or reward program; or

(2) An instrument or record, by whatever name called, that may be used to obtain goods or services from more than one person or business entity, if the expiration date is printed plainly and conspicuously on the front or back of the instrument or record.

(b) "Issue" means to sell or otherwise provide a gift certificate to any person and includes, without limitation, adding value to an existing gift certificate.

(c) "Record" means information which is inscribed on a tangible medium or which is stored in an electronic or other medium, including, without limitation, information stored on a microprocessor chip or magnetic strip, and is retrievable in perceivable form.

(d) "Service fee" means any charge or fee other than the charge or fee imposed for the issuance of the gift certificate, including, without limitation, a service fee imposed on the basis of inactivity or any other type of charge or fee imposed after the sale of the gift certificate.

Sec. 2. Chapter 120A of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~Forty~~ *Sixty percent of the unredeemed or uncharged value remaining on a gift certificate ~~that~~ which is issued or sold in this State and which has an expiration date is presumed abandoned and subject to the provisions of this chapter on the expiration date.*

2. *If a gift certificate is issued or sold in this State and the seller or issuer does not obtain and maintain in his records the name and address of the owner of the gift certificate, the address of the owner of the gift certificate shall be deemed to be the address of the Office of the State Treasurer in Carson City.*

3. *This section does not create a cause of action against a person who issues or sells a gift certificate.*

4. *As used in this section, "gift certificate" has the meaning ascribed to it in NRS 598.0921.*

Sec. 3. NRS 120A.360 is hereby amended to read as follows:

120A.360 1. Except as otherwise provided in subsections 4 ~~[, 5 and 6,]~~ to 7, inclusive, all abandoned property other than money delivered to the Administrator under this chapter must, within 2 years after the delivery, be sold by the Administrator to the highest bidder at public sale in whatever manner affords in his judgment the most favorable market for the property involved. The Administrator may decline the highest bid and reoffer the property for sale if he considers the price bid insufficient.

2. Any sale held under this section must be preceded by a single publication of notice thereof at least 2 weeks in advance of the sale in a newspaper of general circulation in the county where the property is to be sold.

3. The purchaser at any sale conducted by the Administrator pursuant to this chapter is vested with title to the property purchased, free from all claims of the owner or prior holder and of all persons claiming through or under them. The Administrator shall execute all documents necessary to complete the transfer of title.

4. The Administrator need not offer any property for sale if, in his opinion, the probable cost of the sale exceeds the value of the property. The Administrator may destroy or otherwise dispose of such property or may transfer it to:

(a) The Nevada Museum and Historical Society, the Nevada State Museum or the Nevada Historical Society, upon its written request, if the property has, in the opinion of the requesting institution, historical, artistic or literary value and is worthy of preservation;

(b) A genealogical library, upon its written request, if the property has genealogical value and is not wanted by the Nevada Museum and Historical Society, the Nevada State Museum or the Nevada Historical Society; or

(c) A veterans' or military museum, upon its written request, if the property has military or military historical value and is not wanted by the Nevada Museum and Historical Society, the Nevada State Museum or the Nevada Historical Society.

➔ An action may not be maintained by any person against the holder of the property because of that transfer, disposal or destruction.

5. Securities listed on an established stock exchange must be sold at the prevailing price for that security on the exchange at the time of sale. Other securities not listed on an established stock exchange may be sold:

(a) Over the counter at the prevailing price for that security at the time of sale; or

(b) By any other method the Administrator deems acceptable.

6. The Administrator shall hold property that was removed from a safe-deposit box or other safekeeping repository for 1 year after the date of the delivery of the property to the Administrator, unless that property is a will or a codicil to a will, in which case the Administrator shall hold the property for 10 years after the date of the delivery of the property to the Administrator. If no claims are filed for the property within that period, it may be destroyed.

7. *All proceeds received by the Administrator from abandoned gift certificates must be accounted for separately in the Abandoned Property Trust Fund in the State Treasury. At the end of each fiscal year, before any other money in the Abandoned Property Trust Fund is transferred pursuant to NRS 120A.370, the balance in the account created pursuant to this subsection, less any costs, service charges or claims chargeable to the account, must be transferred to the Educational Trust Fund which is hereby created in the State Treasury. The money in the Educational Trust Fund may be expended only as authorized by the Legislature for educational purposes.*

Sec. 4. This act applies to gift certificates issued on or after October 1, 2007.

Senator Amodei moved the adoption of the amendment.

Remarks by Senator Amodei.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 432.

Bill read second time and ordered to third reading.

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

Motion carried.

Senate in recess at 11:57 a.m.

#### SENATE IN SESSION

At 11:58 a.m.

President Krolicki presiding.

Quorum present.

#### GENERAL FILE AND THIRD READING

Senate Bill No. 404.

Bill read third time.

The following amendment was proposed by Senator Washington:

Amendment No. 688.

"SUMMARY—Revises provisions governing homeschooled children. (BDR 34-738)"

"AN ACT relating to education; revising provisions governing homeschooled children; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Under existing law, compulsory attendance in public school is required of children between the ages of 7 and 17 years. (NRS 392.040) Compulsory attendance is excused if satisfactory written evidence is presented to the board of trustees of the school district in which the child resides that the child is receiving at home or in some other school equivalent instruction of the kind and amount approved by the State Board of Education. (NRS 392.070) ~~[Section]~~ Sections 3 and 5 of this bill ~~[excuses]~~ excuse compulsory attendance if a child is enrolled in a private school or if a notice of intent to homeschool the child is filed with the superintendent of schools of the school district in which the child resides. Sections 1 and 5 of this bill authorize the board of trustees of a school district or the governing body of a charter school, as applicable, to require a birth certificate or other documentation to prove the identity of the homeschooled child who wishes to participate in certain activities and classes offered by the public schools in this State and requires such proof under certain circumstances.

Section ~~2~~ 3 of this bill sets forth requirements concerning a notice of intent to homeschool and establishes certain rights for a child that is being homeschooled and the parents of that child.

Under existing law, the State Board of Education is required to prescribe the courses of study required for promotion to high school. (NRS 392.033) Section 4 of this bill prescribes the information that must be provided by a homeschooled child who wishes to enroll in a public high school to demonstrate competency in those courses of study or successful completion of those courses.

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

*Section 1. NRS 386.580 is hereby amended to read as follows:*

386.580 1. An application for enrollment in a charter school may be submitted to the governing body of the charter school by the parent or legal guardian of any child who resides in this State. Except as otherwise provided in this subsection and subsection 2, a charter school shall enroll pupils who are eligible for enrollment in the order in which the applications are received. If the board of trustees of the school district in which the charter school is located has established zones of attendance pursuant to NRS 388.040, the charter school shall, if practicable, ensure that the racial composition of pupils enrolled in the charter school does not differ by more than 10 percent from the racial composition of pupils who attend public schools in the zone in which the charter school is located. If a charter school is sponsored by the

board of trustees of a school district located in a county whose population is 100,000 or more, except for a program of distance education provided by the charter school, the charter school shall enroll pupils who are eligible for enrollment who reside in the school district in which the charter school is located before enrolling pupils who reside outside the school district. Except as otherwise provided in subsection 2, if more pupils who are eligible for enrollment apply for enrollment in the charter school than the number of spaces which are available, the charter school shall determine which applicants to enroll pursuant to this subsection on the basis of a lottery system.

2. Before a charter school enrolls pupils who are eligible for enrollment, a charter school that is dedicated to providing educational programs and opportunities to pupils who are at risk may enroll a child who:

(a) Is a sibling of a pupil who is currently enrolled in the charter school; or  
(b) Resides within the school district and within 2 miles of the charter school if the charter school is located in an area that the sponsor of the charter school determines includes a high percentage of children who are at risk. If space is available after the charter school enrolls pupils pursuant to this paragraph, the charter school may enroll children who reside outside the school district but within 2 miles of the charter school if the charter school is located within an area that the sponsor determines includes a high percentage of children who are at risk.

↪ If more pupils described in this subsection who are eligible apply for enrollment than the number of spaces available, the charter school shall determine which applicants to enroll pursuant to this subsection on the basis of a lottery system.

3. Except as otherwise provided in subsection 7, a charter school shall not accept applications for enrollment in the charter school or otherwise discriminate based on the:

(a) Race;  
(b) Gender;  
(c) Religion;  
(d) Ethnicity; or  
(e) Disability,

↪ of a pupil.

4. If the governing body of a charter school determines that the charter school is unable to provide an appropriate special education program and related services for a particular disability of a pupil who is enrolled in the charter school, the governing body may request that the board of trustees of the school district of the county in which the pupil resides transfer that pupil to an appropriate school.

5. Except as otherwise provided in this subsection, upon the request of a parent or legal guardian of a child who is enrolled in a public school of a school district or a private school, or a parent or legal guardian of a homeschooled child, the governing body of the charter school shall authorize

the child to participate in a class that is not otherwise available to the child at his school or home school or participate in an extracurricular activity at the charter school if:

(a) Space for the child in the class or extracurricular activity is available; and

(b) The parent or legal guardian demonstrates to the satisfaction of the governing body that the child is qualified to participate in the class or extracurricular activity.

↪ If the governing body of a charter school authorizes a child to participate in a class or extracurricular activity pursuant to this subsection, the governing body is not required to provide transportation for the child to attend the class or activity. A charter school shall not authorize such a child to participate in a class or activity through a program of distance education provided by the charter school pursuant to NRS 388.820 to 388.874, inclusive.

6. The governing body of a charter school may revoke its approval for a child to participate in a class or extracurricular activity at a charter school pursuant to subsection 5 if the governing body determines that the child has failed to comply with applicable statutes, or applicable rules and regulations. If the governing body so revokes its approval, neither the governing body nor the charter school is liable for any damages relating to the denial of services to the child.

7. The governing body of a charter school may, before authorizing a homeschooled child to participate in a class or extracurricular activity pursuant to subsection 5, require proof of the identity of the child, including, without limitation, the birth certificate of the child or other documentation sufficient to establish the identity of the child.

8. This section does not preclude the formation of a charter school that is dedicated to provide educational services exclusively to pupils:

(a) With disabilities;

(b) Who pose such severe disciplinary problems that they warrant a specific educational program, including, without limitation, a charter school specifically designed to serve a single gender that emphasizes personal responsibility and rehabilitation; or

(c) Who are at risk.

↪ If more eligible pupils apply for enrollment in such a charter school than the number of spaces which are available, the charter school shall determine which applicants to enroll pursuant to this subsection on the basis of a lottery system.

~~Section 1.~~ Sec. 2. NRS 388.850 is hereby amended to read as follows:

388.850 1. A pupil may enroll in a program of distance education only if the pupil satisfies the requirements of any other applicable statute and the pupil:

(a) Is participating in a program for pupils at risk of dropping out of high school pursuant to NRS 388.537;



(b) Is participating in a program of independent study pursuant to NRS 389.155;

(c) Is enrolled in a public school that does not offer certain advanced or specialized courses that the pupil desires to attend;

(d) Has a physical or mental condition that would otherwise require an excuse from compulsory attendance pursuant to NRS 392.050;

(e) Would otherwise be excused from compulsory attendance pursuant to NRS 392.080;

(f) Is otherwise prohibited from attending public school pursuant to NRS 392.264, 392.4642 to 392.4648, inclusive, 392.466, 392.467 or 392.4675;

(g) Is otherwise permitted to enroll in a program of distance education provided by the board of trustees of a school district if the board of trustees determines that the circumstances warrant enrollment for the pupil; or

(h) Is otherwise permitted to enroll in a program of distance education provided by the governing body of a charter school if the governing body of the charter school determines that the circumstances warrant enrollment for the pupil.

2. In addition to the eligibility for enrollment set forth in subsection 1, a pupil must satisfy the qualifications and conditions for enrollment in a program of distance education adopted by the State Board pursuant to NRS 388.874.

3. A child who is exempt from compulsory attendance and ~~receiving equivalent instruction authorized by the State Board pursuant to subsection 1 of NRS 392.070~~ is enrolled in a private school pursuant to chapter 394 of NRS or is being homeschooled is not eligible to enroll in or otherwise attend a program of distance education, regardless of whether he is otherwise eligible for enrollment pursuant to subsection 1.

4. If a pupil who is prohibited from attending public school pursuant to NRS 392.264 enrolls in a program of distance education, the enrollment and attendance of that pupil must comply with all requirements of NRS 62F.100 to 62F.140, inclusive, and 392.251 to 392.271, inclusive.

5. If a pupil is eligible for enrollment in a program of distance education pursuant to paragraph (c) of subsection 1, he may enroll in the program of distance education only to take those advanced or specialized courses that are not offered at the public school he otherwise attends.

~~Sec. 2.]~~ Sec. 3. Chapter 392 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *If the parent of a child who is subject to compulsory attendance wishes to homeschool the child, the parent must file with the superintendent of schools of the school district in which the child resides a written or electronic notice of intent to homeschool the child. The notice of intent to homeschool must be filed before beginning to homeschool the child or:*

(a) *Not later than 10 days after the child has been formally withdrawn from enrollment in public school; or*

(b) *Not later than 30 days after establishing residency in this State.*

2. *The purpose of the notice of intent to homeschool is to inform the school district in which the child resides that the child is exempt from the requirement of compulsory attendance. A notice of intent to homeschool that is filed with a school district remains valid in that school district without renewal until:*

(a) *The child is no longer subject to compulsory attendance; or*

(b) ~~*The parent ceases to homeschool the child; or*~~

~~(c) *The child ~~enrolls~~ is enrolled in a public or private school in this State.*~~

3. *If the name or address of the parent or child as indicated on a notice of intent to homeschool changes, the parent must, not later than 30 days after the change, file a new notice of intent to homeschool with the superintendent of schools of the school district in which the child resides.*

4. *A notice of intent to homeschool must include only the following:*

(a) *The full name, age and gender of the child;*

(b) *The name and address of each parent filing the notice of intent to homeschool;*

(c) *A statement signed and dated by each such parent declaring that the parent has control or charge of the child and the legal right to direct the education of the child, and assumes full responsibility for the education of the child while the child is being homeschooled;*

(d) *If applicable, the name of the public school in this State which the child most recently attended; and*

(e) *An optional statement that the parent may sign which provides:*

*I expressly prohibit the release of any information contained in this document, including, without limitation, directory information as defined in 20 U.S.C. § 1232g(a)(5)(A), without my prior written consent.*

5. *Each superintendent of schools of a school district shall accept any notice of intent to homeschool that is filed with him pursuant to this section and meets the requirements of subsection 4, and shall not require or request any additional information or assurances from the parent who filed the notice.*

6. *The superintendent of schools of a school district with whom a notice of intent to homeschool is filed shall:*

(a) *Upon receipt, indicate on the notice the date of receipt; and*

(b) *Retain a copy of the notice for not less than 15 years. The copy of the notice may be retained in an electronic format.*

7. *The superintendent of schools of a school district shall process a written request for a copy of the records of the school district, or any information contained therein, relating to a child who is being or has been homeschooled not later than 5 days after receiving the request. The superintendent of schools may only release such records or information:*

(a) To a person or entity specified by the parent of the child, or by the child if he is at least 18 years of age, upon suitable proof of identity of the parent or child; or

(b) If required by specific statute.

8. If a child who is or was homeschooled seeks admittance or entrance to any school in this State, the school may use only commonly used practices in determining the academic ability, placement or eligibility of the child.

9. A school or organization shall not discriminate in any manner against a child who is or was homeschooled.

10. Each school district shall allow homeschooled children to participate in the high school proficiency examination administered pursuant to NRS 389.015 and all college entrance examinations offered in this State, including, without limitation, the Scholastic Aptitude Test, the American College Test, the Preliminary Scholastic Aptitude Test and the National Merit Scholarship Qualifying Test. Each school district shall maintain on its Internet website a tab for homeschooling, and shall post in a timely manner all pertinent information concerning such examinations available to homeschooled children within the school district, including, without limitation, the dates and times of, and contact information concerning, such examinations.

11. The parent of a child who is being homeschooled shall prepare an educational plan of instruction for the child in the subject areas of English, including reading, composition and writing, mathematics, science and social studies, including history, geography, economics and government, as appropriate for the age and level of skill of the child as determined by the parent. The parent must be prepared to present the educational plan of instruction and proof of the identity of the child to a court of law if required by the court. This subsection does not require a parent to ensure that each subject area is taught each year that the child is homeschooled.

12. No regulation or policy of the State Board, ~~for~~ any school district or any other governmental entity may infringe upon the right of a parent to educate his child based on religious preference unless it is:

(a) Essential to further a compelling governmental interest; and

(b) The least restrictive means of furthering that compelling governmental interest.

13. As used in this section, "parent" means the parent, custodial parent, legal guardian or other person in this State who has control or charge of a child and the legal right to direct the education of the child.

Sec. 4. NRS 392.033 is hereby amended to read as follows:

392.033 1. The State Board shall adopt regulations which prescribe the courses of study required for promotion to high school, which may include the credits to be earned.

2. The board of trustees of a school district shall not promote a pupil to high school if the pupil does not complete the course of study or credits required for promotion. The board of trustees of the school district in which

the pupil is enrolled may provide programs to complete the courses of study required for promotion to high school.

3. The board of trustees of each school district shall adopt a procedure for evaluating the course of study or credits completed by a pupil who transfers to a junior high or middle school from a junior high or middle school in this State or from a school outside of this State.

4. A homeschooled child who enrolls in a public high school shall, upon initial enrollment:

(a) Provide documentation sufficient to prove that the child has successfully completed the courses of study required for promotion to high school through an accredited program of homeschool study recognized by the board of trustees of the school district;

(b) Demonstrate proficiency in the courses of study required for promotion to high school through an examination prescribed by the board of trustees of the school district; or

(c) Provide other proof satisfactory to the board of trustees of the school district demonstrating competency in the courses of study required for promotion to high school.

~~Sec. 3.~~ Sec. 5. NRS 392.070 is hereby amended to read as follows:

392.070 1. Attendance of a child required by the provisions of NRS 392.040 must be excused when ~~[satisfactory written evidence is presented to the board of trustees of the school district in which the child resides that the child is receiving at home or in some other school equivalent instruction of the kind and amount approved by the State Board.]~~ :

(a) The child is enrolled in a private school pursuant to chapter 394 of NRS; or

(b) A parent of the child chooses to provide education to the child and files a notice of intent to homeschool the child with the superintendent of schools of the school district in which the child resides in accordance with section ~~27~~ 3 of this act.

2. The board of trustees of each school district shall provide programs of special education and related services for homeschooled children. The programs of special education and related services required by this section must be made available:

(a) Only if a child would otherwise be eligible for participation in programs of special education and related services pursuant to NRS 388.440 to 388.520, inclusive;

(b) In the same manner that the board of trustees provides, as required by 20 U.S.C. § 1412, for the participation of pupils with disabilities who are enrolled in private schools within the school district voluntarily by their parents or legal guardians; and

(c) In accordance with the same requirements set forth in 20 U.S.C. § 1412 which relate to the participation of pupils with disabilities who are enrolled in private schools within the school district voluntarily by their parents or legal guardians.

3. Except as otherwise provided in subsection 2 for programs of special education and related services, upon the request of a parent or legal guardian of a child who is enrolled in a private school or a parent or legal guardian of a homeschooled child, the board of trustees of the school district in which the child resides shall authorize the child to participate in ~~any class that is not available to the child at the private school or home school or to participate in an extracurricular activity,~~ *any classes and extracurricular activities*, excluding sports, at a public school within the school district if:

(a) Space for the child in the class or extracurricular activity is available; and

(b) The parent or legal guardian demonstrates to the satisfaction of the board of trustees that the child is qualified to participate in the class or extracurricular activity.

↪ If the board of trustees of a school district authorizes a child to participate in a class or extracurricular activity, excluding sports, pursuant to this subsection, the board of trustees is not required to provide transportation for the child to attend the class or activity. A homeschooled child must be allowed to participate in interscholastic activities and events governed by ~~an association~~ *the Nevada Interscholastic Activities Association* pursuant to NRS 386.420 to 386.470, inclusive, and interscholastic activities and events, including sports, pursuant to subsection 5.

4. The board of trustees of a school district may revoke its approval for a pupil to participate in a class or extracurricular activity at a public school pursuant to subsection 3 if the board of trustees or the public school determines that the pupil has failed to comply with applicable statutes, or applicable rules and regulations of the board of trustees. If the board of trustees revokes its approval, neither the board of trustees nor the public school is liable for any damages relating to the denial of services to the pupil.

5. In addition to those interscholastic activities and events governed by ~~an association~~ *the Nevada Interscholastic Activities Association* pursuant to NRS 386.420 to 386.470, inclusive, homeschooled children must be allowed to participate in interscholastic activities and events, including sports. A homeschooled child who participates in interscholastic activities and events at a public school pursuant to this subsection must participate within the school district of the child's residence through the public school which the child is otherwise zoned to attend. Any rules or regulations that apply to pupils enrolled in public schools who participate in interscholastic activities and events, including sports, apply in the same manner to homeschooled children who participate in interscholastic activities and events, including, without limitation, provisions governing:

- (a) Eligibility and qualifications for participation;
- (b) Fees for participation;
- (c) Insurance;
- (d) Transportation;
- (e) Requirements of physical examination;

- (f) Responsibilities of participants;
- (g) Schedules of events;
- (h) Safety and welfare of participants;
- (i) Eligibility for awards, trophies and medals;
- (j) Conduct of behavior and performance of participants; and
- (k) Disciplinary procedures.

6. If a homeschooled child participates in interscholastic activities and events pursuant to subsection 5:

(a) No challenge may be brought by ~~[an association,]~~ *the Association*, a school district, a public school or a private school, a parent or guardian of a pupil enrolled in a public school or a private school, a pupil enrolled in a public school or a private school, or any other entity or person claiming that an interscholastic activity or event is invalid because the homeschooled child is allowed to participate.

(b) Neither the school district nor a public school may prescribe any regulations, rules, policies, procedures or requirements governing the eligibility or participation of the homeschooled child that are more restrictive than the provisions governing the eligibility and participation of pupils enrolled in public schools.

7. The programs of special education and related services required by subsection 2 may be offered at a public school or another location that is appropriate.

8. *The board of trustees of a school district:*

(a) May, before providing programs of special education and related services to a homeschooled child pursuant to subsection 2, require proof of the identity of the child, including, without limitation, the birth certificate of the child or other documentation sufficient to establish the identity of the child.

(b) May, before authorizing a homeschooled child to participate in a class or extracurricular activity, excluding sports, pursuant to subsection 3, require proof of the identity of the child, including, without limitation, the birth certificate of the child or other documentation sufficient to establish the identity of the child.

(c) Shall, before allowing a homeschooled child to participate in interscholastic activities and events governed by the Nevada Interscholastic Activities Association pursuant to NRS 386.420 to 386.470, inclusive, and interscholastic activities and events pursuant to subsection 5, require proof of the identity of the child, including, without limitation, the birth certificate of the child or other documentation sufficient to establish the identity of the child.

9. The Department ~~[may]~~ shall adopt such regulations as are necessary for the boards of trustees of school districts to provide the programs of special education and related services required by subsection 2.

~~9.] 10.~~ As used in this section, "related services" has the meaning ascribed to it in 20 U.S.C. § ~~[1401(22).]~~ 1401.

~~[Sec. 4.]~~ *Sec. 6.* NRS 392.466 is hereby amended to read as follows:

392.466 1. Except as otherwise provided in this section, any pupil who commits a battery which results in the bodily injury of an employee of the school or who sells or distributes any controlled substance while on the premises of any public school, at an activity sponsored by a public school or on any school bus must, for the first occurrence, be suspended or expelled from that school, although he may be placed in another kind of school, for at least a period equal to one semester for that school. For a second occurrence, the pupil must be permanently expelled from that school and:

(a) ~~[Receive equivalent instruction authorized by the State Board pursuant to subsection 1 of NRS 392.070.]~~ *Enroll in a private school pursuant to chapter 394 of NRS or be homeschooled; or*

(b) Enroll in a program of independent study provided pursuant to paragraph (b) of subsection 3 of NRS 389.155 or a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive, if he qualifies for enrollment and is accepted for enrollment in accordance with the applicable requirements.

2. Except as otherwise provided in this section, any pupil who is found in possession of a firearm or a dangerous weapon while on the premises of any public school, at an activity sponsored by a public school or on any school bus must, for the first occurrence, be expelled from the school for a period of not less than 1 year, although he may be placed in another kind of school for a period not to exceed the period of the expulsion. For a second occurrence, the pupil must be permanently expelled from the school and:

(a) ~~[Receive equivalent instruction authorized by the State Board pursuant to subsection 1 of NRS 392.070.]~~ *Enroll in a private school pursuant to chapter 394 of NRS or be homeschooled; or*

(b) Enroll in a program of independent study provided pursuant to paragraph (b) of subsection 3 of NRS 389.155 or a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive, if he qualifies for enrollment and is accepted for enrollment in accordance with the applicable requirements.

↪ The superintendent of schools of a school district may, for good cause shown in a particular case in that school district, allow a modification to the expulsion requirement of this subsection if such modification is set forth in writing.

3. Except as otherwise provided in this section, if a pupil is deemed a habitual disciplinary problem pursuant to NRS 392.4655, the pupil must be suspended or expelled from the school for a period equal to at least one semester for that school. For the period of his suspension or expulsion, the pupil must:

(a) ~~[Receive equivalent instruction authorized by the State Board pursuant to subsection 1 of NRS 392.070.]~~ *Enroll in a private school pursuant to chapter 394 of NRS or be homeschooled; or*

(b) Enroll in a program of independent study provided pursuant to paragraph (b) of subsection 3 of NRS 389.155 or a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive, if he qualifies for enrollment and is accepted for enrollment in accordance with the applicable requirements.

4. This section does not prohibit a pupil from having in his possession a knife or firearm with the approval of the principal of the school. A principal may grant such approval only in accordance with the policies or regulations adopted by the board of trustees of the school district.

5. Any pupil in grades 1 to 6, inclusive, except a pupil who has been found to have possessed a firearm in violation of subsection 2, may be suspended from school or permanently expelled from school pursuant to this section only after the board of trustees of the school district has reviewed the circumstances and approved this action in accordance with the procedural policy adopted by the board for such issues.

6. A pupil who is participating in a program of special education pursuant to NRS 388.520, other than a pupil who is gifted and talented, may, in accordance with the procedural policy adopted by the board of trustees of the school district for such matters, be:

(a) Suspended from school pursuant to this section for not more than 10 days. Such a suspension may be imposed pursuant to this paragraph for each occurrence of conduct proscribed by subsection 1.

(b) Suspended from school for more than 10 days or permanently expelled from school pursuant to this section only after the board of trustees of the school district has reviewed the circumstances and determined that the action is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq.

7. As used in this section:

(a) "Battery" has the meaning ascribed to it in paragraph (a) of subsection 1 of NRS 200.481.

(b) "Dangerous weapon" includes, without limitation, a blackjack, slungshot, billy, sand-club, sandbag, metal knuckles, dirk or dagger, a nunchaku, switchblade knife or trefoil, as defined in NRS 202.350, a butterfly knife or any other knife described in NRS 202.350, or any other object which is used, or threatened to be used, in such a manner and under such circumstances as to pose a threat of, or cause, bodily injury to a person.

(c) "Firearm" includes, without limitation, any pistol, revolver, shotgun, explosive substance or device, and any other item included within the definition of a "firearm" in 18 U.S.C. § 921, as that section existed on July 1, 1995.

8. The provisions of this section do not prohibit a pupil who is suspended or expelled from enrolling in a charter school that is designed exclusively for the enrollment of pupils with disciplinary problems if he is accepted for enrollment by the charter school pursuant to NRS 386.580. Upon request, the governing body of a charter school must be provided with access to the



records of the pupil relating to his suspension or expulsion in accordance with applicable federal and state law before the governing body makes a decision concerning the enrollment of the pupil.

~~[Sec. 5.]~~ *Sec. 7.* The regulations adopted by the State Board of Education which are codified as NAC 392.011 to 392.065, inclusive, are hereby declared void. In preparing the supplements to the Nevada Administrative Code on or after July 1, 2007, the Legislative Counsel shall remove those regulations.

~~[Sec. 6.]~~ *Sec. 8.* This act becomes effective on July 1, 2007.

Senator Washington moved the adoption of the amendment.

Remarks by Senators Washington and Titus.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 2.

Bill read third time.

Roll call on Assembly Bill No. 2:

YEAS—20.

NAYS—None.

EXCUSED—Horsford.

Assembly Bill No. 2 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 14.

Bill read third time.

Roll call on Assembly Bill No. 14:

YEAS—20.

NAYS—None.

EXCUSED—Horsford.

Assembly Bill No. 14 having received a two-thirds majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 15.

Bill read third time.

Roll call on Assembly Bill No. 15:

YEAS—20.

NAYS—None.

EXCUSED—Horsford.

Assembly Bill No. 15 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 16.

Bill read third time.

Roll call on Assembly Bill No. 16:

YEAS—20.

NAYS—None.

EXCUSED—Horsford.

Assembly Bill No. 16 having received a constitutional majority,  
Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 22.

Bill read third time.

Roll call on Assembly Bill No. 22:

YEAS—20.

NAYS—None.

EXCUSED—Horsford.

Assembly Bill No. 22 having received a constitutional majority,  
Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 28.

Bill read third time.

Roll call on Assembly Bill No. 28:

YEAS—20.

NAYS—None.

EXCUSED—Horsford.

Assembly Bill No. 28 having received a constitutional majority,  
Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 39.

Bill read third time.

Roll call on Assembly Bill No. 39:

YEAS—20.

NAYS—None.

EXCUSED—Horsford.

Assembly Bill No. 39 having received a two-thirds majority, Mr. President  
declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 43.

Bill read third time.

Remarks by Senators Carlton, Hardy, Amodei and Raggio.

Roll call on Assembly Bill No. 43:

YEAS—19.

NAYS—Carlton.

EXCUSED—Horsford.

Assembly Bill No. 43 having received a constitutional majority,  
Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 102.

Bill read third time.

Roll call on Assembly Bill No. 102:

YEAS—20.

NAYS—None.

EXCUSED—Horsford.

Assembly Bill No. 102 having received a constitutional majority,  
Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 118.

Bill read third time.

Remarks by Senators Titus and Nolan.

Roll call on Assembly Bill No. 118:

YEAS—20.

NAYS—None.

EXCUSED—Horsford.

Assembly Bill No. 118 having received a constitutional majority,  
Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 135.

Bill read third time.

Roll call on Assembly Bill No. 135:

YEAS—20.

NAYS—None.

EXCUSED—Horsford.

Assembly Bill No. 135 having received a constitutional majority,  
Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 198.

Bill read third time.

Roll call on Assembly Bill No. 198:

YEAS—20.

NAYS—None.

EXCUSED—Horsford.

Assembly Bill No. 198 having received a constitutional majority,  
Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 220.

Bill read third time.

Roll call on Assembly Bill No. 220:

YEAS—20.

NAYS—None.

EXCUSED—Horsford.

Assembly Bill No. 220 having received a constitutional majority,  
Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 266.

Bill read third time.

Roll call on Assembly Bill No. 266:

YEAS—20.

NAYS—None.

EXCUSED—Horsford.

Assembly Bill No. 266 having received a constitutional majority,  
Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 278.

Bill read third time.

Roll call on Assembly Bill No. 278:

YEAS—19.

NAYS—Care.

EXCUSED—Horsford.

Assembly Bill No. 278 having received a constitutional majority,  
Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 283.

Bill read third time.

Roll call on Assembly Bill No. 283:

YEAS—20.

NAYS—None.

EXCUSED—Horsford.

Assembly Bill No. 283 having received a constitutional majority,  
Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 299.

Bill read third time.

Roll call on Assembly Bill No. 299:

YEAS—20.

NAYS—None.

EXCUSED—Horsford.

Assembly Bill No. 299 having received a constitutional majority,  
Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 303.

Bill read third time.

Roll call on Assembly Bill No. 303:

YEAS—20.

NAYS—None.

EXCUSED—Horsford.

Assembly Bill No. 303 having received a constitutional majority,  
Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 329.

Bill read third time.

Roll call on Assembly Bill No. 329:

YEAS—20.

NAYS—None.

EXCUSED—Horsford.

Assembly Bill No. 329 having received a constitutional majority,  
Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 348.

Bill read third time.

Roll call on Assembly Bill No. 348:

YEAS—20.

NAYS—None.

EXCUSED—Horsford.

Assembly Bill No. 348 having received a constitutional majority,  
Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 504.

Bill read third time.

Roll call on Assembly Bill No. 504:

YEAS—20.

NAYS—None.

EXCUSED—Horsford.

Assembly Bill No. 504 having received a constitutional majority,  
Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 520.

Bill read third time.

Roll call on Assembly Bill No. 520:

YEAS—20.

NAYS—None.

EXCUSED—Horsford.

Assembly Bill No. 520 having received a constitutional majority,  
Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 536.

Bill read third time.

Roll call on Assembly Bill No. 536:

YEAS—20.

NAYS—None.

EXCUSED—Horsford.

Assembly Bill No. 536 having received a constitutional majority,  
Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 543.

Bill read third time.

Roll call on Assembly Bill No. 543:

YEAS—20.

NAYS—None.

EXCUSED—Horsford.

Assembly Bill No. 543 having received a constitutional majority,  
Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 548.

Bill read third time.

Roll call on Assembly Bill No. 548:

YEAS—20.

NAYS—None.

EXCUSED—Horsford.

Assembly Bill No. 548 having received a constitutional majority,  
Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 556.

Bill read third time.

Roll call on Assembly Bill No. 556:

YEAS—20.

NAYS—None.

EXCUSED—Horsford.

Assembly Bill No. 556 having received a constitutional majority,  
Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Joint Resolution No. 3.

Resolution read third time.

Roll call on Assembly Joint Resolution No. 3:

YEAS—20.

NAYS—None.

EXCUSED—Horsford.

Assembly Joint Resolution No. 3 having received a constitutional majority, Mr. President declared it passed, as amended.

Resolution ordered transmitted to the Assembly.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the President and Secretary signed Senate Resolution No. 8; Assembly Bills Nos. 20, 72, 77, 117, 250, 261, 306, 307, 505; Assembly Joint Resolution No. 6.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Carlton, the privilege of the floor of the Senate Chamber for this day was extended to Lyla Bleu Brooks, Misty Levis and Aaron Brooks.

On request of Senator Lee, the privilege of the floor of the Senate Chamber for this day was extended to Travis Lee.

On request of Senator Nolan, the privilege of the floor of the Senate Chamber for this day was extended to Nicholas D. Marquart.

On request of Senator Mathews, the privilege of the floor of the Senate Chamber for this day was extended to the following students and teacher from the Bernice Mathews Elementary School: Essence Belmont, Olson Beltran, Jackie Izquierdo, Cecilia Barajas, Britney Espinoza, Nancy Garcia, Cody Johnston, Shalyce Latvaho, Austin Lavatai, Ulysses Martin Fajardo, Ahsan Masud, Marisa Medina, Maria Patricia Penalber, Hector Ramirez, Destiney Joseph, Justin Reedy, Sir Frederick Tatum, Ashley Trammel, Kelsey Usher, Kenneth Viers, Shanquila White, Gerardo Anaya, Victoria De Avila, Karen Gomez, Edgardo Gomez, Edgar Gonzalez, Lesley Guerrero, Brian Guevara, Michael Haro, Jose Hernandez, Edgar Hernandez, Liliam Hernandez, Cody Holland, Ian Knox, Jasmine Lara, Edwin Medina, Jose Montelongo, Jonathan Murillo, Danny Najera, Bianca Palomino, Cliff Porter, Leandra Riggs, Hoover Roscom, Alex Santana, Osiris Vazquez, Jose Velazquez, Maria Moreno and teacher: Alan Holmes.

On request of Senator Raggio, the privilege of the floor of the Senate Chamber for this day was extended to the following students and teachers from the Roy Gomm Elementary School: Christina Baldazo, Joseph Bath, Hannah Beesley, Austin Berry, Emilee Brockovich, Reilly Busch, Nicola Dipaolo, Benjamin Fuller, Kira Fuqua, Jeffery Jordan, Clark Knobel, Jacob Kostiuk, Milia Lockwood, Marina Lowe, Samantah Miguel, Melanie

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

Senator Raggio moved that the Senate adjourn until Tuesday, May 15, 2007, at 11 a.m.

Motion carried.

Senate adjourned at 12:28 p.m.

Approved:

BRIAN K. KROLICKI  
*President of the Senate*

Attest: CLAIRE J. CLIFT

*Secretary of the Senate*