

**THE ONE HUNDRED AND SECOND DAY**

---

CARSON CITY (Thursday), May 17, 2007

Senate called to order at 11:32 a.m.

President Krolicki presiding.

Roll called.

All present.

Prayer by the Chaplain, Reverend Dixie Jennings-Teats.

Let us pray as we come into the center of life and loving kindness.

Today, in the midst of intense work, times of stress, we pray for guidance and for endurance.

When we falter, lead us from despair to hope.

We pray for the work of this body that in each action, each negotiation, each decision, there is consciousness of the whole effort, the whole people, the whole of creation.

Lead us from falsehood to truth.

Let us not be small-minded or despairing or forgetful.

Instead, let us remember the noble, the true, the good.

As we trust in Your unfolding goodness,

O Gracious One, hear us, hear our prayer.

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 Commerce and Labor, to which was referred Assembly Bill No. 56, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

RANDOLPH J. TOWNSEND, *Chair*

*Mr. President:*

Your Committee on Finance, to which were referred Assembly Bills Nos. 201, 244, 554, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

WILLIAM J. RAGGIO, *Chair*

*Mr. President:*

Your Committee on Government Affairs, to which was referred Assembly Bill No. 12, has had the same under consideration, and begs leave to report the same back with the recommendation: Without recommendation and rerefer to the Committee on Finance.

WARREN B. HARDY II, *Chair*

*Mr. President:*

Your Committee on Human Resources and Education, to which were referred Assembly Bills Nos. 235, 391, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MAURICE E. WASHINGTON, *Chair*

*Mr. President:*

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 230, 359, 421, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MARK E. AMODEI, *Chair*

*Mr. President:*

Your Committee on Natural Resources, to which were referred Assembly Bills Nos. 42, 115, 259, 296, 331, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DEAN A. RHOADS, *Chair*

#### MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, May 16, 2007

*To the Honorable the Senate:*

I have the honor to inform your honorable body that the Assembly on this day passed Senate Bills Nos. 20, 35, 100, 148, 227, 269, 302, 306.

Also, I have the honor to inform your honorable body that the Assembly on this day passed, as amended, Assembly Bills Nos. 202, 212, 393, 539, 551.

Also, I have the honor to inform your honorable body that the Assembly amended, and on this day passed, as amended, Senate Bill No. 86, Amendment No. 710; Senate Bill No. 129, Amendment No. 671; Senate Bill No. 265, Amendment No. 651; Senate Bill No. 282, Amendment No. 686, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Assembly on this day adopted Senate Concurrent Resolution No. 44.

Also, I have the honor to inform your honorable body that the Assembly on this day adopted, as amended, Senate Concurrent Resolution No. 18, Amendment No. 667, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Assembly on this day concurred in the Senate Amendment No. 660 to Assembly Bill No. 102; Senate Amendment No. 672 to Assembly Bill No. 279.

Also, I have the honor to inform your honorable body that the Assembly on this day respectfully refused to concur in the Senate Amendment No. 663 to Assembly Bill No. 14.

LUCINDA BENJAMIN

*Assistant Chief Clerk of the Assembly*

#### WAIVERS AND EXEMPTIONS

##### NOTICE OF EXEMPTION

May 16, 2007

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bill No. 12.

GARY GHIGGERI

*Fiscal Analysis Division*

#### MOTIONS, RESOLUTIONS AND NOTICES

Senator Raggio moved that Assembly Bill No. 12 just reported out of committee be rereferred to the Committee on Finance.

Remarks by Senator Raggio.

Motion carried.

#### INTRODUCTION, FIRST READING AND REFERENCE

Assembly Bill No. 202.

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

Motion carried.

Assembly Bill No. 212.

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

Motion carried.

Assembly Bill No. 393.

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

Motion carried.

Assembly Bill No. 539.

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

Motion carried.

Assembly Bill No. 551.

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

Motion carried.

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

Motion carried.

Senate in recess at 11:39 a.m.

#### SENATE IN SESSION

At 11:44 a.m.

President Krolicki presiding.

Quorum present.

#### MOTIONS, RESOLUTIONS AND NOTICES

Senator Lee moved that Assembly Bill No. 70 be taken from the General File and placed on the Secretary's desk.

Remarks by Senator Lee.

Motion carried.

#### SECOND READING AND AMENDMENT

Senate Bill No. 38.

Bill read second time and ordered to third reading.

Assembly Bill No. 1.

Bill read second time and ordered to third reading.

Assembly Bill No. 7.

Bill read second time and ordered to third reading.

Assembly Bill No. 49.

Bill read second time and ordered to third reading.

Assembly Bill No. 76.

Bill read second time and ordered to third reading.

Assembly Bill No. 94.

Bill read second time and ordered to third reading.

Assembly Bill No. 103.

Bill read second time and ordered to third reading.

Assembly Bill No. 122.

Bill read second time and ordered to third reading.

Assembly Bill No. 138.

Bill read second time and ordered to third reading.

Assembly Bill No. 190.

Bill read second time and ordered to third reading.

Assembly Bill No. 258.

Bill read second time and ordered to third reading.

Assembly Bill No. 289.

Bill read second time and ordered to third reading.

Assembly Bill No. 297.

Bill read second time and ordered to third reading.

Assembly Bill No. 298.

Bill read second time and ordered to third reading.

Assembly Bill No. 301.

Bill read second time and ordered to third reading.

Assembly Bill No. 326.

Bill read second time and ordered to third reading.

Assembly Bill No. 350.

Bill read second time and ordered to third reading.

Assembly Bill No. 415.

Bill read second time and ordered to third reading.

Assembly Bill No. 483.

Bill read second time and ordered to third reading.

Assembly Bill No. 516.

Bill read second time and ordered to third reading.

Assembly Bill No. 533.

Bill read second time and ordered to third reading.

Assembly Bill No. 585.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 713.

"SUMMARY—Makes various changes to provisions governing public financial administration. (BDR 32-336)"

"AN ACT relating to public financial administration; providing the rate of interest to be paid on overpayments of taxes on real or personal property; making various changes to other provisions governing taxes on real or personal property; making various changes concerning certain agreements and claims regarding unclaimed property held by a county treasurer; revising provisions governing calculation of the interest that a public body must pay to a contractor on amounts withheld from progress payments on public works; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Under existing law, unless a specific statute provides otherwise, a taxpayer is entitled to interest on an overpayment of taxes at a rate equal to the prime rate plus 2 percent. (NRS 360.2935) Section ~~11~~ 2 of this bill provides that the rate of interest to be paid on overpayments of real or personal property taxes is 0.5 percent per month.

Section 3 of this bill requires that a person who enters into certain agreements to locate, deliver, recover or assist in the recovery of any remaining excess proceeds of a sale by a county treasurer of real property for which delinquent property taxes have not been paid must be licensed as a private investigator in this State.

Under existing law, a taxpayer who wishes to have certain determinations concerning partial abatements from taxation reviewed must submit a written petition to the county tax receiver. (NRS 361.4734) Section ~~2~~ 4 of this bill requires such a petition to be submitted to the county assessor instead of the tax receiver.

Under existing law, small overpayments or deficiencies of personal property taxes do not have to be refunded to or collected from a taxpayer. (NRS 361.485) Section ~~3~~ 5 of this bill provides similar treatment for overpayments or deficiencies of real property taxes.

Section ~~4~~ 6 of this bill provides a county and its officers and employees with immunity from liability for failure to provide actual notice of delinquent taxes in accordance with NRS 361.5648 under certain circumstances.

Existing law requires the tax receiver of a county to issue to the county treasurer each year a trustee's certificate which describes each property on which delinquent taxes have not been paid. (NRS 361.570) Section ~~5~~ 7 of this bill requires that the certificate include not just taxes, but also penalties, interest and costs that have not been paid.

Existing law authorizes certain reconveyances of property held in trust by a county treasurer on which delinquent taxes have not been paid. (NRS 361.585) Section 8 of this bill revises the categories of persons to

whom such a reconveyance may be made and repeals the requirements for an agreement to locate, deliver, recover or assist in the recovery of such property.

Section ~~9~~ 11 of this bill eliminates the requirement in NRS 361.605 that a county treasurer file with the county auditor a monthly statement of the amount of property sold and rents collected from property that the county treasurer is holding in trust for nonpayment of taxes.

Existing law provides for the disposition of the proceeds of a sale by a county treasurer of real property on which delinquent taxes have not been paid. (NRS 361.610) Section 12 of this bill establishes a procedure to recover any excess proceeds from such a sale and sets forth certain requirements for an agreement to locate, deliver, recover or assist in the recovery of such excess proceeds. Section 12 also provides that certain persons who are entitled to recover property from the county treasurer may authorize a person pursuant to a power of attorney, assignment or other legal instrument to file a claim and collect from the county treasurer any money owed to him, and provides immunity for a county for any losses resulting from the approval of such a claim if the claim is paid by the county treasurer in accordance with the provisions of the legal instrument.

Section ~~13~~ 15 of this bill revises the method set forth in NRS 338.515 to calculate the interest that a public body must pay to a contractor on amounts withheld from progress payments on public works.

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

Section 1. Chapter 361 of NRS is hereby amended by adding thereto ~~a new section to read as follows:~~ the provisions set forth as sections 2 and 3 of this act.

*Sec. 2. 1. Except as otherwise provided in subsection 2 and NRS 361.485, interest must be paid on an overpayment of the taxes imposed by this chapter at the rate of 0.5 percent per month, or fraction thereof, from the last day of the calendar month in which the overpayment was made to the last day of the calendar month in which a refund is made.*

*2. No interest is allowed:*

*(a) On a refund of any penalty or interest paid by a taxpayer; or*  
*(b) If the ex officio tax receiver determines that the overpayment was made intentionally or by reason of carelessness.*

*Sec. 3. 1. Any person who, pursuant to an agreement described in subsection 10 of NRS 361.610, locates, delivers, recovers or assists in the recovery of any remaining excess proceeds of a sale of property held in trust by a county treasurer by virtue of any deed made pursuant to the provisions of this chapter, including a person who files a claim for recovery of the remaining excess proceeds on behalf of any person described in subsection 4 of NRS 361.585, must be licensed as a private investigator pursuant to chapter 648 of NRS.*

2. Any person who, pursuant to an agreement described in subsection 10 of NRS 361.610, files a claim for recovery of any remaining excess proceeds pursuant to NRS 361.610 must submit proof of compliance with the provisions of subsection 1 when he files the claim with the county treasurer. The county treasurer shall not accept a claim for recovery of the remaining excess proceeds without proof of compliance.

~~Sec. 2.]~~ Sec. 4. NRS 361.4734 is hereby amended to read as follows:

361.4734 1. A taxpayer who is aggrieved by a determination of the applicability of a partial abatement from taxation pursuant to NRS 361.4722, 361.4723 or 361.4724 may, if the property which is the subject of that determination:

(a) Is not valued pursuant to NRS 361.320 or 361.323, submit a written petition for the review of that determination to the ~~tax receiver~~ county assessor of the county in which the property is located. The ~~tax receiver shall, after consulting with the~~ county assessor ~~[of that county regarding the determination and]~~ shall, within 30 days after receiving the petition, render a decision on the petition and notify the taxpayer of that decision.

(b) Is valued pursuant to NRS 361.320 or 361.323, submit a written petition for the review of that determination to the Department. The Department shall, within 30 days after receiving the petition, render a decision on the petition and notify the taxpayer of that decision.

2. A taxpayer who is aggrieved by a decision rendered by a ~~tax receiver~~ county assessor or the Department pursuant to subsection 1 may, within 30 days after receiving notice of that decision, appeal the decision to the Nevada Tax Commission.

3. A taxpayer who is aggrieved by a determination of the Nevada Tax Commission rendered on an appeal made pursuant to subsection 2 is entitled to a judicial review of that determination.

~~Sec. 3.]~~ Sec. 5. NRS 361.485 is hereby amended to read as follows:

361.485 1. Whenever any tax is paid to the ex officio tax receiver, he shall appropriately record ~~such~~ the payment and the date thereof on the tax roll contiguously with the name of the person or the description of the property liable for ~~such~~ the taxes, and shall give a receipt for ~~such~~ the payment if requested by the taxpayer.

2. If the assessment roll is maintained on magnetic storage files in a computer system, the requirement of subsection 1 is met if the system is capable of producing, as printed output, the assessment roll with the dates of payments shown opposite the name of the person or the description of the property liable for ~~such~~ the taxes.

3. If the amount of ~~[an overpayment of taxes for]~~ taxes paid on personal property :

(a) Results in an overpayment that is less than the average cost of collecting property taxes in this State as determined by the Nevada Tax Commission, the ex officio tax receiver shall pay the amount of the overpayment into the county treasury ~~+~~ for the benefit of the general fund of

the county, unless the taxpayer who made the overpayment requests a refund ~~[ ]~~ within 6 months after the original payment. All interest paid on money deposited in the ~~[account]~~ county treasury pursuant to this ~~[subsection]~~ paragraph is the property of the county. ~~[All requests for refunds under this section must be made within 6 months after the original payment.]~~

~~4. A deficiency in the amount of a payment of taxes for personal property.]~~

*(b) Results in a deficiency, the amount of the deficiency, other than a payment for a penalty, must be exempted from collection if the amount of the deficiency is less than the average cost of collecting property taxes in this state as determined by the Nevada Tax Commission.*

4. *If the amount of taxes paid on real property:*

*(a) Results in an overpayment that does not exceed the amount due by more than \$5, the ex officio tax receiver shall pay the amount of the overpayment into the county treasury for the benefit of the general fund of the county, unless the taxpayer who made the overpayment requests a refund within 6 months after the original payment. All interest paid on money deposited in the county treasury pursuant to this paragraph is the property of the county.*

*(b) Results in a deficiency that is \$5 or less than the amount due, the ex officio tax receiver may exempt the amount of the deficiency from collection.*

~~[Sec. 4.]~~ Sec. 6. NRS 361.5648 is hereby amended to read as follows:

361.5648 1. Within 30 days after the first Monday in March of each year, with respect to each property on which the tax is delinquent, the tax receiver of the county shall mail notice of the delinquency by first-class mail to:

- (a) The owner or owners of the property;
- (b) The person or persons listed as the taxpayer or taxpayers on the tax rolls, at their last known addresses, if the names and addresses are known; and
- (c) Each holder of a recorded security interest if the holder has made a request in writing to the tax receiver for the notice, which identifies the secured property by the parcel number assigned to it in accordance with the provisions of NRS 361.189.

2. The notice of delinquency must state:

- (a) The name of the owner of the property, if known.
- (b) The description of the property on which the taxes are a lien.
- (c) The amount of the taxes due on the property and the penalties and costs as provided by law.

(d) That if the amount is not paid by the taxpayer or his successor in interest:

- (1) The tax receiver will, at 5 p.m. on the first Monday in June of the current year, issue to the county treasurer, as trustee for the State and county, a certificate authorizing him to hold the property, subject to redemption



within 2 years after the date of the issuance of the certificate, by payment of the taxes and accruing taxes, penalties and costs, together with interest on the taxes at the rate of 10 percent per annum , *assessed monthly*, from the date due until paid as provided by law, except as otherwise provided in NRS 360.232 and 360.320, and that redemption may be made in accordance with the provisions of chapter 21 of NRS in regard to real property sold under execution.

(2) A tax lien may be sold against the parcel pursuant to the provisions of NRS 361.731 to 361.733, inclusive.

3. Within 30 days after mailing the original notice of delinquency, the tax receiver shall issue his personal affidavit to the board of county commissioners affirming that due notice has been mailed with respect to each parcel. The affidavit must recite the number of letters mailed, the number of letters returned and the number of letters finally determined to be undeliverable. Until the period of redemption has expired, the tax receiver shall maintain detailed records which contain such information as the Department may prescribe in support of his affidavit.

4. A second copy of the notice of delinquency must be sent by certified mail, not less than 60 days before the expiration of the period of redemption as stated in the notice.

5. The cost of each mailing must be charged to the delinquent taxpayer.

6. *A county and its officers and employees are not liable for any damages resulting from failure to provide actual notice pursuant to this section if the county, officer or employee, in determining the names and addresses of persons with an interest in the property, relies upon a preliminary title search from a company authorized to provide title insurance in this State.*

~~Sec. 5.]~~ Sec. 7. NRS 361.570 is hereby amended to read as follows:

361.570 1. Pursuant to the notice given as provided in NRS 361.5648 and 361.565 and at the time stated in the notice, the tax receiver shall make out a certificate that describes each property on which delinquent taxes , *penalties, interest and costs* have not been paid. The certificate authorizes the county treasurer, as trustee for the State and county, to hold each property described in the certificate for the period of 2 years after the first Monday in June of the year the certificate is dated, unless sooner redeemed.

2. The certificate must specify:

(a) The amount of delinquency on each property, including the amount and year of assessment;

(b) The taxes, and the penalties and costs added thereto, on each property, and that, except as otherwise provided in NRS 360.232 and 360.320, interest on the taxes will be added at the rate of 10 percent per annum , *assessed monthly*, from the date due until paid; and

(c) The name of the owner or taxpayer of each property, if known.

3. The certificate must state:

(a) ~~And it is hereby provided:~~

~~(1)~~ That each property described in the certificate may be redeemed within 2 years after the date of the certificate; ~~and~~

~~(2)~~ (b) That the title to each property not redeemed vests in the county for the benefit of the State and county ~~[-~~

~~(b)~~; and

(c) That a tax lien may be sold against the parcel pursuant to the provisions of NRS 361.731 to 361.733, inclusive.

4. Until the expiration of the period of redemption, each property held pursuant to the certificate must be assessed annually to the county treasurer as trustee . ~~[- and before]~~ Before the owner or his successor redeems the property, he ~~shall~~ must also pay the county treasurer holding the certificate any additional taxes , *penalties and costs* assessed and accrued against the property after the date of the certificate, together with interest on the taxes at the rate of 10 percent per annum , *assessed monthly*, from the date due until paid, unless otherwise provided in NRS 360.232 and 360.320.

5. A county treasurer shall take a certificate issued to him pursuant to this section. The county treasurer may cause the certificate to be recorded in the office of the county recorder against each property described in the certificate to provide constructive notice of the amount of delinquent taxes on each property respectively. The certificate reflects the amount of delinquent taxes , *penalties, interest and costs* due on the properties described in the certificate on the date on which the certificate was recorded, and the certificate need not be amended subsequently to indicate *additional taxes, penalties, interest and costs assessed and accrued* or the repayment of any of those delinquent ~~[taxes.]~~ amounts. The recording of the certificate does not affect the statutory lien for taxes provided in NRS 361.450.

~~[Sec. 6.]~~ Sec. 8. NRS 361.585 is hereby amended to read as follows:

361.585 1. When the time allowed by law for the redemption of a property described in a certificate has expired ~~[-]~~ and no redemption has been made, the tax receiver who issued the certificate, or his successor in office, shall execute and deliver to the county treasurer a deed of the property in trust for the use and benefit of the State and county and any officers having fees due them.

2. The county treasurer and his successors in office, upon obtaining a deed of any property in trust under the provisions of this chapter, shall hold that property in trust until it is sold or otherwise disposed of pursuant to the provisions of this chapter.

3. Notwithstanding the provisions of NRS 361.595 or 361.603, at any time during the 90-day period specified in NRS 361.603, or before the public notice of sale by a county treasurer, pursuant to NRS 361.595, of any property held in trust by him by virtue of any deed made pursuant to the provisions of this chapter, any person specified in subsection 4 is entitled to have the property reconveyed upon payment to the county treasurer of an amount equal to the taxes accrued, together with any costs, penalties and interest legally chargeable against the property. A reconveyance may not be

made after expiration of the 90-day period specified in NRS 361.603 or after commencement of posting or publication of public notice pursuant to NRS 361.595.

4. Property may be reconveyed pursuant to subsection 3 to one or more of the persons specified in the following categories, or to one or more persons within a particular category, as their interests may appear of record:

- (a) The owner.
- (b) The beneficiary under a *note and* deed of trust.
- (c) The mortgagee under a mortgage.
- (d) The creditor under a judgment.
- (e) The person to whom the property was assessed.
- ~~(e)~~ (f) The person holding a contract to purchase the property before its conveyance to the county treasurer.

~~(f)~~ (g) The successor in interest of any person specified in this subsection.

5. ~~Any agreement to locate, deliver, recover or assist in the recovery of any property held in trust by a county treasurer by virtue of any deed made pursuant to the provisions of this chapter:~~

- ~~(a) Must:~~
  - ~~(1) Be in writing.~~
  - ~~(2) Be signed by one or more of the persons identified in subsection 4.~~
  - ~~(3) Include a description of the property.~~
  - ~~(4) Include the value of the property.~~
- ~~(b) Must not impose a fee that is more than 10 percent of the total value of the property.~~

~~6.]~~ The provisions of this section apply to land held in trust by a county treasurer on or after April 17, 1971.

~~Sec. 7.]~~ Sec. 9. NRS 361.590 is hereby amended to read as follows:

361.590 1. If a property described in a certificate is not redeemed within the time allowed by law for its redemption, the tax receiver or his successor in office shall make to the county treasurer as trustee for the State and county a deed of the property, reciting in the deed substantially the matters contained in the certificate of sale or, in the case of a conveyance under NRS 361.604, the order of the board of county commissioners, and that no person has redeemed the property during the time allowed for its redemption.

2. The deed must be recorded in the office of the county recorder within 30 days after the date of expiration of the period of redemption.

3. All such deeds are, except as against actual fraud, conclusive evidence that:

- (a) The property was assessed as required by law.
- (b) The property was equalized as required by law.
- (c) The taxes were levied in accordance with law.
- (d) The taxes were not paid.

(e) At a proper time and place a certificate of delinquency was filed as prescribed by law, and by the proper officer.

(f) The property was not redeemed.

(g) The person who executed the deed was the proper officer.

4. Such deeds are, except as against actual fraud, conclusive evidence of the regularity of all other proceedings, from the assessment by the county assessor to the execution of the deed.

5. ~~[The]~~ *Except as otherwise provided by specific statute, the deed conveys to the county treasurer as trustee for the State and county the property described therein, free of all encumbrances, except any easements of record for public utility purposes, any lien for taxes or assessments by any irrigation or other district for irrigation or other district purposes, and any interest and penalties on the property, except when the land is owned by the United States or this State, in which case it is prima facie evidence of the right of possession accrued as of the date of the deed to the purchaser, but without prejudice to the lien for other taxes or assessments or the claim of any such district for interest or penalties.*

6. No tax assessed upon any property, or sale therefor, may be held invalid by any court of this State on account of:

(a) Any irregularity in any assessment;

(b) Any assessment or tax roll not having been made or proceeding had within the time required by law; or

(c) Any other irregularity, informality, omission, mistake or want of any matter of form or substance in any proceedings which the Legislature might have dispensed with in the first place if it had seen fit so to do, and that does not affect the substantial property rights of persons whose property is taxed.

↪ All such proceedings in assessing and levying taxes, and in the sale and conveyance therefor, must be presumed by all the courts of this State to be legal until the contrary is shown affirmatively.

~~[Sec. 8.]~~ *Sec. 10.* NRS 361.595 is hereby amended to read as follows:

361.595 1. Any property held in trust by any county treasurer by virtue of any deed made pursuant to the provisions of this chapter may be sold and conveyed in the manner prescribed in this section and in NRS 361.603 or conveyed without sale as provided in NRS 361.604.

2. If the property is to be sold, the board of county commissioners may make an order, to be entered on the record of its proceedings, directing the county treasurer to sell the property particularly described therein, after giving notice of sale, for a total amount not less than the amount of the taxes, costs, penalties and interest legally chargeable against the property as stated in the order.

3. Notice of the sale must be:

(a) Posted in at least three public places in the county, including one at the courthouse and one on the property, not less than 20 days before the day of sale or, in lieu of such a posting, by publication of the notice for 20 days in

some newspaper published within the county, if the board of county commissioners so directs.

(b) Mailed by certified mail, return receipt requested, not less than 90 days before the sale, to the owner of the parcel as shown on the tax roll and to any person or governmental entity that appears in the records of the county to have a lien or other interest in the property. If the receipt is returned unsigned, the county treasurer must make a reasonable attempt to locate and notify the owner or other person or governmental entity before the sale.

4. Upon compliance with such an order the county treasurer shall make, execute and deliver to any purchaser, upon payment to him, as trustee, of a consideration not less than that specified in the order, ~~an absolute~~ a *quitclaim* deed, discharged of any trust of the property mentioned in the order.

5. Before delivering any such deed, the county treasurer shall record the deed at the expense of the purchaser.

6. All such deeds, whether issued before, on or after July 1, 1955, are primary evidence:

(a) Of the regularity of all proceedings relating to the order of the board of county commissioners, the notice of sale and the sale of the property; and

(b) That, if the real property was sold to pay taxes on personal property, the real property belonged to the person liable to pay the tax.

7. No such deed may be executed and delivered by the county treasurer until he files at the expense of the purchaser, with the clerk of the board of county commissioners, proper affidavits of posting and of publication of the notice of sale, as the case may be, together with his return of sale, verified, showing compliance with the order of the board of county commissioners, which constitutes primary evidence of the facts recited therein.

8. If the deed when regularly issued is not recorded in the office of the county recorder, the deed, and all proceedings relating thereto, is void as against any subsequent purchaser in good faith and for a valuable consideration of the same property, or any portion thereof, when his own conveyance is first recorded.

9. The board of county commissioners shall provide its clerk with a record book in which must be indexed the name of each purchaser, together with the date of sale, a description of the property sold, a reference to the book and page of the minutes of the board of county commissioners where the order of sale is recorded, and the file number of the affidavits and return.

~~Sec. 9.~~ *Sec. 11.* NRS 361.605 is hereby amended to read as follows:

361.605 ~~[1.—While such]~~ *While* property is held in trust ~~[,]~~ as provided in this chapter, the county treasurer, or his successor in office, ~~[shall]~~ *may* collect any rents arising from the property during the time ~~[such]~~ *the* property is subject to redemption. After the time of redemption has expired, until ~~[such property can be sold, he]~~ *the property is sold, the county treasurer, or his successor in office,* may rent the ~~[same,]~~ *property,* with the approval of the board of county commissioners, for a price to be fixed in its minutes.

~~[Such rents shall]~~ *The rents must be paid out by the county treasurer, or his successor in office, [as follows:*

~~(a) For the payment of costs and taxes for which it was sold, with the percentage allowed for redemption.~~

~~(b) For] for the payment of any taxes , penalties, interest and costs already assessed and afterward accruing upon [such property.~~

~~(c) Any balance, into the general fund of his county.~~

~~2.— The price for which any property shall be sold shall be appropriated in the same manner as the rents are directed to be paid in this section.~~

~~3.— On the first Monday in each month, the county treasurer, or his successor in office, shall file in the office of the county auditor a monthly statement of the amount of property sold and rents collected during the past month. Upon any money being paid to the county treasurer for purchase or rent, the county treasurer shall give a statement of the amount thereof to the person, who shall file the same with the county auditor, and the county auditor shall give the person paying such money a receipt for the same, as having been paid to the county treasurer, and expressing the purpose of consideration upon which such payment was made.] the property.~~

~~[Sec. 10.]~~ *Sec. 12.* NRS 361.610 is hereby amended to read as follows:

361.610 1. Out of the sale price or rents of any property of which he is trustee, the county treasurer shall pay the costs due any officer for the enforcement of the tax upon the parcel of property and all taxes owing thereon, and upon the redemption of any property from him as trustee, he shall pay the redemption money over to any officers having fees due them from the parcels of property and pay the tax for which it was sold and pay the redemption percentage according to the proportion those fees respectively bear to the tax.

2. In no case may ~~[any]~~ :

~~(a) Any service rendered by any officer under this chapter become or be allowed as a charge against the county [ , nor may the ] ; or~~

~~(b) The sale price or rent or redemption money of any one parcel of property be appropriated to pay any cost or tax upon any other parcel of property than that so sold, rented or redeemed.~~

3. After paying all the tax and costs upon any one parcel of property, the county treasurer shall pay into the general fund of the county, from the excess proceeds of the sale:

(a) The first \$300 of the excess proceeds; and

(b) Ten percent of the next \$10,000 of the excess proceeds.

4. The amount remaining after the county treasurer has paid the ~~[amount]~~ *amounts* required by subsection 3 must be deposited in an interest-bearing account maintained for the purpose of holding excess proceeds separate from other money of the county. If no claim is made for the ~~[money within 2 years]~~ *excess proceeds within 1 year* after the deed given by the county treasurer is recorded, the county treasurer shall pay the money into the

general fund of the county, and it must not thereafter be refunded to the former property owner or his successors in interest. All interest paid on money deposited in the account required by this subsection is the property of the county.

5. If a person who would have been entitled to receive reconveyance of the property pursuant to NRS 361.585 makes a claim in writing for the ~~balance within 2 years~~ excess proceeds within 1 year after the deed is recorded, the county treasurer shall pay ~~it or his~~ the claim or the proper portion of the claim over to ~~him if he~~ the person if the county treasurer is satisfied that the person is entitled to it.

6. A claim for excess proceeds must be paid out in the following order of priority to:

(a) The persons specified in paragraphs (b), (c), (d) and (g) of subsection 4 of NRS 361.585 in the order of priority of the recorded liens; and

(b) Any person specified in paragraphs (a), (e) and (f) of subsection 4 of NRS 361.585.

7. The county treasurer shall approve or deny a claim within 30 days after the period described in subsection 4 for filing a claim has expired. Any records or other documents concerning a claim shall be deemed the working papers of the county treasurer and are confidential. If more than one person files a claim, and the county treasurer is not able to determine who is entitled to the excess proceeds, the matter must be submitted to mediation.

8. If the mediation is not successful, the county treasurer shall:

(a) Conduct a hearing to determine who is entitled to the excess proceeds;  
or

(b) File an action for interpleader.

9. A person who is aggrieved by a determination of the county treasurer pursuant to this section may, within 90 days after he receives notice of the determination, commence an action for judicial review of the determination in district court.

10. Any agreement to locate, deliver, recover or assist in the recovery of remaining excess proceeds of a sale which is entered into by a person who would have been entitled to receive reconveyance of the property pursuant to subsection 4 of NRS 361.585 must:

(a) Be in writing.

(b) Be signed by the person who would have been entitled to receive reconveyance.

~~(c) Include a description of the property on which the excess proceeds were collected.~~

~~(d) Not provide for a fee of more than 10 percent of the total remaining excess proceeds of the sale due that person.~~

11. In addition to authorizing a person pursuant to an agreement described in subsection 10 to file a claim and collect from the county treasurer any property owed to him, a person described in subsection 4 of

NRS 361.585 may authorize a person pursuant to a power of attorney, assignment or any other legal instrument to file a claim and collect from the county treasurer any property owed to him. The county is not liable for any losses resulting from the approval of the claim if the claim is paid by the county treasurer in accordance with the provisions of the legal instrument.

~~[Sec. 11.]~~ Sec. 13. NRS 361.620 is hereby amended to read as follows:

361.620 The additional penalties , *interest* and costs provided for in this chapter ~~[shall]~~ *must* be paid into the county general fund for the use of the county.

~~[Sec. 12.]~~ Sec. 14. NRS 361.635 is hereby amended to read as follows:

361.635 1. ~~[Within 3 days after making the publication required by NRS 361.565, or after the last publication if more than one is made,]~~ *Not later than the second Monday in June*, the county treasurer:

(a) ~~[Shall]~~ *May*, and shall when directed by the board of county commissioners, prepare and deliver to the district attorney of ~~[his]~~ *the* county a list certified ~~[to by him]~~ *by the county treasurer* of all accumulated delinquent taxes, exclusive of penalties and assessments of benefits of irrigation districts, of the sum of \$3,000 or more.

(b) *May* prepare and deliver to the district attorney of ~~[his]~~ *the* county, a list certified ~~[to by him]~~ *by the county treasurer* of all accumulated delinquent taxes, exclusive of penalties and assessments of benefits of irrigation districts, of the sum of \$1,000 or more but less than \$3,000.

2. If the delinquent taxes specified in the certified list , and penalties , *interest* and costs , are not paid to the county treasurer as ex officio tax receiver within 20 days after the date of delivery of the certified list to the district attorney, the district attorney may, and shall when directed by the board of county commissioners, immediately commence an action for the collection of the delinquent taxes, penalties , *interest* and costs.

3. The remedy prescribed by this section is in addition to any other remedies provided by law for the collection of delinquent taxes ~~[,]~~ , *penalties, interest and costs.*

~~[Sec. 13.]~~ Sec. 15. NRS 338.515 is hereby amended to read as follows:

338.515 1. Except as otherwise provided in NRS 338.525, a public body and its officers or agents awarding a contract for a public work shall pay or cause to be paid to a contractor the progress payments due under the contract within 30 days after the date the public body receives the progress bill or within a shorter period if the provisions of the contract so provide. Not more than 90 percent of the amount of any progress payment may be paid until 50 percent of the work required by the contract has been performed. Thereafter , the public body may pay any of the remaining progress payments without withholding additional retainage if, in the opinion of the public body, satisfactory progress is being made in the work.



2. Except as otherwise provided in NRS 338.525, a public body shall identify in the contract and pay or cause to be paid to a contractor the actual cost of the supplies, materials and equipment that:

- (a) Are identified in the contract;
- (b) Have been delivered and stored at a location, and in the time and manner, specified in a contract by the contractor or a subcontractor or supplier for use in a public work; and
- (c) Are in short supply or were specially made for the public work,  
 ↪ within 30 days after the public body receives a progress bill from the contractor for those supplies, materials or equipment.

3. A public body shall pay or cause to be paid to the contractor at the end of each quarter interest for the quarter on any amount withheld by the public body pursuant to NRS 338.400 to 338.645, inclusive, at a rate equal to the rate quoted by at least three ~~[financial institutions]~~ *insured banks, credit unions or savings and loan associations in this State* as the highest rate paid on a certificate of deposit whose duration is approximately 90 days on the first day of the quarter. If the amount due to a contractor pursuant to this subsection for any quarter is less than \$500, the public body may hold the interest until:

- (a) The end of a subsequent quarter after which the amount of interest due is \$500 or more;
- (b) The end of the fourth consecutive quarter for which no interest has been paid to the contractor; or
- (c) The amount withheld under the contract is due pursuant to NRS 338.520,  
 ↪ whichever occurs first.

4. If the Labor Commissioner has reason to believe that a workman is owed wages by a contractor or subcontractor, he may require the public body to withhold from any payment due the contractor under this section and pay the Labor Commissioner instead, an amount equal to the amount the Labor Commissioner believes the contractor owes to the workman. This amount must be paid ~~[to the workman]~~ by the Labor Commissioner *to the workman* if the matter is resolved in his favor, otherwise it must be returned to the public body for payment to the contractor.

~~[Sec. 14.]~~ *Sec. 16.* NRS 361.575 is hereby repealed.

~~[Sec. 15.]~~ *Sec. 17. 1.* This section and sections 1, 2 and 4 to 16, inclusive, of this act ~~[becomes]~~ *become* effective on July 1, 2007.

2. Section 3 of this act becomes effective on January 1, 2008.

#### TEXT OF REPEALED SECTION

361.575 Property held in trust by county treasurer: Annual assessment; payment of taxes on sale or rental.

1. During the time a county treasurer holds a certificate for any property under the provisions of this chapter and until the expiration of the period of redemption specified in the certificate with respect to the property, the property must be assessed annually to the county treasurer, and his

successors in office, in the same manner as the taxable property of private persons is assessed, except that the assessment must express that it is made against the county treasurer as a trustee. No proceedings may be taken to enforce the collection of the taxes against the trustee.

2. If the property is sold or rented for sufficient money to pay the taxes and costs legally chargeable against the property, the trustee shall pay the taxes and costs in full.

Senator McGinness moved the adoption of the amendment.

Remarks by Senators McGinness and Care.

Motion carried on a division of the house.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Joint Resolution No. 9.

Resolution read second time.

The following amendment was proposed by the Committee on Natural Resources:

Amendment No. 743.

"SUMMARY—Urges Congress to allow certain proceeds from the Southern Nevada Public Land Management Act of 1998 to be used for Nevada's state parks. (BDR R-693)"

"ASSEMBLY JOINT RESOLUTION—Urging Congress to allow certain proceeds from the Southern Nevada Public Land Management Act of 1998 to be used for Nevada's state parks."

WHEREAS, In 1998, Congress passed the Southern Nevada Public Land Management Act ~~of 1998~~, Public Law 105-263, which allows the ~~Bureau of Land Management~~ Secretary of the Interior to sell certain federal lands in Clark County, Nevada, for possible development and authorizes use of the proceeds to acquire, conserve and protect environmentally sensitive lands in the State of Nevada; and

WHEREAS, Under the provisions of the Act, 5 percent of the profits from sales of the land is allocated to help fund education, 10 percent is allocated for water and airport infrastructure projects and the remaining 85 percent is deposited into a special account for disbursement; and

WHEREAS, The money in the special account is specified for certain capital improvement projects, including projects at Lake Mead, Red Rock Canyon, the Desert National Wildlife Refuge and other federally managed recreational areas, the development of parks, trails and a multispecies habitat conservation plan in and around Clark County, the acquisition of environmentally sensitive lands, and restoration and conservation of the Lake Tahoe Basin; and

WHEREAS, Since the first auction of land in 1999, this Act has generated approximately \$3 billion, \$2.5 billion of which has been disbursed from the special account; and

WHEREAS, Although the money distributed pursuant to the Act has been used for the enhancement and conservation of many federally managed areas in Nevada, there are numerous state parks in Nevada which could also benefit from this money : ~~[, including Valley of Fire, Cathedral Gorge, Spring Mountain Ranch, Dayton, Berlin Ichthyosaur and Rye Patch,]~~ and

WHEREAS, With the growing popularity of the many rural recreational and historic sites in Nevada, it is vital that ~~[these lands]~~ *Nevada's state parks* be maintained and preserved for the continued enjoyment of the residents of Nevada and its tourists; now, therefore, be it

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That the members of the Nevada Legislature urge Congress to amend the Southern Nevada Public Land Management Act *of 1998* to authorize the State of Nevada to use a portion of the money in the special account for the improvement and preservation of Nevada's state parks; and be it further

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

RESOLVED, That this resolution becomes effective upon passage.

Senator Rhoads moved the adoption of the amendment.

Remarks by Senator Rhoads.

Amendment adopted.

Resolution ordered reprinted, engrossed and to third reading.

#### GENERAL FILE AND THIRD READING

Senate Bill No. 161.

Bill read third time.

Roll call on Senate Bill No. 161:

YEAS—21.

NAYS—None.

Senate Bill No. 161 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

#### MOTIONS, RESOLUTIONS AND NOTICES

Senator Beers moved that Assembly Bill No. 13 be taken from the General File and placed on the Secretary's desk.

Remarks by Senator Beers.

Motion carried.

#### GENERAL FILE AND THIRD READING

Senate Bill No. 251.

Bill read third time.

Roll call on Senate Bill No. 251:

YEAS—21.

NAYS—None.

Senate Bill No. 251 having received a constitutional majority,  
Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 6.

Bill read third time.

Roll call on Assembly Bill No. 6:

YEAS—21.

NAYS—None.

Assembly Bill No. 6 having received a constitutional majority,  
Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 55.

Bill read third time.

Roll call on Assembly Bill No. 55:

YEAS—21.

NAYS—None.

Assembly Bill No. 55 having received a constitutional majority,  
Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 57.

Bill read third time.

Roll call on Assembly Bill No. 57:

YEAS—20.

NAYS—Carlton.

Assembly Bill No. 57 having received a constitutional majority,  
Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 68.

Bill read third time.

Roll call on Assembly Bill No. 68:

YEAS—21.

NAYS—None.

Assembly Bill No. 68 having received a constitutional majority,  
Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 90.

Bill read third time.

The following amendment was proposed by Senator Heck:

Amendment No. 762.

"SUMMARY—Creates the crime of paternity fraud. (BDR 15-147)"

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

Legislative Counsel's Digest:

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

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

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

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

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

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

*(c) Knowingly assists, aids, abets, solicits or conspires with another person:*

*(1) To commit a violation of paragraph (a) or (b); or*

*(2) To render inaccurate the results of a test for genetic identification to determine the paternity of a child.*

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

Senator Heck moved the adoption of the amendment.

Remarks by Senators Heck, Carlton and Horsford.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 95.

Bill read third time.

Roll call on Assembly Bill No. 95:

YEAS—21.

NAYS—None.

Assembly Bill No. 95 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 131.

Bill read third time.

Roll call on Assembly Bill No. 131:

YEAS—21.

NAYS—None.

Assembly Bill No. 131 having received a constitutional majority,  
Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 154.

Bill read third time.

Roll call on Assembly Bill No. 154:

YEAS—21.

NAYS—None.

Assembly Bill No. 154 having received a constitutional majority,  
Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 181.

Bill read third time.

Roll call on Assembly Bill No. 181:

YEAS—21.

NAYS—None.

Assembly Bill No. 181 having received a constitutional majority,  
Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 217.

Bill read third time.

Roll call on Assembly Bill No. 217:

YEAS—21.

NAYS—None.

Assembly Bill No. 217 having received a constitutional majority,  
Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 224.

Bill read third time.

Roll call on Assembly Bill No. 224:

YEAS—21.

NAYS—None.

Assembly Bill No. 224 having received a constitutional majority,  
Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 227.

Bill read third time.

Roll call on Assembly Bill No. 227:

YEAS—20.

NAYS—Heck.

Assembly Bill No. 227 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 233.

Bill read third time.

Roll call on Assembly Bill No. 233:

YEAS—21.

NAYS—None.

Assembly Bill No. 233 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 236.

Bill read third time.

Roll call on Assembly Bill No. 236:

YEAS—21.

NAYS—None.

Assembly Bill No. 236 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

#### MOTIONS, RESOLUTIONS AND NOTICES

Senator Raggio moved that Assembly Bills Nos. 311, 313, 323, 344, 352, 365, 428, 446, 493, 507, 512, 540, 549, 562, 569, 570, 576; Assembly Joint Resolution No. 7; Assembly Joint Resolution No. 16 of the 73rd Session be taken from the General File and placed on the General File for the next legislative day.

Remarks by Senator Raggio.

Motion carried.

#### UNFINISHED BUSINESS

##### CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 115.

The following Assembly amendment was read:

Amendment No. 696.

"SUMMARY—Revises provisions governing the rights of parents of pupils with disabilities. (BDR 34-737)"

"AN ACT relating to education; providing that the rights of a parent of a pupil with a disability under the Individuals with Disabilities Education Act transfer to the pupil when the pupil attains the age of 18 years; providing that a parent of a pupil with a disability may request to represent the educational

interests of the pupil when the pupil attains the age of 18 years; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

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

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

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

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

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

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

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

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

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

3. *If a pupil with a disability attains the age of 18 years and the pupil is enrolled in a program of special education pursuant to NRS 388.440 to 388.5315, inclusive, and sections 2 and 3 of this act, the school district or charter school in which the pupil is enrolled shall provide any notice required pursuant to the Individuals with Disabilities Education Act,*



20 U.S.C. §§ 1400 et seq., and the regulations adopted pursuant thereto, or NRS 388.440 to 388.5315, inclusive, and sections 2 and 3 of this act, and the regulations adopted pursuant thereto, to the:

- (a) Parent; and
- (b) Pupil with a disability,

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

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

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

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

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

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

- (a) Must not be unduly burdensome on the parent to fill out; and
- (b) Must not require the pupil to sign the application or otherwise require the pupil to grant permission for the parent to represent the pupil's educational interests.

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

- (a) The pupil receives a standard high school diploma or an adjusted diploma;
- (b) The pupil is no longer enrolled in a program of special education pursuant to NRS 388.440 to 388.5315, inclusive, and sections 2 and 3 of this act; or
- (c) The parent elects to transfer the right to represent educational interests to the pupil.

4. ~~A parent whose application is denied or a pupil may appeal that a determination in the manner set forth for hearings in the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., and the regulations~~

~~adopted pursuant thereto.~~ made pursuant to this section in accordance with the procedure used by the Department for administrative complaints.

5. The State Board shall adopt regulations to carry out this section and section 2 of this act, including, without limitation, the establishment of criteria for determining whether the status of a pupil with a disability is such that his parent is authorized to submit an application to represent the educational interests of the pupil pursuant to this section.

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

388.440 As used in NRS 388.440 to 388.5315, inclusive [;] , and sections 2 and 3 of this act:

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

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

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

Senator Washington moved that the Senate do not concur in the Assembly amendment to Senate Bill No. 115.

Remarks by Senator Washington.

Motion carried.

Bill ordered transmitted to the Assembly.

#### SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the President and Secretary signed Senate Bills Nos. 17, 39, 60, 175, 230, 559; Assembly Bills Nos. 102, 279, 432; Assembly Concurrent Resolution No. 6.

#### REMARKS FROM THE FLOOR

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

Thank you, Mr. President. As the Senate bills come back from the Assembly where they have been amended, I would like to request from the chair of each committee that the bills be returned to the committee so that the members of the committee may be able to vote on whether to concur or not concur with the amendment. This way the members of the committee will have knowledge the bills are back in the Senate and why they are back.

#### GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Amodei, the privilege of the floor of the Senate Chamber for this day was extended to the following students and chaperones from the Fremont Elementary School: Adarah Ball, Amy Harrison, Austin Kendall, Brandon Dultz, Celine Viramontes-Castaneda, Consuelo Rodiles, Emily Tiehm, Hannah Goddard, Hugo Resendiz, Isidro Landa, Jacob Snyder, Jacqueline Lopez, Jason Allen, Jocelyn Jacobo, Kayla Hall, Kevin Zaragoza, Kylie Couste, Kylie Memro, Lorena Lemus, Megan Goodale, Samantha Schultz, Saul Machuca, Taylor Rampley, Thomas Stafford, Warren Toleson, Maria Ayala, Shaina Bird, Michael Bohn, Heather Canfield, Oscar Chavez,

Tylar Chester, Delaney Cobb, Brittany Hooper, Sergio Lemus, Skip Canfield, Mitch Martin, Kennadie Frias, Austin Gardner, Angel Gomez, Lexy Hakala, Jesse Knight, Savannah Law, Michael Martin, Timmy Martin, Richie McCoy, Jeremy Miller, Taylor Olson, Aaron Perez, Alex Pray, Amanda Ramsey, Dyllan Sapp, Erin Wilkes; chaperones: Marci Goodale, Denia Bullard, Steve Snyder, Kevin Law, Mia Frias, Jeff Cobb, Stacey Villigan and Vickie Parsons.

On request of Senator Washington, the privilege of the floor of the Senate Chamber for this day was extended to the following students, chaperones and teacher from the Roger Corbett Elementary School: Carlos Sotelo, Martha Aguilar, Ivan Arellano, Amilcar Bolanos, Manuel Chinchilla, Kira Cloyd, Rodney Collins, Oscar Cuevas, Jose De La Riva, Milisa Diaz, Raphael Garcia, Jose Grajeda, Jose Hernandez, Luis Lopez, Bibian Mellado, Brooklyn Mikel, Kayia Murray, Selen Ramirez, Alfredo Rodriquez, Victor Rodriquez, Ulysses Ruiz, Jose Saldana, Malafoa Sofara, Iris Soriano, Heman Sotelo, Raul Terriquez, James Trelschel, Sindy Vanagas, Arnold Deneal, Avila Rene, Batres Israel, Luigl Diaz, Diana Garcia, Carlos Sotelo, Richard Guerrero, Angel Hernandez, Travon Hidreth, Veronica Loza, Mysti Ludy, Jacob Lytle, Brenda Monroy, Vicky Murphy, Edwin Navarro, Joselyn Noguera, Victor Nunez, Ericka Ollva, Jorge Orozco, Carto Ortiz, Alondra Perez, Clarissa Pintor, Ana Ramos, Carina Rangel, Diego Rodriquez, Gustavo Rodriguez, Jacqueline Sanchez, Jose Vargas, Emanuel Villa; chaperones: Lori Pomajzl, Mirna Campbell, Terresa Teague, Susan Treischel, Norma Mellado and teacher: Karen Shaw.

Senator Raggio moved that the Senate, in conformance with Section 15 of Article 4 of the Constitution of the State of Nevada, with the consent of the Assembly, adjourn until Tuesday, May 22, 2007, at 11 a.m. and that it do so in memory of former Senator Alfred Alleman.

Motion carried.

Senate adjourned at 12:16 p.m.

Approved:

BRIAN K. KROLICKI  
*President of the Senate*

Attest: CLAIRE J. CLIFT  
*Secretary of the Senate*