

THE FIFTY-NINTH DAY

CARSON CITY (Wednesday), April 1, 2009

Assembly called to order at 11:08 a.m.

Madam Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Jeremy Morgado.

Dear Heavenly Father, I thank You for the dedication and heart of the people in this Assembly. I ask You today to grant each person wisdom and understanding. I pray that You help each to discern what is right and needed for You to continue to prosper this great state and its people. I ask that You bless each member today. Bless their positions, bless their homes, and bless their families. Give each member the strength to endure and the patience to complete the needed task ahead. In Your Name we pray.

AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Commerce and Labor, to which was referred Assembly Bill No. 124, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARCUS CONKLIN, *Chairman*

Madam Speaker:

Your Committee on Education, to which was referred Assembly Bills Nos. 327, 393, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Education, to which was referred Assembly Bills Nos. 100, 188, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Education, to which was referred Assembly Bill No. 359, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, without recommendation, and rerefer to the Committee on Health and Human Services.

BONNIE PARNELL, *Chair*

Madam Speaker:

Your Committee on Health and Human Services, to which was referred Assembly Bills Nos. 10, 16, 107, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DEBBIE SMITH, *Chair*

Madam Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 88, 93, 237, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chairman*

Madam Speaker:

Your Committee on Transportation, to which was referred Assembly Bill No. 21, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

KELVIN ATKINSON, *Chairman*

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

Assembly in recess at 11:14 a.m.

ASSEMBLY IN SESSION

At 11:14 a.m.

Mr. Speaker pro Tempore presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Buckley, Horne, Aizley, Anderson, Arberry, Atkinson, Bobzien, Carpenter, Christensen, Claborn, Cobb, Conklin, Denis, Dondero Loop, Gansert, Goedhart, Goicoechea, Grady, Gustavson, Hambrick, Hardy, Hogan, Kihuen, Kirkpatrick, Koivisto, Leslie, Manendo, Mastroluca, McArthur, McClain, Mortenson, Munford, Ocegüera, Ohrenschall, Parnell, Pierce, Segerblom, Settlemeyer, Smith, Spiegel, Stewart and Woodbury; Senators Horsford, Wiener, Amodei, Breeden, Care, Carlton, Cegavske, Coffin, Copening, Hardy, Lee, Mathews, McGinness, Nolan, Parks, Raggio, Rhoads, Schneider, Townsend, Washington and Woodhouse:

Assembly Concurrent Resolution No. 25—Honoring Andre Agassi for his philanthropic vision and congratulating the first graduating class of the Andre Agassi College Preparatory Academy.

WHEREAS, In 1994, at the young age of 24 years and while still a professional tennis athlete, Andre Agassi founded the Andre Agassi Foundation to serve the needs of children within the community, including the opening of the Andre Agassi Boys and Girls Club; and

WHEREAS, While this work of the Foundation was vitally important, Andre Agassi realized that to give children real hope for a successful future, education would be the best vehicle; and

WHEREAS, In 2001, the Foundation opened the Andre Agassi College Preparatory Academy as a charter school in a socio-economically disadvantaged neighborhood in Las Vegas with the mission to enhance each student's character, motivation, self-discipline, self-respect and individualized learning to ensure that each of those students is adequately and fully prepared for college; and

WHEREAS, The Andre Agassi College Preparatory Academy currently enrolls 600 students in grades K-12 and has a waiting list of students each year; and

WHEREAS, The Andre Agassi College Preparatory Academy operates on the fundamental premise that if a child has the proper support, encouragement and respect, then a child may dare to dream of a successful future; and

WHEREAS, On June 12, 2009, 34 students will participate in the commencement ceremony of the first graduating class of the Andre Agassi College Preparatory Academy, and half of those students have already been accepted to 4-year colleges and universities; and

WHEREAS, Andre Agassi has expressed the belief that his professional work as a tennis player has enabled him to accomplish his real life's work, which is to help children and provide support to overcome obstacles, and Mr. Agassi is quoted as saying "through this support, thousands of children have the knowledge, confidence and skills to be successful. But most of all, they have hope"; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the 75th Session of the Nevada Legislature hereby honor Mr. Andre Agassi for his dedicated philanthropic work and vision on behalf of children; and be it further

RESOLVED, That the members of the 75th Session of the Nevada Legislature hereby congratulate the first graduating class of the Andre Agassi College Preparatory Academy for their hard work and accomplishments and hereby express support for a successful future for each of those students; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Mr. Andre Agassi, to Mr. Steve Miller, the Chief Executive Officer of the Andre Agassi Foundation, and to Ms. Marsha Irvin, the Chancellor for the Andre Agassi College Preparatory Academy.

Assemblywoman Buckley moved the adoption of the resolution.

Remarks by Assemblymen Buckley and Horne.

Assemblyman Ocegüera requested that the following remarks be entered in the Journal.

ASSEMBLYWOMAN BUCKLEY:

Thank you, Mr. Speaker pro Tempore. Andre Agassi is a product of Las Vegas. He is a superstar and was the best in tennis in the world for so many years. What does he choose to do with his time and the wealth that he accumulated? He decides to help children. He created a landmark charter school in Las Vegas and decided to put it in the heart of the most economically disadvantaged, traditionally segregated community in Las Vegas—to appeal to the students that there is nothing they can't achieve. He chose to visit the school, to spend his blood, sweat, and tears; to invest in a longer school day and more resources to prove that with the proper resources, any child can soar to the top. What an inspiration to us and what a treasure to have. We want to take this opportunity to thank Andre Agassi, Steffi, the family, the dedicated professionals at that school, and the kids for achieving their remarkable accomplishments through hard work. On this occasion, to celebrate the first graduating class, our congratulations go to all of those students. We know they are our future leaders. We applaud them and we applaud everyone involved in this amazing Nevada experiment.

Mr. Agassi will be with the Education Committee later and at the Boys and Girls Club later—something that our esteemed Assemblywoman from Carson City has arranged. We look forward to seeing him in our halls. It is with great pleasure that the Assembly supports Assembly Concurrent Resolution 25.

ASSEMBLYMAN HORNE:

Thank you, Mr. Speaker pro Tempore. I rise in support of Assembly Concurrent Resolution 25. I would like to say, being from Las Vegas and growing up there, it is absolutely wonderful that we have an example like Andre Agassi to do what he has done in the community. When he first retired from tennis, it would have been so easy for him to sit back on those athletic laurels and enjoy the rest of his life. I send out to the countless number of professional athletes that Las Vegas and Reno have generated over the years, that if they could do half of what Andre Agassi has done, the youth, particularly in our state, would benefit greatly. Thank you, Mr. Speaker pro Tempore.

Resolution adopted.

Assemblywoman Buckley moved that all rules be suspended and that Assembly Concurrent Resolution No. 25 be immediately transmitted to the Senate.

Motion carried.

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

Assembly in recess at 11:23 a.m.

ASSEMBLY IN SESSION

At 11:24 a.m.

Madam Speaker presiding.

Quorum present.

By Assemblymen Grady, Aizley, Anderson, Arberry, Atkinson, Bobzien, Buckley, Carpenter, Christensen, Claborn, Cobb, Conklin, Denis, Dondero Loop, Gansert, Goedhart, Goicoechea, Gustavson, Hambrick, Hardy, Hogan, Horne, Kihuen, Kirkpatrick, Koivisto, Leslie, Manendo, Mastroluca, McArthur, McClain, Mortenson, Munford, Oceguela, Ohrenschall, Parnell, Pierce, Segerblom, Settlemeyer, Smith, Spiegel, Stewart and Woodbury; Senators Amodei, Breeden, Care, Carlton, Cegavske, Coffin, Copening, Hardy, Horsford, Lee, Mathews, McGinness, Nolan, Parks, Raggio, Rhoads, Schneider, Townsend, Washington, Wiener and Woodhouse:

Assembly Concurrent Resolution No. 26—Memorializing native Nevadan and public servant David H. Fulstone II.

WHEREAS, David H. "Davey" Fulstone II, whose Lyon County family roots can be traced back to the 1800s, was born in Yerington on December 23, 1950, to David and Angelina Fulstone and lived in Yerington for his entire life; and

WHEREAS, This native Nevadan spent over 40 years farming with his father and was a staunch activist for agricultural issues and matters related to the Walker River as he kept abreast of current issues and tried to preserve the local heritage and way of life; and

WHEREAS, On September 10, 1977, David married his beloved wife Diane Reynolds, whose lifelong support, including accompanying him to Israel to study water conservation techniques and different methods of farming, was invaluable in every aspect of his life; and

WHEREAS, Because of his devotion to issues that were important to Mason Valley, this mentor and leader was actively involved in public service, serving on the Lyon County Board of Commissioners for 8 years, on the National Commission on Agricultural Finance as an appointee of President Reagan, on the Board of Directors of the Walker River Irrigation District and as President of the Nevada Farm Bureau for 10 years, during which he traveled to five European countries and to Japan on trade missions; and

WHEREAS, His community service also included membership in and two terms as President of the Rotary Club of Yerington, by which he was recognized as a Paul Harris Fellow, service on the Board of the Mason Valley Fire Protection District, membership in the Walker Basin Project Stakeholders Group and the establishment of a popular, local radio talk show; and

WHEREAS, In an effort to improve people's lives in our State and throughout the world, this dedicated Nevadan served on the Desert Research Institute Research Foundation Board; and

WHEREAS, One of the greatest attestations to a life well-lived is the praise of those who know a person best, and Davey's friends, neighbors and those with whom he worked offer the highest praise for him and express the hole his absence leaves in their hearts and in all of Lyon County because of his unique place in the community; and

WHEREAS, David Fulstone is survived by his wife Diane, his two sons Joshua and Jeffrey, his father David, his sister DeeAnn and innumerable friends; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the 75th Nevada Legislature wish to express their sincerest condolences to the family and friends of Davey Fulstone; and be it further

RESOLVED, That the best way to honor this dedicated public servant is for each individual Nevadan to follow his example of service to the community and the State and continually strive to advance the causes in which he believes; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Davey's loving wife Diane and his sons Joshua and Jeffrey.

Assemblyman Grady moved the adoption of the resolution.

Remarks by Assemblyman Grady.

Assemblyman Ocegüera requested that the following remarks be entered in the Journal.

ASSEMBLYMAN GRADY:

This resolution addresses many of Davey's accomplishments and activities during his short time with us. You cannot know of his compassion unless you knew Davey—he gave 100 percent to everything he tackled: his family, his ranching, and his involvement with DRI or the Farm Bureau. His last adventure was his radio show where he loved to do "Water Wednesday" where he talked about our local water issues.

Politics was his passion, either his own politics or helping others. He assisted in my campaigns along with his sister DeAnn. Davey loved to go to Washington, D.C. to help Senator Laxalt with his "D.C. Rocky Mountain Oyster Feed" each year.

Davey was at home with world leaders or with his ranch crew. Everyone was equal and important.

Madam Speaker, there was only one Davey Fulstone, and we were very fortunate to have him. Thank you, Madam Speaker.

Resolution adopted.

Assemblyman Grady moved that all rules be suspended and that Assembly Concurrent Resolution No. 26 be immediately transmitted to the Senate.

Motion carried.

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

Assembly in recess at 11:37 a.m.

ASSEMBLY IN SESSION

At 11:38 a.m.

Madam Speaker presiding.

Quorum present.

NOTICE OF EXEMPTION

March 31, 2009

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Senate Bills Nos. 233 and 390.

GARY GHIGGERI
Fiscal Analysis Division

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

Motion carried.

Assemblyman Anderson moved that Assembly Bill No. 218 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblyman Atkinson moved that Assembly Bill No. 109 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblywoman Kirkpatrick moved that Assembly Bill No. 443 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 137.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 70.

AN ACT relating to public health; **designating the State Hygienic Laboratory as the State Public Health Laboratory;** authorizing the University of Nevada School of Medicine to designate certain branch laboratories of the State ~~Hygienic~~ **Public Health** Laboratory; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the University of Nevada School of Medicine to maintain the State Hygienic Laboratory. The purpose of the State Hygienic Laboratory is to make available proper laboratory facilities to diagnose communicable diseases, make certain examinations, conduct certain research and undertake other technical and laboratory duties as are in the interest of the health of the general public. **This bill designates the State Hygienic Laboratory as the State Public Health Laboratory.**

Existing law also authorizes the University of Nevada School of Medicine to establish and maintain such branch laboratories of the State Hygienic Laboratory as may be necessary. (NRS 439.240) This bill authorizes the University of Nevada School of Medicine to designate, establish or maintain those branch laboratories. **This bill also requires a public agency that operates or controls such a branch laboratory to enter into a cooperative agreement concerning the branch laboratory.**

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

Section 1. NRS 439.240 is hereby amended to read as follows:

439.240 1. The University of Nevada School of Medicine shall maintain the State ~~Hygienic~~ **Public Health** Laboratory, ~~heretofore established pursuant to the provisions of chapter 230, Statutes of Nevada 1909,~~ and may *designate*, establish ~~and~~ *or* maintain such branch laboratories as may be necessary.

2. The purpose of the State ~~Hygienic~~ **Public Health** Laboratory is:

(a) To make available, at such charges as may be established, to health officials, the State Dairy Commission and licensed physicians of the State, proper laboratory facilities for the prompt diagnosis of communicable diseases.

(b) To make necessary examinations and analyses of water, natural ice, sewage, milk, food and clinical material.

(c) To conduct research into the nature, cause, diagnosis and control of diseases.

(d) To undertake such other technical and laboratory duties as are in the interest of the health of the general public.

3. The person in charge of the State ~~Hygienic~~ **Public Health** Laboratory, or his designee, must be a skilled bacteriologist.

4. The person in charge of the State ~~Hygienic~~ **Public Health** Laboratory may have such technical assistants as that person, in cooperation with the University of Nevada School of Medicine, considers necessary.

5. Reports of investigations conducted at the State ~~Hygienic~~ **Public Health** Laboratory may be published from time to time in bulletins and circulars.

6. If the University of Nevada School of Medicine designates a branch laboratory pursuant to subsection 1 that is operated or controlled by a public agency other than the University of Nevada School of Medicine, the public agency and the University of Nevada School of Medicine shall enter into a cooperative agreement pursuant to NRS 277.080 to 277.180, inclusive, concerning the branch laboratory. The cooperative agreement must include, without limitation, provisions setting forth the powers and duties of each party to the cooperative agreement.

Sec. 2. This act becomes effective on July 1, 2009.

Assemblywoman Smith moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 149.

Bill read second time.

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

Amendment No. 93.

AN ACT relating to real property; revising provisions governing foreclosures on property; providing for mediation under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth procedures governing foreclosures on real property upon default. A trustee under a deed of trust has the power to sell the property to which the deed of trust applies, subject to certain restrictions. (NRS 107.080, 107.085) ~~This~~ **Section 1 of this** bill establishes additional restrictions on the trustee's power of sale with respect to owner-occupied housing by providing a homeowner with the right to request mediation under which he may receive a loan modification. Once a homeowner requests mediation, no further action may be taken to exercise the power of sale until the completion of the mediation. Each mediation must be conducted by a senior justice, judge, hearing master or other designee pursuant to rules adopted by the Nevada Supreme Court or an entity designated by the Nevada Supreme Court. In addition, section 4 of this bill authorizes the Nevada Supreme Court to adopt rules providing for voluntary mediation with respect to a homeowner who is not in default but is at risk of default.

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

Section 1. Chapter 107 of NRS is hereby amended by adding thereto a new section to read as follows:

1. In addition to the requirements of NRS 107.085, the exercise of the power of sale pursuant to NRS 107.080 with respect to any trust agreement ~~to which NRS 107.085 applies and~~ which concerns owner-occupied housing is subject to the provisions of this section.

2. The trustee shall not exercise a power of sale pursuant to NRS 107.080 unless the trustee ~~includes~~:

(a) Includes in the notice required by subsection 2 of NRS 107.085:

~~##a##~~ **(1) Contact information which the grantor may use to reach a person with authority to negotiate a loan modification on behalf of the ~~trustee~~**

~~##b##~~ **beneficiary of the deed of trust;**

(2) Contact information for at least one local housing counseling agency approved by the United States Department of Housing and Urban Development; and

~~##c##~~ **(3) A form upon which the grantor may indicate his election to enter into mediation or to waive mediation and one envelope addressed to the trustee and one envelope addressed to the ~~Administrative Office of the Courts~~ Mediation Administrator, which the grantor may use to comply with the provisions of subsection 3 ~~+~~:**

(b) Serves a copy of the notice upon the Mediation Administrator; and

(c) Causes to be recorded in the office of the recorder of the county in which the trust property, or some part thereof, is situated:

(1) The certificate provided to the trustee by the Mediation Administrator pursuant to subsection 3 or 6 which provides that no mediation is required in the matter; or

(2) The certificate provided to the trustee by the Mediation Administrator pursuant to subsection 7 which provides that mediation has been completed in the matter.

3. The grantor shall, not later than 30 days after service of the notice upon him in the manner required by NRS 107.085, complete the form required by ~~paragraph (c)~~ subparagraph (3) of paragraph (a) of

subsection 2 and return the form to the trustee by certified mail, return receipt requested. If the grantor indicates on the form his election to enter into mediation, the trustee shall notify the beneficiary of the deed of trust and every other person with an interest as defined in NRS 107.090, by certified mail, return receipt requested, of the election of the grantor to enter into mediation and file a copy of the form with the ~~Administrative Office of the Courts, which~~ Mediation Administrator, who shall assign the matter to a senior justice, judge, hearing master or other designee and schedule the matter for mediation. No further action may be taken to exercise the power of sale until the completion of the mediation. If the grantor indicates on the form his election to waive mediation or fails to return the form to the trustee as required by this ~~paragraph~~ subsection, the trustee shall execute an affidavit attesting to that fact under penalty of perjury and serve a copy of the affidavit, together with the waiver of mediation by the grantor or proof of service on the grantor of the notice required by subsection 2 of this section and subsection 2 of NRS 107.080, upon the Mediation Administrator. Upon receipt of the affidavit and the waiver or proof of service, the Mediation Administrator shall provide to the trustee a certificate which provides that no mediation is required ~~+~~ in the matter.

4. Each mediation required by this section must be conducted by a senior justice, judge, hearing master or other designee pursuant to the rules adopted pursuant to subsection ~~7~~ 8. The ~~trustee~~ beneficiary of the deed of trust or his representative and the grantor or his representative shall each attend the mediation. The ~~trustee~~ beneficiary of the deed of trust shall bring to the mediation the original or a certified copy of the deed of trust, ~~and~~ the mortgage note ~~to the mediation~~ and each assignment of the deed of trust or mortgage note. If the ~~trustee~~ beneficiary of the deed of trust is represented at the mediation by another person, that person must have authority to negotiate a loan modification on behalf of the ~~trustee~~ beneficiary of the deed of trust or have access at all times during the mediation to a person with such authority.

5. If the ~~trustee~~ beneficiary of the deed of trust or his representative fails to attend the mediation, does not bring to the mediation each document required by subsection 4 or does not have the authority or access to a person with the authority required by subsection 4, the district court of the county in which the trust property, or some part thereof, is situated may issue an order requiring a loan modification in the manner determined proper by the court.

6. If the grantor fails to attend the mediation, the Mediation Administrator shall provide to the trustee a certificate which states that no mediation is required in the matter.

7. If the mediator determines that the parties, while acting in good faith, are not able to agree to a loan modification, the district court of the county in which the trust property, or some part thereof, is situated shall ~~dismiss~~ issue an order dismissing the matter and the ~~mediation shall be deemed~~ Mediation Administrator shall provide to the trustee a certificate which provides that the mediation required by this section has been completed ~~for the purposes of this section~~

~~7~~ in the matter.

8. The Supreme Court or an entity designated by the Supreme Court shall adopt rules necessary to carry out the provisions of this section. The rules must, without limitation, include provisions:

(a) Designating an entity to serve as the Mediation Administrator pursuant to this section. The entities that may be so designated include, without limitation, the Administrative Office of the Courts, the District

Court of the county in which the property is situated or any other judicial entity.

(b) Ensuring that mediations occur in an orderly and timely manner.

(c) Requiring each party to a mediation to provide such information as the mediator determines necessary.

(d) Establishing procedures to protect the mediation process from abuse and to ensure that each party to the mediation acts in good faith.

9. The provisions of this section do not apply if:

(a) The grantor has surrendered the property, as evidenced by a letter confirming the surrender or delivery of the keys to the property to the trustee, the beneficiary of the deed of trust or the mortgagee, or an authorized agent thereof; or

(b) A petition in bankruptcy has been filed with respect to the grantor under chapter 7, 11, 12 or 13 of Title 11 of the United States Code and the bankruptcy court has not entered an order closing or dismissing the case or granting relief from a stay of foreclosure.

10. A noncommercial lender is not excluded from the application of this section.

11. As used in this section:

(a) "Mediation Administrator" means the entity so designated pursuant to subsection 8.

(b) "Noncommercial lender" means a lender which makes a loan secured by a deed of trust on owner-occupied housing and which is not a bank, financial institution or other entity regulated pursuant to title 55 or 56 of NRS.

(c) "Owner-occupied housing" means housing that is occupied by the owner as his primary residence. The term does not include any time share or other property regulated under chapter 119A of NRS.

Sec. 2. NRS 107.080 is hereby amended to read as follows:

107.080 1. Except as otherwise provided in NRS 107.085, **and section 1 of this act**, if any transfer in trust of any estate in real property is made after March 29, 1927, to secure the performance of an obligation or the payment of any debt, a power of sale is hereby conferred upon the trustee to be exercised after a breach of the obligation for which the transfer is security.

2. The power of sale must not be exercised, however, until:

(a) In the case of any trust agreement coming into force:

(1) On or after July 1, 1949, and before July 1, 1957, the grantor, or his successor in interest, a beneficiary under a subordinate deed of trust or any other person who has a subordinate lien or encumbrance of record on the property, has for a period of 15 days, computed as prescribed in subsection 3, failed to make good the deficiency in performance or payment; or

(2) On or after July 1, 1957, the grantor, or his successor in interest, a beneficiary under a subordinate deed of trust or any other person who has a subordinate lien or encumbrance of record on the property, has for a period of 35 days, computed as prescribed in subsection 3, failed to make good the deficiency in performance or payment;

(b) The beneficiary in interest of the beneficiary or the trustee first executes and causes to be recorded in the office of the recorder of the county wherein the trust property, or some part thereof, is situated a notice of the breach and of his election to sell or cause to be sold the property to satisfy the obligation; and

(c) Not less than 3 months have elapsed after the recording of the notice.

3. The 15- or 35-day period provided in paragraph (a) of subsection 2 commences on the first day following the day upon which the notice of default and election to sell is recorded in the office of the county recorder of the county in which the property is located and a copy of the notice of default and election to sell is mailed by registered or certified mail, return receipt requested and with postage prepaid to the grantor, and to the person who holds the title of record on the date the notice of default and election to sell is recorded, at their respective addresses, if known, otherwise to the address of the trust property. The notice of default and election to sell must describe the deficiency in performance or payment and may contain a notice of intent to declare the entire unpaid balance due if acceleration is permitted by the obligation secured by the deed of trust, but acceleration must not occur if the deficiency in performance or payment is made good and any costs, fees and expenses incident to the preparation or recordation of the notice and incident to the making good of the deficiency in performance or payment are paid within the time specified in subsection 2.

4. The trustee, or other person authorized to make the sale under the terms of the trust deed or transfer in trust, shall, after expiration of the 3-month period following the recording of the notice of breach and election to sell, and before the making of the sale, give notice of the time and place thereof by recording the notice of sale and by:

(a) Providing the notice to each trustor and any other person entitled to notice pursuant to this section by personal service or by mailing the notice by registered or certified mail to the last known address of the trustor and any other person entitled to such notice pursuant to this section;

(b) Posting a similar notice particularly describing the property, for 20 days successively, in three public places of the township or city where the property is situated and where the property is to be sold; and

(c) Publishing a copy of the notice three times, once each week for 3 consecutive weeks, in a newspaper of general circulation in the county where the property is situated.

5. Every sale made under the provisions of this section and other sections of this chapter vests in the purchaser the title of the grantor and his successors in interest without equity or right of redemption. A sale made pursuant to this section may be declared void by any court of competent jurisdiction in the county where the sale took place if:

(a) The trustee or other person authorized to make the sale does not substantially comply with the provisions of this section;

(b) Except as otherwise provided in subsection 6, an action is commenced in the county where the sale took place within 90 days after the date of the sale; and

(c) A notice of lis pendens providing notice of the pendency of the action is recorded in the office of the county recorder of the county where the sale took place within 30 days after commencement of the action.

6. If proper notice is not provided pursuant to subsection 3 or paragraph (a) of subsection 4 to the grantor, to the person who holds the title of record on the date the notice of default and election to sell is recorded, to each trustor or to any other person entitled to such notice, the person who did not receive such proper notice may commence an action pursuant to subsection 5 within 120 days after the date on which the person received actual notice of the sale.

7. The sale of a lease of a dwelling unit of a cooperative housing corporation vests in the purchaser title to the shares in the corporation which accompany the lease.

Sec. 3. **NRS 107.085 is hereby amended to read as follows:**

107.085 1. With regard to a transfer in trust of an estate in real property to secure the performance of an obligation or the payment of a debt, the provisions of this section apply to the exercise of a power of sale pursuant to NRS 107.080 only if:

(a) The trust agreement becomes effective on or after October 1, 2003, ~~and~~

~~(b) On~~, **and, on** the date the trust agreement is made, the trust agreement is subject to the provisions of § 152 of the Home Ownership and Equity Protection Act of 1994, 15 U.S.C. § 1602(aa), and the regulations adopted by the Board of Governors of the Federal Reserve System pursuant thereto, including, without limitation, 12 C.F.R. § 226.32, ~~or~~ **or**

(b) The trust agreement concerns owner-occupied housing as defined in section 1 of this act.

2. The trustee shall not exercise a power of sale pursuant to NRS 107.080 unless:

(a) In the manner required by subsection 3, not later than 60 days before the date of the sale, the trustee causes to be served upon the grantor a notice in the form described in subsection 3; and

(b) If an action is filed in a court of competent jurisdiction claiming an unfair lending practice in connection with the trust agreement, the date of the sale is not less than 30 days after the date the most recent such action is filed.

3. The notice described in subsection 2 must be:

(a) Served upon the grantor by personal service or, if personal service cannot be timely effected, in such other manner as a court determines is reasonably calculated to afford notice to the grantor; and

(b) In substantially the following form, with the applicable telephone numbers and mailing addresses provided on the notice and a copy of the promissory note attached to the notice:

NOTICE

YOU ARE IN DANGER OF LOSING YOUR HOME!

Your home loan is being foreclosed. In 60 days your home will be sold and you will be forced to move. For help, call:

Consumer Credit Counseling _____

The Attorney General _____

The Division of Financial Institutions _____
 Legal Services _____
 Your Lender _____
 Nevada Fair Housing Center _____

4. This section does not prohibit a judicial foreclosure.

5. As used in this section, “unfair lending practice” means an unfair lending practice described in NRS 598D.010 to 598D.150, inclusive.

Sec. 4. Chapter 2 of NRS is hereby amended by adding thereto a new section to read as follows:

The Supreme Court may adopt rules providing for voluntary mediation with respect to a homeowner who is not in default but is at risk of default.

Sec. 5. NRS 459.646 is hereby amended to read as follows:

459.646 1. A person who, without participating in the management of a parcel of real property, holds or is the beneficiary of evidence of title to the property primarily to protect a security interest in the property is not a responsible party with respect to a release of a hazardous substance on the property if:

(a) The owner of the property is relieved from liability under NRS 459.610 to 459.658, inclusive, with respect to the release;

(b) The owner or holder of evidence of title did not cause the release; and

(c) The owner or holder of evidence of title does not participate actively in decisions concerning hazardous substances on the property.

2. A lender to a prospective purchaser who has filed an application to participate in the program pursuant to NRS 459.634 or a lender who forecloses his security interest in property pursuant to NRS 40.430 to 40.450, inclusive, or 107.080 to 107.100, inclusive, **and section 1 of this act**, and within a reasonable period after the foreclosure, not to exceed 2 years, sells, transfers or conveys the property to a prospective purchaser who has filed an application to participate in the program pursuant to NRS 459.634 is not a responsible party solely as a result of:

(a) Foreclosing a security interest in the property; or

(b) Making a loan to the prospective purchaser if the loan:

(1) Is to be used for acquiring property or removing or remediating hazardous substances on property; and

(2) Is secured by the property that is to be acquired or on which is located the hazardous substances that are to be removed or remediated.

~~Sec. 4.~~ **Sec. 6.** This act becomes effective on July 1, 2009.

Assemblyman Conklin moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Conklin moved that upon return from the printer Assembly Bill No. 149 be referred to the Committee on Ways and Means.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 264.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 115.

AN ACT relating to criminal procedure; revising provisions relating to procedures for the commitment to and conditional release from the custody of the Administrator of the Division of Mental Health and Developmental Services of the Department of Health and Human Services of certain criminal defendants whom the court finds to be incompetent; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that if a court dismisses the proceedings against a defendant who is charged with a category A or category B felony because the court finds that the defendant is incompetent with no substantial probability of attaining competence in the foreseeable future, the prosecuting attorney is authorized to file a motion with the court for a hearing to determine whether to commit the person to the custody of the Administrator of the Division of Mental Health and Developmental Services of the Department of Health and Human Services. **Section 4** of this bill amends existing law to provide that a prosecuting attorney may file such a motion if a court dismisses the proceedings against a defendant who is charged with any category A felony or certain listed category B felonies, rather than a defendant who is charged with any category A or any category B felony. **Section 4** also ~~provides that such a motion is required to include a comprehensive risk assessment completed by the Division~~; **(1) requires a prosecuting attorney who files such a motion to request the Division to provide a comprehensive risk assessment** which indicates whether the person requires the level of security provided by a forensic facility ~~;~~; **and (2) requires the Division to provide the comprehensive risk assessment to the court, the prosecuting attorney and the person's counsel.** (NRS 178.461)

Existing law also provides that if the court finds by clear and convincing evidence that the person has a mental disorder and is a danger to himself or others, the court is required to order that the person be committed to the custody of the Administrator until he is eligible for conditional release or after 10 years have passed, whichever period is shorter. **Section 4** of this bill amends existing law to: (1) add that the person's dangerousness is required to be at a level that requires placement of the person at a forensic facility as a prerequisite to the court committing the person to the custody of the Administrator; and (2) authorize, rather than require, the court to commit a person to the custody of the Administrator in those circumstances. (NRS 178.461) **Section 1** of this bill defines the term "forensic facility" for the purposes of those provisions.

Existing law provides the manner for determining eligibility for conditional release of a person committed to the custody of the Administrator pursuant to **section 4** of this bill. **Section 5** of this bill authorizes the Division or a person who is committed to the custody of the Administrator to petition the court which committed the person for conditional release. (NRS 178.463)

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

Section 1. *"Forensic facility" has the meaning ascribed to it in NRS 175.539.*

Sec. 2. NRS 178.3981 is hereby amended to read as follows:

178.3981 As used in NRS 178.3981 to 178.471, inclusive, unless the context otherwise requires, the words and terms defined in NRS 178.3982 to 178.399, inclusive, *and section 1 of this act* have the meanings ascribed to them in those sections.

Sec. 3. NRS 178.460 is hereby amended to read as follows:

178.460 1. If requested by the district attorney or counsel for the defendant within 10 days after the report by the Administrator or his designee is sent to them, the judge shall hold a hearing within 10 days after the request at which the district attorney and the defense counsel may examine the members of the treatment team on their report.

2. If the judge orders the appointment of a licensed psychiatrist or psychologist who is not employed by the Division to perform an additional evaluation and report concerning the defendant, the cost of the additional evaluation and report is a charge against the county.

3. Within 10 days after the hearing or 10 days after the report is sent, if no hearing is requested, the judge shall make and enter his finding of competence or incompetence, and if he finds the defendant to be incompetent:

(a) Whether there is substantial probability that the defendant can receive treatment to competency and will attain competency to stand trial or receive pronouncement of judgment in the foreseeable future; and

(b) Whether the defendant is at that time a danger to himself or to society.

4. If the judge finds the defendant:

(a) Competent, the judge shall, within 10 days, forward his finding to the prosecuting attorney and counsel for the defendant. Upon receipt thereof, the prosecuting attorney shall notify the sheriff of the county or chief of police of the city that the defendant has been found competent and prearrange with the facility for the return of the defendant to that county or city for trial upon the offense there charged or the pronouncement of judgment, as the case may be.

(b) Incompetent, but there is a substantial probability that he can receive treatment to competency and will attain competency to stand trial or receive pronouncement of judgment in the foreseeable future and finds that he is dangerous to himself or to society, the judge shall recommit the defendant

and may order the involuntary administration of medication for the purpose of treatment to competency.

(c) Incompetent, but there is a substantial probability that he can receive treatment to competency and will attain competency to stand trial or receive pronouncement of judgment in the foreseeable future and finds that he is not dangerous to himself or to society, the judge shall order that the defendant remain an outpatient or be transferred to the status of an outpatient under the provisions of NRS 178.425.

(d) Incompetent, with no substantial probability of attaining competency in the foreseeable future, the judge shall order the defendant released from custody or, if the defendant is an outpatient, released from his obligations as an outpatient if, within 10 judicial days, the prosecuting attorney has not filed a motion pursuant to NRS 178.461 or if, within 10 judicial days, a petition is not filed to commit the person pursuant to NRS 433A.200. After the initial 10 judicial days, the person may remain an outpatient or in custody under the provisions of this chapter only as long as the motion or petition is pending unless the person is committed to the custody of the Administrator pursuant to NRS 178.461 or involuntarily committed pursuant to chapter 433A of NRS.

5. Except as otherwise provided in subsection ~~{3}~~ 4 of NRS 178.461, no person who is committed under the provisions of this chapter may be held in the custody of the Administrator or his designee longer than the longest period of incarceration provided for the crime or crimes with which he is charged or 10 years, whichever period is shorter. Upon expiration of the applicable period provided in this section, subsection ~~{3}~~ 4 of NRS 178.461 or subsection ~~{3}~~ 4 of NRS 178.463, the person must be returned to the committing court for a determination as to whether or not involuntary commitment pursuant to chapter 433A of NRS is required.

Sec. 4. NRS 178.461 is hereby amended to read as follows:

178.461 1. If the proceedings against a defendant who is charged with ~~{a}~~ any category A *felony* or a category B felony *listed in subsection 6* are dismissed pursuant to subsection 5 of NRS 178.425, the prosecuting attorney may, within 10 judicial days after the dismissal, file a motion with the court for a hearing to determine whether to commit the person to the custody of the Administrator pursuant to subsection ~~{2}~~ 3. The court shall hold the hearing within 10 judicial days after the motion is filed with the court.

2. ~~{A motion filed pursuant to subsection 1 must include, without limitation,}~~ *If the prosecuting attorney files a motion pursuant to subsection 1, the prosecuting attorney shall, not later than the date on which he files the motion, request from the Division a comprehensive risk assessment ~~{completed by the Division}~~ which indicates whether the person requires the level of security provided by a forensic facility. The Division shall provide the requested comprehensive risk assessment to the court, the prosecuting attorney and counsel for the person not later than three judicial days before the hearing.*

3. At a hearing held pursuant to subsection 1, if the court finds by clear and convincing evidence that the person has a mental disorder, ~~and~~ ~~that~~ ~~the~~ ~~person~~ is a danger to himself or others ~~and~~ ~~that~~ ~~the~~ ~~person's~~ ~~dangerousness~~ is such that he requires placement at a forensic facility, the court ~~must~~ may order:

(a) The sheriff to take the person into protective custody and transport him to a ~~division facility that is secure;~~ **forensic facility;** and

(b) That the person be committed to the custody of the Administrator and kept under observation until the person is eligible for conditional release pursuant to NRS 178.463 or until the maximum length of commitment described in subsection ~~3~~ 4 has expired.

~~3~~ 4. The length of commitment of a person pursuant to subsection ~~2~~ 3 must not exceed 10 years, including any time that the person has been on conditional release pursuant to NRS 178.463.

~~4~~ 5. At least once every 12 months, the court shall review the eligibility of the defendant for conditional release.

6. *The provisions of subsection 1 apply to any of the following category B felonies:*

(a) *Voluntary manslaughter pursuant to NRS 200.050;*

(b) *Mayhem pursuant to NRS 200.280;*

(c) *Kidnapping in the second degree pursuant to NRS 200.330;*

(d) *Assault with a deadly weapon pursuant to NRS 200.471;*

(e) *Battery with a deadly weapon pursuant to NRS 200.481;*

(f) *Aggravated stalking pursuant to NRS 200.575; ~~and~~*

(g) *First degree arson pursuant to NRS 205.010 ~~and~~;*

(h) *Burglary with a deadly weapon pursuant to NRS 205.060;*

(i) *Invasion of the home with a deadly weapon pursuant to NRS 205.067;*

(j) *Any category B felony involving the use of a firearm; and*

(k) *Any attempt to commit a category A felony.*

Sec. 5. NRS 178.463 is hereby amended to read as follows:

178.463 1. *The Division or a person who is committed to the custody of the Administrator pursuant to NRS 178.461 may petition the court which committed the person for conditional release.*

2. A person who is committed to the custody of the Administrator pursuant to NRS 178.461 is eligible for conditional release only after:

(a) The Division has completed a comprehensive risk assessment concerning the person;

(b) A decision to release the person from commitment with conditions imposed by the court in consultation with the Division has been made based on input from the person's treatment team, the prosecuting attorney, the counsel for the person and the team that will supervise the person in the community; and

(c) The court which committed the person has approved the conditional release.

~~2.]~~ 3. If a person is serving a period of conditional release pursuant to this section, the court must, at least once every 12 months, review the eligibility of the defendant for discharge from conditional release. If, at the conclusion of the review required by this subsection, the court finds by clear and convincing evidence that the person no longer has a mental disorder and that he is not a danger to himself or others, the court must discharge the person from conditional release.

~~3.]~~ 4. The length of the period of conditional release must not exceed 10 years, including any time that the person has been committed to the custody of the Administrator pursuant to NRS 178.461 and 178.464.

Sec. 6. NRS 178.464 is hereby amended to read as follows:

178.464 1. The Division shall notify the court which ordered the commitment of the person pursuant to NRS 178.461 if the person violates a condition of his release from commitment.

2. If the court is notified pursuant to subsection 1 of a violation, the court shall consult with the Division, the counsel for the person and the prosecuting attorney concerning the potential risk to the community that is posed by the noncompliance of the person with the conditions of release from commitment.

3. After consulting with the persons required by subsection 2 and considering the risks to the community, the court may issue a temporary order of detention to commit the person to custody ~~for~~ *for evaluation*, pending the hearing described in subsection 4. If the court issues such an order, the court must:

(a) Order the sheriff to take the person:

(1) Into protective custody and transport him to a forensic facility ; ~~operated by the Division;~~ or

(2) To a jail where the person must remain in protective custody; and

(b) Provide a copy of the order to the counsel for the person and the prosecuting attorney.

4. Within 10 days after a person has been committed to the custody of the Administrator for evaluation pursuant to subsection 3, the court shall hold a hearing to determine whether to continue, modify or terminate the conditional release of the defendant.

~~5.—As used in this section, “forensic facility” has the meaning ascribed to it in NRS 175.539.]~~

Assemblyman Anderson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 301.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Arberry moved that Assembly Bill No. 414 be taken from the Second Reading File and rereferred to the Committee on Ways and Means.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 1, 2009

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 22.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 22.

Assemblyman Christensen moved the adoption of the resolution.

Remarks by Assemblyman Christensen.

Resolution adopted.

Assemblyman Atkinson moved that Assembly Bill No. 169 be taken from the Chief Clerk's desk and placed on General File.

Motion carried.

Assemblyman Ocegüera moved that Assembly Bills Nos. 75, 96, 164, 169, 180, 280, 306, 332, 412, 477; Assembly Joint Resolution No. 7; Senate Bills Nos. 38, 109; and Senate Joint Resolution No. 9 of the 74th Session be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bill No. 132; Assembly Concurrent Resolution No. 20; Assembly Resolution No. 8; Senate Bill No. 39; and Senate Concurrent Resolutions 20 and 21.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Aizley, the privilege of the floor of the Assembly Chamber for this day was extended to Sari Aizley.

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to former Assemblyman Bud Garfinkel, former Assemblyman Artie Valentine, and Faye Valentine.

On request of Assemblyman Arberry, the privilege of the floor of the Assembly Chamber for this day was extended to former Assemblywoman Courtney Swain-McGowan and William Gise.

On request of Assemblyman Atkinson, the privilege of the floor of the Assembly Chamber for this day was extended to former Assemblyman Joseph Johnson and former Assemblywoman Helen Foley.

On request of Assemblywoman Buckley, the privilege of the floor of the Assembly Chamber for this day was extended to Jessica Vigil, Dashun Jackson, Miriya Lawrence, Ben Sayeski, Jenny Tan, former Assembly Chief Clerk Mouryne Dini, and former Assemblyman and Speaker Emeritus Joseph E. Dini, Jr.

On request of Assemblyman Carpenter, the privilege of the floor of the Assembly Chamber for this day was extended to DeAnn Fulstone and Kimberlee Rotchy.

On request of Assemblyman Christensen, the privilege of the floor of the Assembly Chamber for this day was extended to former Assemblyman John Polish.

On request of Assemblyman Cobb, the privilege of the floor of the Assembly Chamber for this day was extended to Sophia Colabianch, Ellie Lopez-Bowlan, and Kathy Gross.

On request of Assemblyman Denis, the privilege of the floor of the Assembly Chamber for this day was extended to former Assemblywoman Maureen Brower.

On request of Assemblywoman Gansert, the privilege of the floor of the Assembly Chamber for this day was extended to former Assemblyman Greg Brower and former Assemblywoman Maureen Brower.

On request of Assemblyman Goedhart, the privilege of the floor of the Assembly Chamber for this day was extended to Donald B. Reid.

On request of Assemblyman Goicoechea, the privilege of the floor of the Assembly Chamber for this day was extended to former Assemblymen Louis J. Capurro, Jr. and Randall V. Capurro.

On request of Assemblyman Grady, the privilege of the floor of the Assembly Chamber for this day was extended to Larry Reynolds, Lee Reynolds, Linda Gentry, Peggy Bitler, Ken Bitler, Andy Mackenzie, Karen Peterson, George LeMaitre, Pat Fietta, Bryan Masini, Sheila Masini, Ron Hughes, Barbara Hughes, Robert Gentry, Diane Fulstone, David Fulstone, Josh Fulstone and Jeff Fulstone.

On request of Assemblyman Hambrick, the privilege of the floor of the Assembly Chamber for this day was extended to former Assemblymen Bill Bilyeu and William Kissam.

On request of Assemblyman Hogan, the privilege of the floor of the Assembly Chamber for this day was extended to former Assemblywoman Patricia D. Cafferata.

On request of Assemblyman Kihuen, the privilege of the floor of the Assembly Chamber for this day was extended to former Assemblyman Joe Elliot.

On request of Assemblywoman Kirkpatrick, the privilege of the floor of the Assembly Chamber for this day was extended to former Assemblymen Bob Price and Harry B. Swanson.

On request of Assemblywoman Leslie, the privilege of the floor of the Assembly Chamber for this day was extended to former Assemblyman Joe Johnson.

On request of Assemblyman Manendo, the privilege of the floor of the Assembly Chamber for this day was extended to former Assemblymen Brooks S. Holcomb and Harold Jacobsen.

On request of Assemblywoman McClain, the privilege of the floor of the Assembly Chamber for this day was extended to former Assemblywoman RoseMary Womack.

On request of Assemblyman Munford, the privilege of the floor of the Assembly Chamber for this day was extended to Melinda Thompson, Gene Fairchild, former Assemblyman Jerry Fairchild, Dorothy North, and former Assemblyman Gene Collins.

On request of Assemblyman Ocegüera, the privilege of the floor of the Assembly Chamber for this day was extended to former Assemblymen Scott Sibley and David Goldwater.

On request of Assemblywoman Pierce, the privilege of the floor of the Assembly Chamber for this day was extended to former Assemblymen Louis A. Toomin and Valerie E. Weber.

On request of Assemblyman Settlemeyer, the privilege of the floor of the Assembly Chamber for this day was extended to the following students from Gardnerville Elementary School: Jaden Allredge, Allison Ansel, Holly Brown, Wyatte Caccamise, Madison Cole, Owen Elmquist, Bailey Gansberg, Raquel Garcia, Etienne Lekumberry, Tristen Lewellen, Dyllin Lopez, Connor Mone, Sam Nanse, Omar Nava, Jonah O'Connor, Esteban Pinedo, Nikki Rhead, Tory Roach, Nicole Rowe, Makayla Shaver, Brianna Starkey, Alexxaz Torres, Jesus Cervantes Mendoza, Cheyenne Aarons, Breanna Barret-Jimenez, Roger Briggs, Moses Broome, Kendal Cummins, Griffin Frensdorff, Adriana Garcia-Cortes, Jenna Hammond, Wyatt Hausman, Shiann Laugheed, Sean Koerner, Sabrina Lehrke, William Lento, Alexander May, Brooke Miller, Conor Preston, Mario Romero-Gonzalez, Julia Stiltz,

Nancy Valles, Jeff Van Pelt, Derek Wing, Kyle Anderson, Michael Angst-Smith, Madison Bailey, Brittany Barr, Alexander Bond, Anthony DeArcos, Shaelyn Dieter, Matthew Fejer, Jessica Flanagan, Marra Gardner, Nikki Hamada, Kenneth Hargreaves III, Edgar Hernandez, Laura Hernandez, James Hildman, Sarah Lewellen, Stephanie Long, Taylee Pickering, Whitney Sizemore, Robin Smuda, and Arturo Vivas; teachers Roxanne Usher, Dana A. Beres, and Danette Morgan; chaperones Tanya Miles-Orozco, Dianne Hamada, Lou Castellano, Lela Ornbaum, and Ruth Castellano.

On request of Assemblywoman Smith, the privilege of the floor of the Assembly Chamber for this day was extended to former Assemblywoman Joan Lambert.

On request of Assemblywoman Spiegel, the privilege of the floor of the Assembly Chamber for this day was extended to former Assemblyman Robert Craddock.

On request of Assemblyman Stewart, the privilege of the floor of the Assembly Chamber for this day was extended to former Assemblyman Jack Close.

On request of Assemblywoman Woodbury, the privilege of the floor of the Assembly Chamber for this day was extended to former Assemblyman Robert M. Benkovich.

Assemblyman Ocegüera moved that the Assembly adjourn until Thursday, April 2, 2009, at 11 a.m.

Motion carried.

Assembly adjourned at 11:59 a.m.

Approved:

BARBARA E. BUCKLEY
Speaker of the Assembly

Attest: SUSAN FURLONG REIL

Chief Clerk of the Assembly