

THE SEVENTY-FIRST DAY

CARSON CITY (Monday), April 13, 2009

Assembly called to order at 11:15 a.m.

Madam Speaker presiding.

Roll called.

All present except Assemblymen Arberry and Carpenter, who were excused.

Prayer by the Chaplain, Pastor Albert Tilstra.

Our Gracious Lord, we have sought You, but not diligently. We have seen, but not perceived. We have heard, but not understood. We have desired things heavenly, but clung to things on earth. Strengthen the members of this body to do Your will. As they learn to love, seek, perceive, desire, and understand Your will, give them the peace that comes from trusting You. We pray in the only One we can trust.

AMEN.

Presentation of the Colors by Troop 100 of the Boy Scouts of America.

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 were referred Assembly Bills Nos. 274, 313, 378, 381, 410, 490, 509, 511, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Commerce and Labor, to which were referred Assembly Bills Nos. 151, 152, 389, 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 were referred Assembly Bills Nos. 425, 428, 487, 505, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BONNIE PARNELL, *Chair*

Madam Speaker:

Your Committee on Elections, Procedures, Ethics, and Constitutional Amendments, to which was referred Assembly Bill No. 41, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ELLEN M. KOIVISTO, *Chair*

Madam Speaker:

Your Committee on Elections, Procedures, Ethics, and Constitutional Amendments, to which was referred Assembly Joint Resolution No. 6, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

HARRY MORTENSON, *Chair*

Madam Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 42, 61, 129, 168, 257 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 Natural Resources, Agriculture, and Mining, to which was referred Assembly Bill No. 183, 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 Natural Resources, Agriculture, and Mining, to which was referred Assembly Bill No. 246, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended and rerefer to the Committee on Ways and Means.

JERRY D. CLABORN, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Ocegüera moved that Assembly Bills Nos. 41, 42, 61, 129, 151, 152, 168, 183, 246, 257, 274, 313, 378, 381, 389, 410, 425, 487, 490, 509, 511; Assembly Joint Resolution No. 6 just reported out of committee, be placed on the Second Reading File.

Motion carried.

Assemblyman Ocegüera moved that KRNv-TV: Tad Dunbar; RENO GAZETTE-JOURNAL: Ray Hagar be accepted as accredited press representatives, and that they be assigned space at the press table in the Assembly Chamber and that they be allowed the use of appropriate broadcasting facilities.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 41.

Bill read second time.

The following amendment was proposed by the Committee on Elections, Procedures, Ethics, and Constitutional Amendments:

Amendment No. 63.

SUMMARY—Makes various changes to voter registration and voting procedures for certain members of the Armed Forces of the United States and ~~their family~~ **certain** members **of their families**, and certain other voters who reside outside the United States. (BDR 24-324)

AN ACT relating to elections; making various changes concerning voter registration and voting procedures for certain members of the Armed Forces of the United States and their ~~family members~~ **spouses and dependents**,

and certain other voters who reside outside the United States; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~Sections 3, 6 and 9 of this bill authorize the use of a write in ballot by certain members of the Armed Forces of the United States and certain other electors of this State who declare that at the time of an election they will be outside the United States and in an area that is remote from normal lines of communication. (NRS 293.270, 293.317)~~

~~Section 5 of this bill clarifies the authority of the Secretary of State to adopt emergency regulations to facilitate the delivery and receipt of absent ballots to members of the Armed Forces during a natural disaster or man-made conflict.~~ **Section 6 of this bill** authorizes the Secretary of State to adopt regulations concerning standards for the approved electronic transmission of certain applications, forms and ballots. (NRS 293.247)

~~Sections 7 and 14~~ **Section 8** of this bill ~~expand~~ **expands** the acceptable use of the form provided by the Federal Government from a special absent ballot to be used only in general elections and only for federal offices to allow its use in primary and special elections, in addition to general elections, and for state and local offices in addition to federal offices. ~~These sections also provide~~ (NRS **293.3155**)

Section 15 of this bill provides that an elector of this State who resides outside the United States ~~and who wishes to vote only for the federal offices~~ may use the special absent ballot as a simultaneous application for registration and ballot to vote. ~~only for federal offices in a primary, general or special election in this State.~~ (NRS ~~293.3155,~~ 293.501)

~~Sections 7, 8, 10, 11, 14, 15 and 17-21~~ **8, 9, 11, 12, 15, 16, 18 and 20-22** of this bill allow certain members of the Armed Forces, ~~and their family members,~~ **spouses and dependents,** and certain other electors of this State who reside outside the United States: (1) to request forms for registration, absent ballots, special absent ballots and the form provided by the Federal Government for simultaneous registration and request of an absent ballot; and (2) to return voted ballots by approved electronic transmission. (NRS 293.3155, 293.3157, 293.320, 293.323, 293.501, 293.502, 293.553, ~~293.555,~~ 293C.315, 293C.320, 293C.322)

~~Sections 13 and 16~~ **14 and 17** of this bill allow certain citizens of the United States who have never resided in the United States to use the address of a parent who resides in this State for purposes of establishing residency for voter registration. (NRS 293.486, 293.507)

~~Section 15~~ **16** of this bill expands the eligibility for late registration by those who have recently returned to residency in the United States to include: **(1) the spouses and dependents** of members of the Armed Forces stationed outside the United States who have been recently discharged; ~~and to include~~ **(2) persons** recently separated from employment outside of the United States, ~~and the spouses and dependents of such persons.~~ (NRS 293.502)

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

Section 1. Chapter 293 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and ~~3~~ 4 of this act.

Sec. 2. *"Approved electronic transmission" means the sending of information by facsimile machine or by use of the Internet pursuant to the acceptable standards set forth by regulations of the Secretary of State adopted pursuant to NRS 293.247.*

Sec. 3. ~~Notwithstanding any other provisions of this title:~~

~~1. A registered voter of this State who declares that at the time of a primary, general or special election he:~~

~~(a) Will reside outside the continental United States and will be an "absent uniformed services voter" or "overseas voter," as those terms are defined in the Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. §§ 1073ff et seq.; and~~

~~(b) Because of a military assignment or other employment, will be physically located in an area that is remote from normal lines of communication, including, without limitation, mail, telephone, facsimile machines and electronic mail;~~

~~may, before the particular election, request by mail or approved electronic transmission an absent ballot on which names of candidates for federal, state and local offices may be written.~~

~~2. The county clerk or city clerk, as appropriate, who receives a request pursuant to subsection 1 and is satisfied that the voter is entitled to receive such a ballot shall send the ballot by mail or approved electronic transmission to the address indicated on the application.~~

~~3. The ballot must list all the federal, state and local offices that are scheduled to appear on the ballot for that election, based on the known expiration of terms of offices.~~

~~4. With any ballot sent pursuant to this section, the county clerk or city clerk, as appropriate, shall include a listing of all the candidates who will appear on the ballot for the particular election and a list of any questions that have qualified to appear on the ballot to date, along with the number of the question that has been assigned by the Secretary of State. When writing in his vote for an office, the registered voter shall choose from the names included on the list for that office. When writing in his vote for a question, the registered voter shall indicate the number of the question and indicate a "Yes" or "No" vote.~~

~~5. The registered voter may vote by completing the ballot according to the instructions and returning it to the county clerk or city clerk, as appropriate, by:~~

~~(a) Mail, if it can be returned in a timely manner; or~~

~~(b) Approved electronic transmission.~~

~~6. A ballot returned pursuant to this section and received before the close of polls on election day must be counted in the same manner as other absent ballots. A ballot returned pursuant to this section must not be counted if the county clerk or city clerk, as appropriate, receives a regular absent ballot from that voter on or before the date of the primary, general or special election.~~

~~7. The Secretary of State shall adopt regulations governing:~~

~~(a) The declaration required by subsection 1, including, without limitation, whether the completion of a particular form provided by the Federal Government will suffice as that declaration;~~

~~(b) Any other criteria to be applied by the county clerk or city clerk, as appropriate, in determining that a registered voter is entitled to a ballot pursuant to this section; and~~

~~(c) The form for the ballot created by this section.] (Deleted by amendment.)~~

Sec. 4. "Special absent ballot" means the absent ballot provided by the Federal Government pursuant to 42 U.S.C. § 1973ff et seq. to any elector or registered voter of this State who is in the Armed Forces or resides outside the continental United States.

Sec. 5. NRS 293.010 is hereby amended to read as follows:

293.010 As used in this title, unless the context otherwise requires, the words and terms defined in NRS 293.013 to 293.121, inclusive, ~~and section 7~~ sections 2 and 4 of this act have the meanings ascribed to them in those sections.

~~[Sec. 5.]~~ Sec. 6. NRS 293.247 is hereby amended to read as follows:

293.247 1. The Secretary of State shall adopt regulations, not inconsistent with the election laws of this State, for the conduct of primary, general, special and district elections in all cities and counties. Permanent regulations of the Secretary of State that regulate the conduct of a primary, general, special or district election that are effective on or before December 31 of the year immediately preceding a primary, general, special or district election govern the conduct of that election.

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

3. The regulations must prescribe:

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

(i) The amount and placement of guardrails and other furniture and equipment at voting places;

(j) The disposition of election returns;

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

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

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

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

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

(p) *The acceptable standards for the sending and receiving of applications, forms and ballots, by approved electronic transmission, by the county clerks and the electors or registered voters who are authorized to use approved electronic transmission pursuant to the provisions of this title;*

~~(q) *The standard for determining when a natural disaster or man made conflict, the resolution of which requires substantial assistance from the Armed Forces of the United States, constitutes an emergency concerning the delivery and receipt of absent ballots to members of the Armed Forces that necessitates the adoption of emergency regulations pursuant to NRS 233B.0613;*~~

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

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

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

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

(a) Laws and regulations concerning elections in this State;

(b) Interpretations issued by the Secretary of State's Office; and

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

~~Sec. 6.]~~ **Sec. 7.** NRS 293.270 is hereby amended to read as follows:

293.270 1. Voting at any election regulated by this title must be on printed ballots or by any other system approved by the Secretary of State or specifically authorized by law.

2. ~~[Voting]~~ *Except as otherwise provided in NRS 293.3155, ~~and section 3 of this act,~~ voting* must be only upon candidates whose names appear upon the ballot prepared by the election officers, and no person may write in the name of an additional candidate for any office.

~~[Sec. 7.]~~ **Sec. 8.** NRS 293.3155 is hereby amended to read as follows:

293.3155 ~~[[~~ Notwithstanding any other provisions of this title ~~]]~~ :

1. Any registered voter of this State who resides outside the continental United States may use ~~[the form provided by the Federal Government as]~~ a special absent ballot ~~[may be used]~~ for a *primary*, general or *special* election ~~in this State by a person who meets the criteria set forth in subsection 2 or 3.~~

~~2. Any registered voter of this State who resides outside the continental United States may use the form described in subsection 1 if the voter:~~

~~(a) Requests an absent ballot and the request is received by the county clerk not later than 30 days before the *primary*, general or *special* election; and~~

~~(b) Does not receive the absent ballot.]~~

2. The

~~3. Any elector of this State who resides outside the continental United States and who wishes to vote only for the federal offices that will appear on the regular ballot for the election may use the form described in subsection 1 as a simultaneous application for registration and special absent ballot for the federal candidates to be voted upon at the *primary*, general or *special* election. The elector who is voting only for the federal candidates may use the form even if he has not requested the regular absent ballot pursuant to subsection 2. The form must be counted in the same manner as a special absent ballot if the county clerk determines that the elector is entitled to be registered pursuant to the provisions of subsection 4 of NRS 293.501.~~

~~4. Except as otherwise provided in subsection 3, ~~the]~~ special absent ballot ~~[must]~~ may be used ~~[only]~~ for the offices of President and Vice President of the United States, United States Senator and Representative in Congress ~~[-]~~ , and for any state or local offices and ballot questions for which the ~~elector or]~~ registered voter is entitled to cast his ballot. The ballot must allow the registered voter to vote by writing in his choice of a political party for each office or the name of a candidate whose name appears on the ballot for each office.~~

3. ~~[5.]~~ The special absent ballot may be voted by completing the ballot according to the instructions and returning it to the county clerk by:

(a) Mail, if it can be returned in a timely manner; or

(b) Approved electronic transmission.

~~6. Except as otherwise provided in subsection 3, ~~the]~~~~

4. The special absent ballot must not be counted if:

(a) It is submitted from any location within the continental United States;
~~or~~

(b) ~~[[The county clerk receives the request for an absent ballot less than 30 days before the primary, general or special election; or~~

~~(c)]~~ The county clerk receives the **regular** absent ballot *from the voter* on or before the date of the **primary, general or special** election.

5. As used in this section, "regular absent ballot" means the absent ballot prepared by the county clerk pursuant to NRS 293.309.

~~[Sec. 8.]~~ **Sec. 9.** NRS 293.3157 is hereby amended to read as follows:

293.3157 1. Any registered voter of this State who resides outside the continental United States may use ~~[a facsimile machine]~~ **approved electronic transmission** to request an absent ballot. **Such a request must be received by the county clerk not later than 5 p.m. on the seventh day before the primary, general or special election.** The registered voter shall state on the request whether ~~[he]~~ :

(a) **He** requests the county clerk to send the absent ballot by mail or ~~[facsimile machine]~~ **approved electronic transmission;** and ~~[whether he]~~

(b) **He** will return the absent ballot to the county clerk by mail or ~~[facsimile machine.]~~ **approved electronic transmission.**

2. If the registered voter indicates pursuant to subsection 1 that he will submit the absent ballot by mail, he shall include with his completed absent ballot the identification envelope provided by the county clerk. The identification envelope must be in the form prescribed by the Secretary of State and include, without limitation:

(a) A declaration, under penalty of perjury, stating that the registered voter resides within the precinct in which he is voting and is the person whose name appears on the envelope;

(b) The signature of the registered voter;

(c) The address that the registered voter provided on his application for voter registration; and

(d) A statement that the voter has not applied and will not apply to any other county clerk for an absent ballot.

3. If the registered voter indicates pursuant to subsection 1 that he will submit the absent ballot by ~~[facsimile machine.]~~ **approved electronic transmission,** he shall include with his completed absent ballot the following:

OATH OF VOTER

I, _____, acknowledge that by returning my voted ballot by ~~[facsimile transmission.]~~ **approved electronic transmission,** I have waived my right to have my ballot kept secret. Nevertheless, I understand that, as with any absent voter, my signature, whether on this oath of voter form or my identification envelope, will be permanently separated from my voted ballot to maintain its secrecy at the outset of the tabulation process and thereafter.

My residential address is _____.

(Street Address) _____

(City) _____

(ZIP Code) _____

My current mailing address is _____.

My e-mail address is _____.

My facsimile transmission number is *(if applicable)* _____.

I am a resident of _____ County, State of Nevada, and I have not applied, nor do I intend to apply, for an absentee ballot from any other jurisdiction for the same election.

I declare under penalty of perjury under the laws of the State of Nevada that the foregoing is true and correct.

Dated this _____ day of _____, 20____.

(Signed)

Voter (power of attorney cannot be accepted)

YOUR BALLOT CANNOT BE COUNTED UNLESS YOU SIGN THE ABOVE OATH AND INCLUDE IT WITH YOUR BALLOT, ALL OF WHICH ARE RETURNED BY ~~[FACSIMILE TRANSMISSION.]~~ **APPROVED ELECTRONIC TRANSMISSION.**

4. The county clerk, if so requested pursuant to subsection 1, shall use ~~fa~~ ~~facsimile machine]~~ **approved electronic transmission** to send an absent ballot and the oath, as required pursuant to subsection 3, to the registered voter.

5. Each county clerk shall, *insofar as is practicable*, ensure the secrecy of absent ballots that are submitted by ~~[facsimile machine.]~~ **approved electronic transmission.**

6. The Secretary of State shall adopt regulations to carry out the provisions of this section.

~~[Sec. 9.]~~ **Sec. 10.** NRS 293.317 is hereby amended to read as follows:
293.317 Absent ballots, including special absent ballots, ~~[described in NRS 293.3155] [.] [and the absent ballots described in section 3 of this act,]~~ received by the county or city clerk after the polls are closed on the day of election are invalid.

~~[Sec. 10.]~~ **Sec. 11.** NRS 293.320 is hereby amended to read as follows:

293.320 1. The county clerk shall determine before issuing an absent ballot that the person making application is a registered voter in the proper county.

2. Armed Forces personnel **and overseas citizens** who are not registered to vote and are applying for absent ballots must complete:

(a) The application to register to vote required by NRS 293.517 for registration; ~~for~~

(b) The form provided by the Federal Government for registration and request of an absent ballot, *pursuant to the provisions of the Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. §§ 1973ff et seq.* ~~;~~ *or*

(c) A special absent ballot used only for purposes of registering the person to vote.

↪ before receiving an absent ballot.

3. If the county clerk rejects an application submitted pursuant to subsection 2, ~~for submitted by an overseas voter,~~ the county clerk shall inform the applicant of the reason for the rejection.

~~[Sec. 11.]~~ **Sec. 12.** NRS 293.323 is hereby amended to read as follows:

293.323 1. Except as otherwise provided in subsection 2 ~~;~~ **and NRS 293.3157,** if the request for an absent ballot is made by mail or facsimile machine, the county clerk shall, as soon as the official absent ballot for the precinct or district in which the applicant resides has been printed, send to the voter by first-class mail, or by any class of mail if the Official Election Mail logo or an equivalent logo or mark created by the United States Postal Service is properly placed on the official absent ballot: ~~;~~ ~~[unless otherwise requested pursuant to NRS 293.3157,] [if the absent voter is within the boundaries of the United States, its territories or possessions or on a military base, or by air mail] [, unless otherwise requested pursuant to NRS 293.3157,] [if the absent voter is in a foreign country but not on a military base.]~~

(a) An absent ballot;

(b) A return envelope;

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

(d) An identification envelope, if applicable pursuant to NRS 293.3157; and

(e) Instructions.

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

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

4. Nothing may be enclosed or sent with an absent ballot except as required by subsection 1 or 2 and NRS 293.3157.

5. Before depositing a ballot in the mail or sending a ballot by facsimile machine, the county clerk shall record the date the ballot is issued, the name of the registered voter to whom it is issued, his precinct or district, his

political affiliation, if any, the number of the ballot and any remarks he finds appropriate.

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

~~[Sec. 12.]~~ **Sec. 13.** NRS 293.325 is hereby amended to read as follows:

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

2. If an absent ballot central counting board has been appointed, when an absent ballot is returned by a registered voter to the county clerk through the mail, by facsimile machine *or other approved electronic transmission* or in person, the county clerk shall check the signature on the return envelope ~~for~~ , facsimile *or other approved electronic transmission* against the original signature of the voter on the county clerk's register. If the county clerk determines that the absent voter is entitled to cast his ballot, he shall deposit the ballot in the proper ballot box or place the ballot, unopened, in a container that must be securely locked or under the control of the county clerk at all times. At the end of each day before election day, the county clerk may remove the ballots from each ballot box, neatly stack the ballots in a container and seal the container with a numbered seal. Not earlier than 4 working days before the election, the county clerk shall deliver the ballots to the absent ballot central counting board to be processed and prepared for counting pursuant to the procedures established by the Secretary of State to ensure the confidentiality of the prepared ballots until after the polls have closed pursuant to NRS 293.273 or 293.305.

~~[Sec. 13.]~~ **Sec. 14.** NRS 293.486 is hereby amended to read as follows:

293.486 1. Except as otherwise provided in ~~subsection 2,~~ **subsections 2 and 3**, for the purposes of registering to vote, the address at which the voter actually resides is the street address assigned to the location at which the voter actually resides.

2. For the purposes of registering to vote, if the voter does not reside at a location that has been assigned a street address, the address at which the voter actually resides is a description of the location at which the voter actually resides. The description must identify the location with sufficient specificity to allow the county clerk to assign the location to a precinct.

3. *A person who:*

(a) *Is a citizen of the United States;*

(b) *Has never been a resident of any state but is lawfully entitled to reside in the United States;*

(c) *Would otherwise be an elector of this State; and*

(d) *Has a parent who has an actual residence in this State pursuant to subsection 1 or 2,*

↪ may use the street address or description of the location at which his parent resides in this State as his address for the purposes of registering to vote in this State.

4. The provisions of this section do not authorize a person to register to vote if he is not otherwise eligible to register to vote.

~~[Sec. 14.]~~ **Sec. 15.** NRS 293.501 is hereby amended to read as follows:

293.501 Notwithstanding any other provisions of this title:

1. ~~[Any elector of this State who resides outside this State]~~ **Armed Forces personnel and overseas citizens** may use the form provided by the Federal Government *for registration and request of an absent ballot* pursuant to the provisions of the Uniformed and Overseas Citizens Absentee Voting Act , ~~[of 1986,]~~ 42 U.S.C. ~~[§ 1973,]~~ §§ **1973ff et seq.**, to register to vote in this State.

2. ~~[The county clerk shall not register a voter who submits the form from any location within this State.~~

~~3.—If an elector registers to vote pursuant to the provisions of subsection 1, he shall be deemed to be registered as of the date that the form or the envelope containing the form is postmarked.]~~ ***An elector referred to in subsection 1*** ~~[who also meets the registration requirements of the Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. §§ 1973ff et seq.,]~~ **may complete the form and return it by:**

(a) *Mail, if it can be returned in a timely manner; or*

(b) *Approved electronic transmission.*

~~3. [Any elector of this State who resides outside the continental United States and who wishes to vote only for the federal offices that will appear on the regular ballot for an election may use the form provided by the Federal Government as a simultaneous application for registration and special absent ballot pursuant to the provisions of this section and subsection 3 of NRS 293.3155.~~

~~4.—If an elector referred to in subsection 3 completes the information requested in the voter's declaration or affirmation on the special absent ballot provided by the Federal Government or on the transmission envelope for the special absent ballot, the special absent ballot shall be deemed a complete application to register to vote.~~

~~5.—The county clerk shall not register a voter who submits the form from any location within this State.~~

~~6.—If an elector registers to vote pursuant to the provisions of subsection 3, he may complete the form and return it by:~~

~~(a) Mail, if it can be returned in a timely manner; or~~

~~(b) Approved electronic transmission.~~

~~7.~~ If an elector registers to vote pursuant to the provisions of this section and returns the ~~absent ballot or special absent ballot~~ form provided by the Federal Government for registration and request of an absent ballot by:

(a) *Mail, he shall be deemed to be registered as of the date that the form or the envelope containing the form is postmarked.*

(b) *Approved electronic transmission, he shall be deemed to be registered as of the date on which he initiates the approved electronic transmission.*

~~[Sec. 15.]~~ **Sec. 16.** NRS 293.502 is hereby amended to read as follows:

293.502 1. An elector ~~[who:~~

~~(a) Complies] :~~

(a) *Who complies* with the requirements for registration set forth in the Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. ~~[§ 1973;~~

~~(b) Is] §§ 1973ff et seq.;~~

(b) *Who ~~is~~, not more than 60 days before an election:*

(1) *Is discharged from the Armed Forces of the United States or ~~whose family member~~ is the spouse or dependent of an elector who is discharged from the Armed Forces; or ~~who is~~*

(2) *Is separated from employment outside the territorial limits of the United States ~~[not more than 60 days before an election]; or is the spouse or dependent of an elector who is separated from employment outside the territorial limits of the United States;~~*

(c) ~~[Presents] Who presents~~ evidence of ~~[his] the~~ discharge ~~[, the discharge of his family member or his] or separation from employment described in paragraph (b)~~ to the county clerk; and

(d) Is not registered to vote at the close of registration for that election,
 ↪ must be allowed to register to vote in the election.

2. Such an elector must:

(a) Register in person; and

(b) Vote in the office of the county clerk unless he is otherwise entitled to vote an absent ballot pursuant to federal law.

3. The Secretary of State shall adopt regulations to carry out a program of registration for such electors.

~~[Sec. 16.]~~ **Sec. 17.** NRS 293.507 is hereby amended to read as follows:

293.507 1. The Secretary of State shall prescribe:

(a) A standard form for applications to register to vote;

(b) A special form for registration to be used in a county where registrations are performed and records of registration are kept by computer; and

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

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

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

- (a) Unique control number assigned by the Secretary of State; and
- (b) Receipt which:

(1) Includes a space for a person assisting an applicant in completing the form to enter his name; and

(2) May be retained by the applicant upon completion of the form.

4. The form for an application to register to vote must include:

- (a) A line for use by the applicant to enter:

(1) The number indicated on the applicant's current and valid driver's license issued by the Department of Motor Vehicles, if the applicant has such a driver's license;

(2) The last four digits of the applicant's social security number, if the applicant does not have a driver's license issued by the Department of Motor Vehicles and does have a social security number; or

(3) The number issued to the applicant pursuant to subsection 5, if the applicant does not have a current and valid driver's license issued by the Department of Motor Vehicles or a social security number.

(b) A line on which to enter the address at which the applicant *or his parent* actually resides, as set forth in NRS 293.486.

(c) A notice that the applicant may not list a business as the address required pursuant to paragraph (b) unless he actually resides there.

(d) A line on which to enter an address at which the applicant may receive mail, including, without limitation, a post office box or general delivery.

5. If an applicant does not have the identification set forth in subparagraph (1) or (2) of paragraph (a) of subsection 4, the applicant shall sign an affidavit stating that he does not have a current and valid driver's license issued by the Department of Motor Vehicles or a social security number. Upon receipt of the affidavit, the county clerk shall issue an identification number to the applicant which must be the same number as the unique identifier assigned to the applicant for purposes of the statewide voter registration list.

6. The Secretary of State shall adopt regulations to carry out the provisions of subsections 3, 4 and 5.

~~[Sec. 17.]~~ **Sec. 18.** NRS 293.553 is hereby amended to read as follows:

293.553 ~~17.~~ Any elector of this State who is in the service of the United States or attending an institution of learning, and by reason thereof is beyond the boundaries of this State, and who has not registered before or whose registration has been cancelled may, at any time, request from the county clerk of the county of the elector's residence ~~[by mail] [, telephone or telegram] [or telephone]~~ an application to register to vote. The county clerk, if satisfied that the elector is eligible for registration, shall forward the

application immediately. The county clerk shall, upon receipt of the completed application, file it in the manner provided by law.

~~¶ 2. An elector described in subsection 1 who also meets the registration requirements of the Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. §§ 1973ff et seq., may request an application to register to vote by:~~

~~(a) Mail; or~~

~~(b) Approved electronic transmission.]~~

~~[Sec. 18.] Sec. 19. [NRS 293.555 is hereby amended to read as follows:~~

~~293.555 1. If the spouse or a dependent of an elector referred to in NRS 293.553 is an elector of this State but has not been registered, or his registration has been cancelled, and such spouse or dependent of the elector is required, by reason of the elector's being in the service of the United States, to reside beyond the boundaries of this State, such spouse or dependent may register in the manner provided by NRS 293.553.~~

~~2. A spouse or dependent described in subsection 1 who also meets the registration requirements of the Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. §§ 1973ff et seq., may request an application to register to vote by:~~

~~(a) Mail; or~~

~~(b) Approved electronic transmission.] (Deleted by amendment.)~~

~~[Sec. 19.] Sec. 20. NRS 293C.315 is hereby amended to read as follows:~~

~~293C.315 1. Any registered voter of this State who resides outside the continental United States may use ~~fa facsimile machine~~ approved electronic transmission to request an absent ballot. Such a request must be received by the city clerk not later than 5 p.m. on the seventh day before the primary, general or special election. The registered voter shall state on the request whether ~~he~~ :~~

~~(a) He requests the city clerk to send the absent ballot by mail or ~~fa facsimile machine~~ approved electronic transmission; and ~~whether he~~~~

~~(b) He will return the absent ballot to the city clerk by mail or ~~fa facsimile machine~~ approved electronic transmission.~~

~~2. If the registered voter indicates pursuant to subsection 1 that he will submit the absent ballot by mail, he shall include with his completed absent ballot the identification envelope provided by the city clerk. The identification envelope must be in the form prescribed by the Secretary of State and include, without limitation:~~

~~(a) A declaration, under penalty of perjury, stating that the registered voter resides within the precinct or district in which he is voting and is the person whose name appears on the envelope;~~

~~(b) The signature of the registered voter;~~

~~(c) The address that the registered voter provided on his application for voter registration; and~~

(d) A statement that the voter has not applied and will not apply to any other city clerk for an absent ballot.

3. If the registered voter indicates pursuant to subsection 1 that he will submit the absent ballot by ~~{facsimile machine}~~ **approved electronic transmission**, he shall include with his completed absent ballot the following:

OATH OF VOTER

I, _____, acknowledge that by returning my voted ballot by ~~{facsimile transmission}~~ **approved electronic transmission**, I have waived my right to have my ballot kept secret. Nevertheless, I understand that, as with any absent voter, my signature, whether on this oath of voter form or my identification envelope, will be permanently separated from my voted ballot to maintain its secrecy at the outset of the tabulation process and thereafter.

My residential address is _____.

(Street Address) _____

(City) _____

(ZIP Code) _____

My current mailing address is _____.

My e-mail address is _____.

My facsimile transmission number is *(if applicable)* _____.

I am a resident of _____ County, State of Nevada, and I have not applied, nor do I intend to apply, for an absentee ballot from any other jurisdiction for the same election.

I declare under penalty of perjury under the laws of the State of Nevada that the foregoing is true and correct.

Dated this ____ day of _____, 20 ____.

(Signed)

Voter (power of attorney cannot be accepted)

YOUR BALLOT CANNOT BE COUNTED UNLESS YOU SIGN THE ABOVE OATH AND INCLUDE IT WITH YOUR BALLOT, ALL OF WHICH ARE RETURNED BY ~~{FACSIMILE TRANSMISSION}~~ **APPROVED ELECTRONIC TRANSMISSION**.

4. The city clerk, if so requested pursuant to subsection 1, shall use ~~{a facsimile machine}~~ **approved electronic transmission** to send an absent ballot and the oath, as required pursuant to subsection 3, to the registered voter.

5. Each city clerk shall, *insofar as is practicable*, ensure the secrecy of absent ballots that are submitted by ~~{facsimile machine}~~ **approved electronic transmission**.

6. The Secretary of State shall adopt regulations to carry out the provisions of this section.

~~[Sec. 20.]~~ **Sec. 21.** NRS 293C.320 is hereby amended to read as follows:

293C.320 1. The city clerk shall determine before issuing an absent ballot that the person making application is a registered voter in the proper city.

2. Armed Forces personnel and overseas citizens who are not registered to vote and are applying for absent ballots must complete:

(a) The application to register to vote required by NRS 293.517 for registration; ~~for~~

(b) The form provided by the Federal Government for registration and request of an absent ballot, pursuant to the provisions of the Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. §§ 1973ff et seq. ~~f~~; or

(c) A special absent ballot used only for purposes of registering the person to vote.

↪ before receiving an absent ballot.

~~[Sec. 21.]~~ **Sec. 22.** NRS 293C.322 is hereby amended to read as follows:

293C.322 1. Except as otherwise provided in subsection 2 ~~f~~ **and NRS 293C.315**, if the request for an absent ballot is made by mail or facsimile machine, the city clerk shall, as soon as the official absent ballot for the precinct or district in which the applicant resides has been printed, send to the voter by first-class mail, or by any class of mail if the Official Election Mail logo or an equivalent logo or mark created by the United States Postal Service is properly placed on the official absent ballot: ~~f~~ ~~unless otherwise requested pursuant to NRS 293C.315,~~ ~~if the absent voter is within the boundaries of the United States, its territories or possessions or on a military base, or by air mail~~ ~~;~~ ~~unless otherwise requested pursuant to NRS 293C.315,~~ ~~if the absent voter is in a foreign country but not on a military base.~~

(a) An absent ballot;

(b) A return envelope;

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

(d) An identification envelope, if applicable pursuant to NRS 293C.315; and

(e) Instructions.

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

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

4. Nothing may be enclosed or sent with an absent ballot except as required by subsection 1 or 2 and NRS 293C.315.

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

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

~~{Sec. 22.}~~ **Sec. 23.** NRS 293C.325 is hereby amended to read as follows:

293C.325 1. Except as otherwise provided in subsection 2, when an absent ballot is returned by a registered voter to the city clerk through the mail, by facsimile machine *or other approved electronic transmission* or in person, and record thereof is made in the absent ballot record book, the city clerk shall neatly stack, unopened, the absent ballot with any other absent ballot received that day in a container and deliver, or cause to be delivered, that container to the precinct or district election board.

2. If an absent ballot central counting board has been appointed, when an absent ballot is returned by a registered voter to the county clerk through the mail, by facsimile machine *or other approved electronic transmission* or in person, the county clerk shall check the signature on the return envelope, ~~{or}~~ facsimile *or other approved electronic transmission* against the original signature of the voter on the county clerk's register. If the city clerk determines that the absent voter is entitled to cast his ballot, he shall deposit the ballot in the proper ballot box or place the ballot, unopened, in a container that must be securely locked or under the control of the city clerk at all times. At the end of each day before election day, the city clerk may remove the ballots from each ballot box, neatly stack the ballots in a container and seal the container with a numbered seal. Not earlier than 4 working days before the election, the county clerk shall deliver the ballots to the absent ballot central counting board to be processed and prepared for counting pursuant to the procedures established by the Secretary of State to ensure the confidentiality of the prepared ballots until after the polls have closed pursuant to NRS 293C.267 or 293C.297.

~~{Sec. 23.}~~ **Sec. 24.** This act becomes effective on July 1, 2009.

Assemblywoman Koivisto moved the adoption of the amendment.

Remarks by Assemblywoman Koivisto.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 42.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 60.

AN ACT relating to the Office of the Attorney General; authorizing, under certain circumstances, ~~certain officers of the [Medical] Attorney General, acting through the Medicaid~~ Fraud Control Unit, ~~within the Office of the Attorney General~~ to issue a subpoena to obtain certain records and materials; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Medicaid Fraud Control Unit within the Office of the Attorney General as the agency responsible for the investigation and prosecution of violations of offenses with respect to the State Plan for Medicaid. (NRS 228.410) **Section 1** of this bill authorizes ~~certain officers of the Attorney General, acting through~~ the Unit, to issue a subpoena to obtain records and materials to carry out the duties and responsibilities of the Unit. **Section 1** further provides that a person who willfully fails or refuses to comply with such a subpoena is guilty of a misdemeanor.

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

Section 1. NRS 228.410 is hereby amended to read as follows:

228.410 1. The Attorney General has primary jurisdiction to investigate and prosecute violations of NRS 422.540 to 422.570, inclusive, and any fraud in the administration of the Plan or in the provision of medical assistance pursuant to the Plan. The provisions of this section notwithstanding, the Department of Health and Human Services and the Division of Health Care Financing and Policy of the Department of Health and Human Services shall enforce the Plan and any regulations adopted pursuant thereto.

2. For this purpose, the Attorney General shall establish within his office the Medicaid Fraud Control Unit. The Unit must consist of a group of qualified persons, including, without limitation, an attorney, an auditor and an investigator who, to the extent practicable, have expertise in nursing, medicine and the administration of medical facilities.

3. The Attorney General, acting through the Medicaid Fraud Control Unit:

(a) Is the single state agency responsible for the investigation and prosecution of violations of NRS 422.540 to 422.570, inclusive;

(b) Shall review reports of abuse or criminal neglect of patients in medical facilities which receive payments under the Plan and, when appropriate, investigate and prosecute the persons responsible;

(c) May review and investigate reports of misappropriation of money from the personal resources of patients in medical facilities that receive payments under the Plan and, when appropriate, shall prosecute the persons responsible;

(d) Shall cooperate with federal investigators and prosecutors in coordinating state and federal investigations and prosecutions involving fraud

in the provision or administration of medical assistance pursuant to the Plan, and provide those federal officers with any information in his possession regarding such an investigation or prosecution; and

(e) Shall protect the privacy of patients and establish procedures to prevent the misuse of information obtained in carrying out the provisions of this section.

4. When acting pursuant to *this section or* NRS 228.175 , ~~for this section,~~ the Attorney General may commence his investigation and file a criminal action without leave of court, and he has exclusive charge of the conduct of the prosecution.

5. *In carrying out the duties and responsibilities of this section, the ~~chief executive officer of~~ Attorney General, acting through the Medicaid Fraud Control Unit, ~~for an officer designated by the chief executive officer,~~ may issue a subpoena for records and materials.*

6. *A person who willfully fails or refuses to comply with a subpoena issued pursuant to this section is guilty of a misdemeanor.*

7. As used in this section:

(a) "Medical facility" has the meaning ascribed to it in NRS 449.0151.

(b) "Plan" means the State Plan for Medicaid established pursuant to NRS 422.271.

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

Assemblyman Segerblom moved the adoption of the amendment.

Remarks by Assemblyman Segerblom.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 61.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 58.

AN ACT relating to criminal procedure; requiring the Administrator of the Division of Mental Health and Developmental Services of the Department of Health and Human Services or his designee to notify certain victims of crime of the discharge, conditional release or escape of certain persons from the custody of the Administrator; requiring courts to inform certain persons of their right to such notification; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill requires the Administrator of the Division of Mental Health and Developmental Services of the Department of Health and Human Services or his designee to notify certain victims of criminal acts of the discharge, conditional release or escape from the custody of the Administrator of certain persons committed to the custody of the Administrator, such as a person who was acquitted by reason of insanity or a person who was found incompetent with no substantial probability of

attaining competency in the foreseeable future. **This section also requires the Administrator to provide the victim notice of such a discharge or release within a certain period of time.** (NRS 175.539, 178.425) **Section 1** is patterned after a provision of existing law that similarly requires the Director of the Department of Corrections to notify a victim of an offender of the release into the community or escape of the offender from the custody of the Department. (NRS 209.521)

Section 3 of this bill requires a court to provide documentation to certain victims of a person committed to the custody of the Administrator and to certain other persons of their right to be notified of the information set forth in **section 1** of this bill. (NRS 178.5698)

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

Section 1. Chapter 178 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If a person is committed to the custody of the Administrator and is subject to the provisions of NRS 178.463 to 178.471, inclusive, a victim of the person may request the Administrator or his designee to notify the victim of the person's discharge, conditional release or escape from the custody of the Administrator by submitting to the Administrator:

- (a) A written request for notification; and*
- (b) The current address of the victim.*

2. If the Administrator or his designee receives a request for notification pursuant to subsection 1, the Administrator or his designee shall notify the victim if the person committed to the custody of the Administrator:

(a) Will be discharged or conditionally released pursuant to NRS 178.463 to 178.471, inclusive ~~and~~, at least 10 days before the discharge or release; or

(b) Has escaped from the custody of the Administrator.

3. A person described in subsection 1 must not be discharged or released from commitment, temporarily or otherwise, for any purpose unless notification of the discharge or release has been ~~given to~~ mailed to the last known address of every victim of the person who has requested notification pursuant to subsection 1.

4. The Administrator or his designee may not be held responsible for any injury proximately caused by his failure to give any notice required pursuant to this section if no address was provided to the Administrator or his designee or if the address provided is inaccurate or not current.

5. All personal information, including, but not limited to, a current or former address, which pertains to a victim and which is received by the Administrator or his designee pursuant to this section is confidential.

6. As used in this section, "victim" means:

(a) *A person, including, without limitation, a governmental entity, against whom an act has been committed for which the person committed to the custody of the Administrator has been charged;*

(b) *A person who has been injured or killed as a direct result of the commission of an act for which the person committed to the custody of the Administrator has been charged; or*

(c) *A relative of a person described in paragraph (a) or (b). For the purposes of this paragraph, a “relative” of a person includes:*

(1) *A spouse, parent, grandparent or stepparent;*

(2) *A natural born child, stepchild or adopted child;*

(3) *A grandchild, brother, sister, half brother or half sister; or*

(4) *A parent of a spouse.*

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

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

Sec. 3. NRS 178.5698 is hereby amended to read as follows:

178.5698 1. The prosecuting attorney, sheriff or chief of police shall, upon the request of a victim or witness, inform him:

(a) When the defendant is released from custody at any time before or during the trial, including, without limitation, when the defendant is released pending trial or subject to electronic supervision;

(b) If the defendant is so released, the amount of bail required, if any; and

(c) Of the final disposition of the criminal case in which he was directly involved.

2. A request for information pursuant to subsection 1 must be made:

(a) In writing; or

(b) By telephone through an automated or computerized system of notification, if such a system is available.

3. If an offender is convicted of a sexual offense or an offense involving the use or threatened use of force or violence against the victim, the court shall provide:

(a) To each witness, documentation that includes:

(1) A form advising the witness of the right to be notified pursuant to subsection 5;

(2) The form that the witness must use to request notification in writing; and

(3) The form or procedure that the witness must use to provide a change of address after a request for notification has been submitted.

(b) To each person listed in subsection 4, documentation that includes:

(1) A form advising the person of the right to be notified pursuant to subsection 5 or 6 and NRS 176.015, 176A.630, 209.392, 209.3925, 209.521, 213.010, 213.040, 213.095 and 213.130 ~~and~~ ***and section 1 of this act***;

(2) The forms that the person must use to request notification; and

(3) The forms or procedures that the person must use to provide a change of address after a request for notification has been submitted.

4. The following persons are entitled to receive documentation pursuant to paragraph (b) of subsection 3:

(a) A person against whom the offense is committed.

(b) A person who is injured as a direct result of the commission of the offense.

(c) If a person listed in paragraph (a) or (b) is under the age of 18 years, each parent or guardian who is not the offender.

(d) Each surviving spouse, parent and child of a person who is killed as a direct result of the commission of the offense.

(e) A relative of a person listed in paragraphs (a) to (d), inclusive, if the relative requests in writing to be provided with the documentation.

5. Except as otherwise provided in subsection 6, if the offense was a felony and the offender is imprisoned, the warden of the prison shall, if the victim or witness so requests in writing and provides his current address, notify him at that address when the offender is released from the prison.

6. If the offender was convicted of a violation of subsection 3 of NRS 200.366 or a violation of subsection 1, paragraph (a) of subsection 2 or subparagraph (2) of paragraph (b) of subsection 2 of NRS 200.508, the warden of the prison shall notify:

(a) The immediate family of the victim if the immediate family provides their current address;

(b) Any member of the victim's family related within the third degree of consanguinity, if the member of the victim's family so requests in writing and provides his current address; and

(c) The victim, if he will be 18 years of age or older at the time of the release and has provided his current address,

↪ before the offender is released from prison.

7. The warden must not be held responsible for any injury proximately caused by his failure to give any notice required pursuant to this section if no address was provided to him or if the address provided is inaccurate or not current.

8. As used in this section:

(a) "Immediate family" means any adult relative of the victim living in the victim's household.

(b) "Sexual offense" means:

(1) Sexual assault pursuant to NRS 200.366;

(2) Statutory sexual seduction pursuant to NRS 200.368;

(3) Battery with intent to commit sexual assault pursuant to NRS 200.400;

(4) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive;

(5) Incest pursuant to NRS 201.180;

(6) Solicitation of a minor to engage in acts constituting the infamous crime against nature pursuant to NRS 201.195;

(7) Open or gross lewdness pursuant to NRS 201.210;

(8) Indecent or obscene exposure pursuant to NRS 201.220;

(9) Lewdness with a child pursuant to NRS 201.230;

(10) Sexual penetration of a dead human body pursuant to NRS 201.450;

(11) Luring a child or a person with mental illness pursuant to NRS 201.560, if punished as a felony;

(12) An offense that, pursuant to a specific statute, is determined to be sexually motivated; or

(13) An attempt to commit an offense listed in this paragraph.

Sec. 4. This act becomes effective upon passage and approval.

Assemblyman Segerblom moved the adoption of the amendment.

Remarks by Assemblyman Segerblom.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

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

Assembly in recess at 11:28 a.m.

ASSEMBLY IN SESSION

At 11:31 a.m.

Madam Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Ocegüera moved that Assembly Bills Nos. 129, 151, 152, 257, and 389 be taken from their position on the Second Reading File and placed at the bottom of the Second Reading File.

Motion carried.

Assembly Bill No. 168.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 118.

SUMMARY—Revises sentencing provisions relating to certain convicted persons who provide substantial assistance in the investigation or prosecution of other ~~persons involved in trafficking in controlled substances.~~ **offenses.** (BDR 40-653)

AN ACT relating to controlled substances; revising sentencing provisions relating to certain convicted persons who provide substantial assistance in the investigation or prosecution of other ~~persons involved in trafficking in~~

~~controlled substances;]~~ **offenses;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill provides that a court may reduce or suspend the sentence of a person convicted of trafficking in a controlled substance if the court finds that the person rendered substantial assistance in the investigation or prosecution of ~~[another person involved in trafficking of a controlled substance.]~~ **any offense.** (NRS 453.3405) Additionally, this bill, which is modeled after the provisions contained in the Federal Sentencing Guidelines, provides that any reduction or suspension of a sentence must be for specified reasons stated by the court. (18 U.S.C.S. Appx § 5K1.1)

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

Section 1. NRS 453.3405 is hereby amended to read as follows:

453.3405 1. Except as *otherwise* provided in subsection 2, the adjudication of guilt and imposition of sentence of a person found guilty of trafficking in a controlled substance in violation of NRS 453.3385, 453.339 or 453.3395 must not be suspended and the person is not eligible for parole until he has actually served the mandatory minimum term of imprisonment prescribed by the section under which he was convicted.

2. The ~~[judge.]~~ **court**, upon an appropriate motion, may reduce or suspend the sentence of any person convicted of violating any of the provisions of NRS 453.3385, 453.339 or 453.3395 if ~~[he]~~ **the court** finds that the convicted person rendered substantial assistance in the ~~[identification, arrest or conviction of any of his accomplices, accessories, coconspirators or principals or]~~ **investigation or prosecution** of any ~~[other person involved in trafficking in a controlled substance in violation of NRS 453.3385, 453.339 or 453.3395.]~~ **offense.** The arresting agency must be given an opportunity to be heard before the motion is granted. Upon good cause shown, the motion may be heard in camera.

3. *Any appropriate reduction or suspension of a sentence pursuant to subsection 2 must be determined by the court, for reasons stated by the court that may include, without limitation, consideration of the following:*

(a) *The court's evaluation of the significance and usefulness of the convicted person's assistance, taking into consideration the ~~[government's]~~ prosecuting attorney's evaluation of the assistance rendered;*

(b) *The truthfulness, completeness and reliability of any information or testimony provided by the convicted person;*

(c) *The nature and extent of the convicted person's assistance;*

(d) *Any injury suffered or any danger or risk of injury to the convicted person or his family resulting from his assistance; and*

(e) *The timeliness of the convicted person's assistance.*

Sec. 2. The amendatory provisions of this act apply to any convicted person who is sentenced on or after ~~October 1, 2009~~ the effective date of this act.

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

Assemblyman Segerblom moved the adoption of the amendment.

Remarks by Assemblyman Segerblom.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 183.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 270.

SUMMARY—Authorizes the Board of Wildlife Commissioners to establish an additional kind of drawing for the existing allotment of big game tags and wild turkey tags. (BDR 45-76)

AN ACT relating to wildlife; authorizing the Board of Wildlife Commissioners to establish an additional kind of drawing for the existing allotment of big game tags ~~and~~ wild turkey tags; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Board of Wildlife Commissioners to ~~adopt regulations establishing an additional drawing for~~ accept sealed bids for or auction not more than 15 big game tags ~~which may be entitled the Partnership in Wildlife Drawing~~ and not more than 5 wild turkey tags each year. (NRS 502.250) ~~This~~ Section 2 of this bill authorizes the Commission to ~~establish another drawing for big game tags, which may be entitled the~~ award all or a portion of those tags through a Silver State Tag Drawing. ~~This bill~~ Section 2 provides that the amount of the ~~application~~ fee for ~~any big game tag issued in the~~ processing an application for a Silver State Tag ~~Drawing~~ must not be less than \$15 or more than \$50, as determined by regulations adopted by the Commission. ~~This bill~~ Section 2 also provides that any money received from the application fee for the drawing, except for a certain amount of money for the costs of administering the drawing and the return of fees, must be deposited into the Wildlife Heritage Trust Account.

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

Section 1. NRS 501.3575 is hereby amended to read as follows:

501.3575 1. The Wildlife Heritage Trust Account is hereby created in the State General Fund. The money in the Account must be used by the Department as provided in this section for:

(a) The protection, propagation, restoration, transplantation, introduction and management of any game fish, game mammal, game bird or fur-bearing mammal in this State; and

(b) The management and control of predatory wildlife in this State.

2. Except as otherwise provided in NRS 502.250, money received by the Department from:

(a) A bid, auction Silver State Tag Drawing or partnership in wildlife drawing conducted pursuant to NRS 502.250; and

(b) A gift of money made by any person to the Wildlife Heritage Trust Account,

↪ must be deposited with the State Treasurer for credit to the Account.

3. The interest and income earned on the money in the Wildlife Heritage Trust Account, after deducting any applicable charges, must be credited to the Account.

4. The Department may annually expend from the Wildlife Heritage Trust Account an amount of money not greater than 75 percent of the money deposited in the Account pursuant to subsection 2 during the previous year and the total amount of interest earned on the money in the Account during the previous year. The Commission shall review and approve expenditures from the Account. No money may be expended from the Account without the prior approval of the Commission.

5. The Commission shall administer the provisions of this section and may adopt any regulations necessary for that purpose.

~~Section 1.~~ **Sec. 2.** NRS 502.250 is hereby amended to read as follows:

502.250 1. The amount of the fee that must be charged for the following tags is:

Resident deer tag.....	\$30
Resident antelope tag.....	60
Resident elk tag.....	120
Resident bighorn sheep tag.....	120
Resident mountain goat tag.....	120
Resident mountain lion tag.....	25
Nonresident deer tag.....	240
Nonresident antelope tag.....	300
Nonresident antlered elk tag.....	1,200
Nonresident antlerless elk tag.....	500
Nonresident bighorn sheep tag.....	1,200
Nonresident mountain goat tag.....	1,200
Nonresident mountain lion tag.....	100

2. The amount of the fee for other resident or nonresident big game tags must not exceed the highest fee for a resident or nonresident big game tag established pursuant to this section.

3. The amount of the fee for a tag determined to be necessary by the Commission for other species pursuant to NRS 502.130 must not exceed the

highest fee for a resident or nonresident tag established pursuant to this section.

4. A fee not to exceed \$10 may be charged for processing an application for a game species or permit other than an application for an elk. A fee of not less than \$5 but not more than \$15 must be charged for processing an application for an elk, \$5 of which must be deposited with the State Treasurer for credit to the Wildlife Obligated Reserve Account in the State General Fund and used for the prevention and mitigation of damage caused by elk or game mammals not native to this State. ***A fee of not less than \$15 and not more than \$50 must be charged for processing an application for a Silver State Tag.***

5. The Commission may accept sealed bids for ~~, or [may] # award through [a Silver State Tag Drawing or] an~~ auction ~~# or a Silver State Tag Drawing, or any combination thereof,~~ not more than 15 big game tags and not more than 5 wild turkey tags each year. To reimburse the Department for the cost of managing wildlife and administering and conducting the bid , ~~[Silver State Tag Drawing or] auction # or Silver State Tag Drawing,~~ not more than 18 percent of the total amount of money received from the bid , ~~[Silver State Tag Drawing or] auction or Silver State Tag Drawing~~ may be deposited with the State Treasurer for credit to the Wildlife Account in the State General Fund. Any amount of money received from the bid , ~~[Silver State Tag Drawing or] auction or Silver State Tag Drawing~~ that is not so deposited must be deposited with the State Treasurer for credit to the Wildlife Heritage Trust Account in the State General Fund in accordance with the provisions of NRS 501.3575.

6. The Commission may by regulation establish an additional drawing for big game tags, which may be entitled the Partnership in Wildlife Drawing. To reimburse the Department for the cost of managing wildlife and administering and conducting the drawing, not more than 18 percent of the total amount of money received from the drawing may be deposited with the State Treasurer for credit to the Wildlife Account in the State General Fund. Except as otherwise provided by regulations adopted by the Commission pursuant to subsection 7, the money received by the Department from applicants in the drawing who are not awarded big game tags must be deposited with the State Treasurer for credit to the Wildlife Heritage Trust Account in accordance with the provisions of NRS 501.3575.

7. The Commission may adopt regulations which authorize the return of all or a portion of any fee collected from a person pursuant to the provisions of this section.

~~[Sec. 2.]~~ **Sec. 3.** This act becomes effective on July 1, 2009.

Assemblyman Claborn moved the adoption of the amendment.

Remarks by Assemblyman Claborn.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 246.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 274.

AN ACT relating to wildlife; providing for the issuance of an apprentice hunting license; prohibiting an apprentice hunter from hunting in this State unless he is accompanied and directly supervised by a mentor hunter; providing an exception from requirements concerning the completion of a course in the responsibilities of hunters; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Department of Wildlife to issue licenses to hunt and fish in Nevada. (Chapter 502 of NRS) **Section 1** of this bill provides for the issuance ~~[without a fee,]~~ of an apprentice hunting license to a person who: (1) is 12 years of age or older; (2) has not previously been issued a hunting license in this State, another state or a Canadian province; and (3) except for the requirement of completing a course of instruction in the responsibilities of hunters, is otherwise qualified to obtain a hunting license. **Section 1 prohibits the Department from imposing a fee for the issuance of an apprentice hunting license but requires the applicant or mentor hunter to pay any service fees required by a license agent pursuant to NRS 502.040, the habitat conservation fee required by NRS 502.242 and any transaction fee if he conducts an online transaction with the Department.** **Section 1** also provides that it is unlawful for an apprentice hunter to hunt in this State unless he is accompanied and directly supervised by a mentor hunter who is 18 years of age or older and licensed to hunt in this State. A violation of this provision is a misdemeanor. (NRS 501.385) In addition, **section 1** provides that the mentor hunter must **;(1) ensure that the apprentice hunter safely handles and operates his firearm or weapon and complies with all applicable laws and regulations regarding hunting and the use of firearms; and (2) maintain close visual and verbal contact with, provide adequate direction to and maintain the ability readily to assume control of any firearm or weapon from the apprentice hunter.**

Existing law requires a person to complete a course of instruction in the responsibilities of hunters before obtaining a hunting license in this State. (NRS 502.330) **Section ~~2~~ 3** of this bill provides an exception from this requirement for a person who applies for an apprentice hunting license.

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

Section 1. Chapter 502 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Department shall issue an apprentice hunting license to a person who:

- (a) *Is 12 years of age or older;*
- (b) *Has not previously been issued a hunting license by the Department, another state or an agency of a Canadian province, including, without limitation, an apprentice hunting license; and*
- (c) *Except as otherwise provided in subsection 5, is otherwise qualified to obtain a hunting license in this State.*

2. ~~The~~ Except as otherwise provided in this subsection, the Department shall not impose a fee for the issuance of an apprentice hunting license. For each apprentice hunting license issued, the applicant or the mentor hunter for the applicant shall pay:

(a) Any service fee required by a license agent pursuant to NRS 502.040;

(b) The habitat conservation fee required by NRS 502.242; and

(c) Any transaction fee that is set forth in a contract of this State with a third-party electronic services provider for each online transaction that is conducted with the Department.

3. *An apprentice hunting license authorizes the apprentice hunter to hunt in this State as provided in this section.*

4. *It is unlawful for an apprentice hunter to hunt in this State unless a mentor hunter accompanies and directly supervises the apprentice hunter at all times during a hunt. During the hunt, the mentor hunter shall ensure that:*

(a) The apprentice hunter safely handles and operates the firearm or weapon used by the apprentice hunter; and

(b) The apprentice hunter complies with all applicable laws and regulations concerning hunting and the use of firearms.

5. *A person is not required to complete a course of instruction in the responsibilities of hunters as provided in NRS 502.340 to obtain an apprentice hunting license.*

6. *The issuance of an apprentice hunting license does not:*

- (a) *Authorize the apprentice hunter to obtain any other hunting license;*
- (b) *Authorize the apprentice hunter to hunt any animal for which a tag is required pursuant to NRS 502.130; or*
- (c) *Exempt the apprentice hunter from any requirement of this title.*

7. *The Commission may adopt regulations to carry out the provisions of this section.*

8. *As used in this section:*

(a) *"Accompanies and directly supervises" means maintains close visual and verbal contact with, provides adequate direction to and maintains the ability readily to assume control of any firearm or weapon from an apprentice hunter.*

(b) *"Apprentice hunter" means a person who obtains an apprentice hunting license pursuant to this section.*

(c) *"Mentor hunter" means a person 18 years of age or older who holds a hunting license issued in this State and who accompanies and directly*

supervises an apprentice hunter. The term does not include a person who holds an apprentice hunting license pursuant to this section.

Sec. 2. NRS 502.010 is hereby amended to read as follows:

502.010 1. A person who hunts or fishes any wildlife without having first procured a license or permit to do so, as provided in this title, is guilty of a misdemeanor, except that:

(a) A license to hunt or fish is not required of a resident of this State who is under 12 years of age, unless required for the issuance of tags as prescribed in this title or by the regulations of the Commission.

(b) A license to fish is not required of a nonresident of this State who is under 12 years of age, but the number of fish taken by the nonresident must not exceed 50 percent of the daily creel and possession limits as provided by law.

(c) Except as otherwise provided in section 1 of this act and subsection 5 or 6 of NRS 202.300, it is unlawful for any child who is under 18 years of age to hunt any wildlife with any firearm, unless the child is accompanied at all times by his parent or guardian or is accompanied at all times by an adult person authorized by his parent or guardian to have control or custody of the child to hunt if the authorized person is also licensed to hunt.

(d) A child under 12 years of age, whether accompanied by a qualified person or not, shall not hunt big game in the State of Nevada. This section does not prohibit any child from accompanying an adult licensed to hunt.

(e) The Commission may adopt regulations setting forth:

(1) The species of wildlife which may be hunted or trapped without a license or permit; or

(2) The circumstances under which a person may fish without a license, permit or stamp in a lake or pond that is located entirely on private property and is stocked with lawfully acquired fish.

(f) The Commission may declare one day per year as a day upon which persons may fish without a license to do so.

2. This section does not apply to the protection of persons or property from unprotected wildlife on or in the immediate vicinity of home or ranch premises.

Sec. 3. NRS 502.040 is hereby amended to read as follows:

502.040 1. The Commission shall adopt regulations establishing:

(a) The procedures for applying to become a license agent.

(b) The standards to be met by license agents in the performance of their duties.

(c) The requirements for the furnishing of surety bonds by license agents.

(d) The manner of remitting money to the Department.

(e) The manner of accounting for licenses, tags, stamps, permits and other documents received, issued, sold or returned.

↪ A license agent's authority may be revoked by the Department for his failure to abide by the regulations of the Commission. The agent may appeal to the Commission for reinstatement.

2. An application to become a license agent must be accompanied by a fee of \$100 for processing the application.

3. A license agent designated by the Department is responsible for the correct issuance of all licenses, tags, stamps, permits and other documents entrusted to him and, so far as he is able, for ensuring that no licenses are issued upon the false statement of an applicant. Before issuing any license, the license agent shall satisfy himself of the identity of the applicant and the place of his residence, and may require any applicant to present proof of his identity and residence.

4. A license agent is responsible to the Department for the collection of the correct and required fee, for the safeguarding of the money collected by him and for the prompt remission to the Department for deposit in accordance with NRS 501.356 of all money collected. The Department shall furnish to the license agent receipts for all money which he remits to it. A license agent shall furnish a receipt to the Department of all licenses, tags, stamps, permits and other documents which he receives from it.

5. For each license, tag, stamp, permit or other document he sells, and each apprentice hunting license he issues pursuant to section 1 of this act, a license agent is entitled to receive a service fee of:

- (a) One dollar for each license, tag, permit or other document, in addition to the fee for the license, tag, permit or other document; and
- (b) Ten cents for each stamp.

6. Any person authorized to enforce this chapter may inspect, during the license agent's normal business hours, any record or document of the agent relating to the issuance of any such license, stamp, tag, permit or other document.

7. All money collected by a license agent, except service fees collected pursuant to subsection 5, is public money of the State of Nevada, and the State has a prior claim for the amount of money due it upon all assets of the agent over all creditors, assignees or other claimants. The use of this money for private or business transactions is a misuse of public money and punishable under the laws provided.

~~Sec. 2.~~ **Sec. 4.** NRS 502.330 is hereby amended to read as follows:

502.330 1. ~~No~~ **Except as otherwise provided in section 1 of this act**, **no** hunting license may be obtained by any person born after January 1, 1960, unless he presents to the Department, or one of its authorized licensing agents:

(a) A certificate of successful completion of a course of instruction in the responsibilities of hunters as provided by NRS 502.340;

(b) An equivalent certificate of completion of a course in the responsibilities of hunters provided by ~~an~~ :

(1) **Another** state ~~or an~~ ;

(2) **An** agency of a Canadian province for the management of wildlife;

or

(3) An agency of a foreign country whose course of instruction meets or exceeds the standards established by the International Hunter Education Association, or its successor organization; or

(c) A hunting license issued to him in a previous year by the Department, ~~or~~ *another* state or an agency of a Canadian province, which bears a number or other unique mark evidencing successful completion of a course of instruction in the responsibilities of hunters.

2. Any person who has been convicted of violating NRS 503.165 or 503.175 may not obtain a hunting license until he has successfully completed a course in the responsibilities of hunters conducted pursuant to NRS 502.340.

Assemblyman Claborn moved the adoption of the amendment.

Remarks by Assemblyman Claborn.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Ocegüera moved that upon return from the printer, Assembly Bill No. 183 be rereferred to the Committee on Ways and Means.

Motion carried.

Assemblyman Ocegüera moved that upon return from the printer, Assembly Bill No. 246 be rereferred to the Committee on Ways and Means.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 274.

Bill read second time and ordered to third reading.

Assembly Bill No. 313.

Bill read second time and ordered to third reading.

Assembly Bill No. 378.

Bill read second time and ordered to third reading.

Assembly Bill No. 381.

Bill read second time and ordered to third reading.

Assembly Bill No. 410.

Bill read second time and ordered to third reading.

Assembly Bill No. 425.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 224.

AN ACT relating to education; authorizing the Superintendent of Public Instruction to issue an additional license to teach elementary education, middle school or junior high school education or secondary education to

certain licensed teachers; revising provisions governing the reciprocal licensure of teachers and other educational personnel; requiring the Commission on Professional Standards in Education to conduct a review of the regulations of the Commission governing the licensure and endorsement of special education teachers; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Superintendent of Public Instruction to issue a license to teach elementary education, middle school or junior high school education or secondary education to an applicant pursuant to regulations adopted by the Commission on Professional Standards in Education. (NRS 391.031, 391.033) Existing regulations of the Commission require a teacher licensed in this State to apply for and meet the requirements for an initial license to teach elementary education, middle school or junior high school education or secondary education, including participation in a program of student teaching or supervised teaching in the designated grade level, if he is applying for a license outside the grade level he is licensed to teach. (NAC 391.025, 391.095, 391.111, 391.120) **Section 1** of this bill authorizes the Superintendent to issue to a licensed teacher an additional license to teach elementary education, middle school or junior high school education or secondary education, other than for the teaching pupils with disabilities, which is outside his grade level of experience if he ~~has 3 years of verified teaching experience in this State in the subject area he is qualified to teach.~~ **meets the course work requirements and qualifications for the license.** A licensed teacher must not be required to participate in a program of student teaching or supervised teaching as a condition for the issuance of the additional license. ~~if he has 3 years of verified teaching experience.~~

Existing law authorizes the Commission to adopt regulations that exempt an applicant from the examinations required for initial licensure of teachers and other educational personnel if the applicant has previous teaching experience or has performed other educational functions in another state. (NRS 391.021, 391.032) **Sections 4 and 5** of this bill remove the requirement that an applicant have previous experience and authorizes the exemption if the Commission determines that the examinations required for initial licensure in the other state are comparable to the examinations required for initial licensure in this State.

Section 6 of this bill requires the Commission to conduct a review of the regulations of the Commission governing the licensure and endorsement of special education teachers to improve and enhance the reciprocal licensure in this State of special education teachers from other states.

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

Section 1. Chapter 391 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A person licensed to teach elementary education, middle school or junior high school education or secondary education in this State may apply for and the Superintendent of Public Instruction may issue to that person an additional license to teach elementary education, middle school or junior high school education or secondary education, other than for the teaching pupils with disabilities, which is outside his grade level of experience if he ~~has 3 years of verified teaching experience in this State in the academic subject he teaches and:~~

~~(a) if he holds a license to teach elementary education, holds an endorsement in that academic subject; or~~

~~(b) if he holds a license to teach middle school or junior high school education or secondary education, is highly qualified in that academic subject.] meets the course work requirements and qualifications for the license.~~

2. A licensed teacher who applies for an additional license pursuant to this section must not be required to participate in a program of student teaching as a condition for the issuance of the additional license ~~f=~~

~~3. As used in this section, "highly qualified" has the meaning ascribed to it in 20 U.S.C. § 7801(23).] if he has 3 years of verified teaching experience.~~

Sec. 2. NRS 391.019 is hereby amended to read as follows:

391.019 1. Except as otherwise provided in NRS 391.027, the Commission:

(a) Shall adopt regulations:

(1) Prescribing the qualifications for licensing teachers and other educational personnel, including, without limitation, the qualifications for a license to teach middle school or junior high school education, and the procedures for the issuance and renewal of those licenses. ***The regulations must not prescribe qualifications which are more stringent than the qualifications set forth in section 1 of this act for a licensed teacher who applies for an additional license in accordance with that section.***

(2) Identifying fields of specialization in teaching which require the specialized training of teachers.

(3) Except as otherwise provided in NRS 391.125, requiring teachers to obtain from the Department an endorsement in a field of specialization to be eligible to teach in that field of specialization.

(4) Setting forth the educational requirements a teacher must satisfy to qualify for an endorsement in each field of specialization.

(5) Setting forth the qualifications and requirements for obtaining a license or endorsement to teach American Sign Language, including, without limitation, being registered with the Office of Disability Services of the Department of Health and Human Services pursuant to NRS 656A.100 to engage in the practice of interpreting in an educational setting.

(6) Requiring teachers and other educational personnel to be registered with the Office of Disability Services pursuant to NRS 656A.100 to engage in the practice of interpreting in an educational setting if they:

(I) Provide instruction or other educational services; and

(II) Concurrently engage in the practice of interpreting, as defined in NRS 656A.060.

(7) Providing for the issuance and renewal of a special qualifications license to an applicant who holds a master's degree or a doctoral degree from an accredited degree-granting postsecondary educational institution in a field for which the applicant will provide instruction in a classroom and who has:

(I) At least 2 years of experience teaching at an accredited degree-granting postsecondary educational institution in a field for which the applicant will provide instruction in a classroom and at least 3 years of experience working in that field; or

(II) At least 5 years of experience working in a field for which the applicant will provide instruction in a classroom.

(8) Requiring an applicant for a special qualifications license to:

(I) Pass each examination required by NRS 391.021 for the specific subject or subjects in which the applicant will provide instruction; or

(II) Hold a valid license issued by a professional licensing board of any state that is directly related to the subject area of the master's degree or doctoral degree held by the applicant.

(9) Setting forth the subject areas that may be taught by a person who holds a special qualifications license, based upon the subject area of the master's degree or doctoral degree held by that person.

(10) Providing for the issuance and renewal of a special qualifications license to an applicant who:

(I) Holds a graduate degree from an accredited college or university in the field for which he will be providing instruction;

(II) Is not licensed to teach public school in another state;

(III) Has at least 5 years of experience teaching with satisfactory evaluations at a school that is accredited by a national or regional accrediting agency recognized by the United States Department of Education; and

(IV) Submits proof of participation in a program of student teaching or mentoring or agrees to participate in a program of mentoring for the first year of his employment as a teacher with a school district or charter school.

↪ An applicant for licensure pursuant to this subparagraph is exempt from each examination required by NRS 391.021 if the applicant successfully passed the examination in another state.

(11) If the Commission approves the Passport to Teaching certification from the American Board for Certification of Teacher Excellence as an alternative route to licensure, providing for the issuance and renewal of a special qualifications license to an applicant who:

(I) Holds a Passport to Teaching certification from the American Board for Certification of Teacher Excellence;

(II) Passes each examination required by NRS 391.021 for the specific subject or subjects in which the applicant will provide instruction; and

(III) Agrees to participate in a program of mentoring prescribed by the Commission for the first year of his employment as a teacher with a school district or charter school.

(b) May adopt such other regulations as it deems necessary for its own government or to carry out its duties.

2. Any regulation which increases the amount of education, training or experience required for licensing:

(a) Must, in addition to the requirements for publication in chapter 233B of NRS, be publicized before its adoption in a manner reasonably calculated to inform those persons affected by the change.

(b) Must not become effective until at least 1 year after the date it is adopted by the Commission.

(c) Is not applicable to a license in effect on the date the regulation becomes effective.

3. A person who is licensed pursuant to subparagraph (7), (10) or (11) of paragraph (a) of subsection 1:

(a) Shall comply with all applicable statutes and regulations.

(b) Except as otherwise provided by specific statute, is entitled to all benefits, rights and privileges conferred by statutes and regulations on licensed teachers.

(c) Except as otherwise provided by specific statute, if he is employed as a teacher by the board of trustees of a school district or the governing body of a charter school, is entitled to all benefits, rights and privileges conferred by statutes and regulations on the licensed employees of a school district or charter school, as applicable.

Sec. 3. NRS 391.019 is hereby amended to read as follows:

391.019 1. Except as otherwise provided in NRS 391.027, the Commission:

(a) Shall adopt regulations:

(1) Prescribing the qualifications for licensing teachers and other educational personnel, including, without limitation, the qualifications for a license to teach middle school or junior high school education, and the procedures for the issuance and renewal of those licenses. ***The regulations must not prescribe qualifications which are more stringent than the qualifications set forth in section 1 of this act for a licensed teacher who applies for an additional license in accordance with that section.***

(2) Identifying fields of specialization in teaching which require the specialized training of teachers.

(3) Except as otherwise provided in NRS 391.125, requiring teachers to obtain from the Department an endorsement in a field of specialization to be eligible to teach in that field of specialization.

(4) Setting forth the educational requirements a teacher must satisfy to qualify for an endorsement in each field of specialization.

(5) Setting forth the qualifications and requirements for obtaining a license or endorsement to teach American Sign Language, including, without limitation, being registered with the Office of Disability Services of the Department of Health and Human Services pursuant to NRS 656A.100 to engage in the practice of interpreting in an educational setting.

(6) Requiring teachers and other educational personnel to be registered with the Office of Disability Services pursuant to NRS 656A.100 to engage in the practice of interpreting in an educational setting if they:

(I) Provide instruction or other educational services; and

(II) Concurrently engage in the practice of interpreting, as defined in NRS 656A.060.

(7) Providing for the issuance and renewal of a special qualifications license to an applicant who holds a master's degree or a doctoral degree from an accredited degree-granting postsecondary educational institution in a field for which the applicant will provide instruction in a classroom and who has:

(I) At least 2 years of experience teaching at an accredited degree-granting postsecondary educational institution in a field for which the applicant will provide instruction in a classroom and at least 3 years of experience working in that field; or

(II) At least 5 years of experience working in a field for which the applicant will provide instruction in a classroom.

(8) Requiring an applicant for a special qualifications license to:

(I) Pass each examination required by NRS 391.021 for the specific subject or subjects in which the applicant will provide instruction; or

(II) Hold a valid license issued by a professional licensing board of any state that is directly related to the subject area of the master's degree or doctoral degree held by the applicant.

(9) Setting forth the subject areas that may be taught by a person who holds a special qualifications license, based upon the subject area of the master's degree or doctoral degree held by that person.

(10) Providing for the issuance and renewal of a special qualifications license to an applicant who:

(I) Holds a graduate degree from an accredited college or university in the field for which he will be providing instruction;

(II) Is not licensed to teach public school in another state;

(III) Has at least 5 years of experience teaching with satisfactory evaluations at a school that is accredited by a national or regional accrediting agency recognized by the United States Department of Education; and

(IV) Submits proof of participation in a program of student teaching or mentoring or agrees to participate in a program of mentoring for the first year of his employment as a teacher with a school district or charter school.

↪ An applicant for licensure pursuant to this subparagraph is exempt from each examination required by NRS 391.021 if the applicant successfully passed the examination in another state.

(b) May adopt such other regulations as it deems necessary for its own government or to carry out its duties.

2. Any regulation which increases the amount of education, training or experience required for licensing:

(a) Must, in addition to the requirements for publication in chapter 233B of NRS, be publicized before its adoption in a manner reasonably calculated to inform those persons affected by the change.

(b) Must not become effective until at least 1 year after the date it is adopted by the Commission.

(c) Is not applicable to a license in effect on the date the regulation becomes effective.

3. A person who is licensed pursuant to subparagraph (7) or (10) of paragraph (a) of subsection 1:

(a) Shall comply with all applicable statutes and regulations.

(b) Except as otherwise provided by specific statute, is entitled to all benefits, rights and privileges conferred by statutes and regulations on licensed teachers.

(c) Except as otherwise provided by specific statute, if he is employed as a teacher by the board of trustees of a school district or the governing body of a charter school, is entitled to all benefits, rights and privileges conferred by statutes and regulations on the licensed employees of a school district or charter school, as applicable.

Sec. 4. NRS 391.021 is hereby amended to read as follows:

391.021 Except as otherwise provided in subparagraph (10) of paragraph (a) of subsection 1 of NRS 391.019 and NRS 391.027, the Commission shall adopt regulations governing examinations for the initial licensing of teachers and other educational personnel. The examinations must test the ability of the applicant to teach and his knowledge of each specific subject he proposes to teach. Each examination must include the following subjects:

1. The laws of Nevada relating to schools;
2. The Constitution of the State of Nevada; and
3. The Constitution of the United States.

↪ The provisions of this section do not prohibit the Commission from adopting regulations pursuant to subsection 2 of NRS 391.032 that provide an exemption from the examinations for teachers and other educational personnel ~~[who have previous experience in teaching or performing other educational functions in]~~ **from** another state ~~[]~~ **if the Commission determines that the examinations required for initial licensure for teachers and other educational personnel in that state are comparable to the examinations required for initial licensure in this State.**

Sec. 5. NRS 391.032 is hereby amended to read as follows:

391.032 1. Except as otherwise provided in NRS 391.027, the Commission shall:

(a) Consider and may adopt regulations which provide for the issuance of conditional licenses to teachers and other educational personnel before completion of all courses of study or other requirements for a license in this State.

(b) Adopt regulations which provide for the reciprocal licensure of educational personnel from other states.

2. The regulations adopted pursuant to paragraph (b) of subsection 1 may provide an exemption from the examinations required for initial licensure for teachers and other educational personnel ~~[who have previous experience in teaching or performing other educational functions in]~~ **from** another state ~~[-. If the Commission adopts regulations providing such an exemption, the Commission shall identify the examinations to which the exemption applies.]~~ **if the Commission determines that the examinations required for initial licensure for teachers and other educational personnel in that state are comparable to the examinations required for initial licensure in this State.**

3. A person who is issued a conditional license must complete all courses of study and other requirements for a license in this State which is not conditional within 3 years after the date on which a conditional license is issued.

Sec. 6. 1. The Commission on Professional Standards in Education shall conduct a review of the regulations of the Commission governing the licensure and endorsement of special education teachers to improve and enhance the reciprocal licensure in this State of special education teachers from other states. The review must include an analysis of:

(a) The possible consolidation of the categorical special education endorsements into broader, noncategorical endorsements; and

(b) The possible issuance of a waiver of the requirement of specific course work for the categorical endorsements for teaching pupils with disabilities required by regulation of the Commission if a teacher has 3 years of verified teaching experience in a classroom providing instruction to pupils with the area of disability in which he seeks the categorical endorsement.

2. On or before January 1, 2010, the Commission shall submit to the Legislative Committee on Education a report of:

(a) The results of the review conducted pursuant to subsection 1; and

(b) Any regulations relating to the endorsements proposed by the Commission as a result of its review or, if the Commission is not proposing any regulations, a detailed explanation of why it is not.

3. On or before July 1, 2010, the Commission shall submit to the Legislative Committee on Education:

(a) A report of the regulations adopted by the Commission as a result of its review or, if no regulations are adopted, a detailed explanation of why the Commission did not adopt regulations; and

(b) Any recommendations for legislation relating to the licensure and endorsement of special education teachers.

Sec. 7. 1. This section and sections 1, 2, 4, 5 and 6 of this act become effective on July 1, 2009.

2. Section 3 of this act becomes effective on July 1, 2011.

Assemblywoman Parnell moved the adoption of the amendment.

Remarks by Assemblywoman Parnell.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 487.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 222.

AN ACT relating to education; requiring the development of an academic plan for pupils enrolling in their initial year at a middle school or junior high school; requiring small learning communities in certain larger middle schools and junior high schools; requiring a program of peer ~~and adult~~ mentoring for pupils initially enrolling in middle school or junior high school; requiring ~~for a pupil~~ **the board of trustees of each school district to adopt a policy for pupils** enrolled in middle school or junior high school to conduct ~~at least one~~ **a pupil-led** conference on ~~his~~ educational progress; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the board of trustees of each school district to adopt a policy for each public school in the school district in which ninth grade pupils are enrolled to develop a 4-year academic plan for each of those pupils. (NRS 388.205) **Section 2** of this bill requires the board of trustees of each school district to adopt a policy for each middle school and junior high school in the school district to develop an academic plan for each incoming middle school or junior high school pupil.

Existing law requires the board of trustees of each school district that includes at least one high school in which 1,200 pupils or more are enrolled and that includes ninth grade pupils to adopt a policy for each of those high schools to provide a program of small learning communities for the ninth grade pupils. (NRS 388.215) **Section 3** of this bill requires the board of trustees of each school district that includes at least one middle school or junior high school in which 500 pupils or more are enrolled to adopt a policy for each of those middle schools and junior high schools to provide a program of small learning communities for the incoming middle school or junior high school pupils.

Section 5 of this bill requires the board of trustees of each school district to adopt a policy for peer ~~and adult~~ mentoring **, which may include a component of adult mentoring,** for incoming middle school and junior high school pupils designed to increase the ability of those pupils to successfully

make the transition from elementary school to middle school or junior high school.

Section 6 of this bill requires the board of trustees of each school district to adopt a policy ~~[that requires a pupil]~~ **for pupils** enrolled in a middle school or junior high school to conduct **, if required by the board of trustees, a pupil-led** conference between the pupil, his parent or legal guardian and his teacher to review the educational development of the pupil ~~[at least once during the enrollment of the pupil in the middle school or junior high school.]~~

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

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

Sec. 2. *1. The board of trustees of each school district shall adopt a policy for each middle school and junior high school in the school district to develop an academic plan for each pupil enrolled in the grade level at which the middle school or junior high school initially enrolls pupils. The academic plan must set forth:*

(a) The specific educational goals that the pupil intends to achieve before promotion to high school;

(b) An identification of the courses required for promotion to high school;

(c) An identification of all honors courses, career and technical education courses and other educational programs, courses and pathways available to the pupil which will assist in the advancement of the education of the pupil; and

(d) A description of the expectations of the teachers of pupils who are enrolled in middle school or junior high school.

2. The policy must require each pupil enrolled in his initial year at the middle school or junior high school and the pupil's parent or legal guardian to:

(a) Have sufficient opportunities to work in consultation with a school counselor to develop an academic plan for the pupil;

(b) Review the academic plan; and

(c) Review the academic plan at least once each school year until the pupil is promoted to high school in consultation with the school counselor and revise the plan as necessary.

3. If a pupil enrolls in a middle school or junior high school after the initial year of enrollment for that middle school or junior high school, an academic plan must be developed for that pupil with appropriate modifications for the grade level of the pupil.

4. An academic plan for a pupil must be used as a guide for the pupil and the pupil's parent or legal guardian to plan, monitor and manage the pupil's educational development and make determinations of the

appropriate courses of study for the pupil. If the pupil does not satisfy all the educational goals set forth in the academic plan, the pupil is eligible for promotion to high school if he otherwise satisfies the requirements for promotion to high school.

Sec. 3. 1. *The board of trustees of each school district which includes at least one middle school or junior high school with an enrollment of 500 pupils or more shall adopt a policy for each of those middle schools and junior high schools to provide a program of small learning communities for pupils enrolled in the grade level at which those middle schools or junior high schools initially enroll pupils. The policy must require:*

(a) Where practicable, the designation of a separate area geographically within the middle school or junior high school where the pupils enrolled in their initial year at the middle school or junior high school attend classes;

(b) The collection and maintenance of information relating to pupils enrolled in their initial year at the middle school or junior high school, including, without limitation, credits earned, attendance, truancy and indicators that a pupil may be at risk of dropping out of middle school or junior high school;

(c) Based upon the information collected pursuant to paragraph (b), the timely identification of any special needs of a pupil enrolled in his initial year at the middle school or junior high school, including, without limitation, any need for programs of remedial study for a particular subject area and appropriate counseling;

(d) Methods to increase the involvement of parents and legal guardians of pupils enrolled in their initial year in a middle school or junior high school in the education of their children; and

(e) The assignment of:

(1) Guidance counselors;

(2) At least one licensed school administrator ~~or~~ or his designee; and

(3) Appropriate adult mentors,

↪ specifically for the pupils enrolled in their initial year at the middle school or junior high school.

2. *The principal of each middle school or junior high school in which 500 pupils or more are enrolled shall:*

(a) Carry out a program of small learning communities in accordance with the policy prescribed by the board of trustees pursuant to subsection 1; and

(b) Submit an annual report, on a date prescribed by the board of trustees, that sets forth the specific strategies, programs and methods which are used to focus on the pupils enrolled in their initial year at the middle school or junior high school, including, without limitation, the program of ~~peer and adult~~ mentoring provided pursuant to section ~~4~~ 5 of this act.

Sec. 4. Chapter 392 of NRS is hereby amended by adding thereto the provisions set forth as sections 5 and 6 of this act.

Sec. 5. 1. *The board of trustees of each school district shall adopt a policy for each middle school and junior high school in the school district to provide a program of peer ~~and~~ mentoring, which may include a component of adult mentoring, for pupils enrolled in the grade level at which the middle school or junior high school initially enrolls pupils. The policy must be designed to increase the ability of those pupils to successfully make the transition from elementary school to middle school or junior high school.*

2. *The principal of each middle school or junior high school shall:*

(a) *Carry out a program of ~~peer and adult~~ mentoring in accordance with the policy adopted by the board of trustees pursuant to subsection 1; and*

(b) *Submit an annual report to the board of trustees on:*

(1) *The specific activities of the program of ~~peer and adult~~ mentoring; and*

(2) *The effectiveness of the program of ~~peer and adult~~ mentoring in increasing the ability of pupils to successfully make the transition to middle school or junior high school.*

3. *This section does not prohibit a middle school or junior high school from continuing any other similar program of mentoring that the middle school or junior high school currently provides in a manner that is consistent with the policy prescribed by the board of trustees.*

Sec. 6. 1. *The board of trustees of each school district shall adopt a policy ~~that requires~~ which allows the board of trustees to require a pupil enrolled in a middle school or junior high school in the school district to conduct a pupil-led conference between the pupil, his parent or legal guardian and his teacher to review the educational development of the pupil at least once during the enrollment of the pupil in the middle school or junior high school. The policy must include, without limitation:*

(a) *Guidelines for preparing the pupil to conduct the conference, including, without limitation, the appropriate structure of a conference and topics of discussion for the conference; and*

(b) *A method for the pupil, his parent or legal guardian and the teacher to provide an evaluation of the conference.*

2. ~~†A†~~ *If a pupil is required to conduct a pupil-led conference, ~~which is conducted by a pupil~~ the conference must be used as a guide for the pupil and the parent or legal guardian of the pupil to monitor the pupil's educational development. If the pupil does not conduct a pupil-led conference or if the parent or legal guardian of the pupil does not attend a pupil-led conference, the pupil is eligible for promotion to high school if he otherwise satisfies the requirements for promotion to high school.*

Sec. 7. This act becomes effective on July 1, 2009.

Assemblywoman Parnell moved the adoption of the amendment.

Remarks by Assemblywoman Parnell.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 490.

Bill read second time and ordered to third reading.

Assembly Bill No. 509.

Bill read second time and ordered to third reading.

Assembly Bill No. 511.

Bill read second time and ordered to third reading.

Assembly Joint Resolution No. 6.

Resolution read second time.

The following amendment was proposed by the Committee on Elections, Procedures, Ethics, and Constitutional Amendments:

Amendment No. 401.

ASSEMBLY JOINT RESOLUTION—Proposing to amend the Nevada Constitution to provide for annual legislative sessions and to provide ~~that members of the Legislature be compensated for each day of a~~ **for compensation for serving during each** regular legislative session.

Legislative Counsel's Digest:

Existing provisions of the Nevada Constitution provide for biennial legislative sessions of 120 days and authorize members of the Legislature to receive compensation for the first 60 days of each regular session. This resolution proposes to amend the Nevada Constitution to provide for annual legislative sessions of 120 days in each odd-numbered year and of 60 days in each even-numbered year. (Nev. Const. Art. 4, § 2) The resolution further proposes to amend the Nevada Constitution to provide compensation for Legislators for ~~each day of service~~ **60 days** during regular sessions. (Nev. Const. Art. 4, § 33)

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That Section 2 of Article 4 of the Nevada Constitution be amended to read as follows:

Sec. 2. 1. The sessions of the Legislature shall be ~~biennial,~~ **annual**, and shall commence on the 1st Monday of February, ~~following the election of members of the Assembly,~~ unless the Governor of the State shall, in the interim, convene the Legislature by proclamation.

2. The Legislature shall adjourn sine die each regular session **held in an odd-numbered year** not later than midnight Pacific standard time 120 calendar days following its commencement. Any legislative action taken after midnight Pacific standard time on the 120th calendar day is void, unless the legislative action is conducted during a special session convened by the Governor.

3. *The Legislature shall adjourn sine die each regular session held in an even-numbered year not later than midnight Pacific standard time 60 calendar days following its commencement. Any legislative action taken after midnight Pacific standard time on the 60th calendar day is void, unless the legislative action is conducted during a special session convened by the Governor.*

4. The Governor shall submit :

(a) *In odd-numbered years, the proposed executive budget ; and*

(b) *In even-numbered years, any proposed appropriations or proposed revisions to the executive budget,*

↪ to the Legislature not later than 14 calendar days before the commencement of each regular session.

And be it further

RESOLVED, That Section 33 of Article 4 of the Nevada Constitution be amended to read as follows:

Sec . ~~33~~ 33. The members of the Legislature shall receive for their services, a compensation to be fixed by law and paid out of the public treasury, for not to exceed ~~60~~ ~~120~~ days during any regular session of the legislature *conducted during an odd-numbered year, not to exceed 60 days during any regular session of the Legislature conducted during an even-numbered year*, and not to exceed 20 days during any special session convened by the governor; but no increase of such compensation shall take effect during the term for which the members of either house shall have been elected Provided, that an appropriation may be made for the payment of such actual expenses as members of the Legislature may incur for postage, express charges, newspapers and stationery not exceeding the sum of Sixty dollars for any general or special session to each member; and Furthermore Provided, that the Speaker of the Assembly, and Lieutenant Governor, as President of the Senate, shall each, during the time of their actual attendance as such presiding officers receive an additional allowance of two dollars per diem.

And be it further

RESOLVED, That Section 12 of Article 17 of the Nevada Constitution be amended to read as follows:

Sec. 12. The first regular session of the Legislature shall commence on the second Monday of December A.D. Eighteen hundred and Sixty Four, and the second regular session of the same shall commence on the first Monday of January A.D. Eighteen hundred and Sixty Six; and the third regular session of the Legislature shall be the first of the biennial sessions, and shall commence on the first Monday of January A.D. Eighteen hundred and Sixty Seven; and the regular sessions of the Legislature shall be held thereafter . ~~biennially.~~

And be it further

RESOLVED, That Section 2 of Article 19 of the Nevada Constitution be amended to read as follows:

Sec. 2. 1. Notwithstanding the provisions of Section 1 of Article 4 of this Constitution, but subject to the limitations of Section 6 of this Article, the people reserve to themselves the power to propose, by initiative petition, statutes and amendments to statutes and amendments to this Constitution, and to enact or reject them at the polls.

2. An initiative petition shall be in the form required by Section 3 of this Article and shall be proposed by a number of registered voters equal to 10 percent or more of the number of voters who voted at the last preceding general election in not less than 75 percent of the counties in the State, but the total number of registered voters signing the initiative petition shall be equal to 10 percent or more of the voters who voted in the entire State at the last preceding general election.

3. If the initiative petition proposes a statute or an amendment to a statute, the person who intends to circulate it shall file a copy with the Secretary of State before beginning circulation and not earlier than ~~January 1 of the year preceding the year in which a regular session of the Legislature is held.~~ ***1 year before the date on which the Legislature to which the petition will be transmitted commences its regular session.*** After its circulation, it shall be filed with the Secretary of State not less than 30 days prior to any regular session of the Legislature. The circulation of the petition shall cease on the day the petition is filed with the Secretary of State or such other date as may be prescribed for the verification of the number of signatures affixed to the petition, whichever is earliest. The Secretary of State shall transmit such petition to the Legislature as soon as the Legislature convenes and organizes. The petition shall take precedence over all other measures except appropriation bills, and the statute or amendment to a statute proposed thereby shall be enacted or rejected by the Legislature without change or amendment within 40 days. If the proposed statute or amendment to a statute is enacted by the Legislature and approved by the Governor in the same manner as other statutes are enacted, such statute or amendment to a statute shall become law, but shall be subject to referendum petition as provided in Section 1 of this Article. If the statute or amendment to a statute is rejected by the Legislature, or if no action is taken thereon within 40 days, the Secretary of State shall submit the question of approval or disapproval of such statute or amendment to a statute to a vote of the voters at the next succeeding general election. If a majority of the voters voting on such question at such election votes approval of such statute or amendment to a statute, it shall become law and take effect upon completion of the canvass of votes by the Supreme Court. An initiative measure so approved by the voters shall not be amended, annulled, repealed, set aside or suspended by the Legislature within 3 years from the date it takes effect. If a majority of such voters votes disapproval of such statute or amendment to a statute, no further action shall be taken on such petition. If the Legislature rejects such proposed statute or amendment, the Governor may recommend to the Legislature and the Legislature may propose a different measure on the same subject, in

which event, after such different measure has been approved by the Governor, the question of approval or disapproval of each measure shall be submitted by the Secretary of State to a vote of the voters at the next succeeding general election. If the conflicting provisions submitted to the voters are both approved by a majority of the voters voting on such measures, the measure which receives the largest number of affirmative votes shall thereupon become law. If at the session of the Legislature to which an initiative petition proposing an amendment to a statute is presented which the Legislature rejects or upon which it takes no action, the Legislature amends the statute which the petition proposes to amend in a respect which does not conflict in substance with the proposed amendment, the Secretary of State in submitting the statute to the voters for approval or disapproval of the proposed amendment shall include the amendment made by the Legislature.

4. If the initiative petition proposes an amendment to the Constitution, the person who intends to circulate it shall file a copy with the Secretary of State before beginning circulation and not earlier than September 1 of the year before the year in which the election is to be held. After its circulation it shall be filed with the Secretary of State not less than 90 days before any regular general election at which the question of approval or disapproval of such amendment may be voted upon by the voters of the entire State. The circulation of the petition shall cease on the day the petition is filed with the Secretary of State or such other date as may be prescribed for the verification of the number of signatures affixed to the petition, whichever is earliest. The Secretary of State shall cause to be published in a newspaper of general circulation, on three separate occasions, in each county in the State, together with any explanatory matter which shall be placed upon the ballot, the entire text of the proposed amendment. If a majority of the voters voting on such question at such election votes disapproval of such amendment, no further action shall be taken on the petition. If a majority of such voters votes approval of such amendment, the Secretary of State shall publish and resubmit the question of approval or disapproval to a vote of the voters at the next succeeding general election in the same manner as such question was originally submitted. If a majority of such voters votes disapproval of such amendment, no further action shall be taken on such petition. If a majority of such voters votes approval of such amendment, it shall, unless precluded by subsection 5 or 6, become a part of this Constitution upon completion of the canvass of votes by the Supreme Court.

5. If two or more measures which affect the same section of a statute or of the Constitution are finally approved pursuant to this Section, or an amendment to the Constitution is finally so approved and an amendment proposed by the Legislature is ratified which affect the same section, by the voters at the same election:

(a) If all can be given effect without contradiction in substance, each shall be given effect.

(b) If one or more contradict in substance the other or others, the measure which received the largest favorable vote, and any other approved measure compatible with it, shall be given effect. If the one or more measures that contradict in substance the other or others receive the same number of favorable votes, none of the measures that contradict another shall be given effect.

6. If, at the same election as the first approval of a constitutional amendment pursuant to this Section, another amendment is finally approved pursuant to this Section, or an amendment proposed by the Legislature is ratified, which affects the same section of the Constitution but is compatible with the amendment given first approval, the Secretary of State shall publish and resubmit at the next general election the amendment given first approval as a further amendment to the section as amended by the amendment given final approval or ratified. If the amendment finally approved or ratified contradicts in substance the amendment given first approval, the Secretary of State shall not submit the amendment given first approval to the voters again.

Assemblyman Mortenson moved the adoption of the amendment.

Remarks by Assemblyman Mortenson.

Amendment adopted.

Resolution ordered reprinted, engrossed and to the General File.

Assembly Bill No. 129.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 52.

AN ACT relating to common-interest communities; providing that the provisions governing common-interest communities do not modify the tariffs, rules and standards of a public utility; requiring the governing documents of an association to be consistent with the tariffs, rules and standards of a public utility; prohibiting an association from restricting the parking of certain utility service vehicles, law enforcement vehicles and emergency services vehicles; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill: (1) states that the provisions of chapter 116 of NRS do not modify the tariffs, rules and standards of a public utility; and (2) provides that the governing documents of associations of common-interest communities must be consistent and not conflict with the tariffs, rules and standards of a public utility.

Section 2 of this bill prohibits an association of any common-interest community from restricting the parking of certain utility service vehicles, law enforcement vehicles and emergency services vehicles.

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

Section 1. Chapter 116 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The provisions of this chapter do not invalidate or modify the tariffs, rules and standards of a public utility.*

2. *The governing documents of an association must be consistent and not conflict with the tariffs, rules and standards of a public utility. Any provision of the governing documents which conflicts with the tariffs, rules and standards of a public utility is void and may not be enforced against a purchaser.*

3. *As used in this section, "public utility" has the meaning ascribed to it in NRS 704.020.*

Sec. 2. NRS 116.350 is hereby amended to read as follows:

116.350 1. In a common-interest community which is not gated or enclosed and the access to which is not restricted or controlled by a person or device, the executive board shall not and the governing documents must not provide for the regulation of any road, street, alley or other thoroughfare the right-of-way of which is accepted by the State or a local government for dedication as a road, street, alley or other thoroughfare for public use.

2. ~~The~~ *Except as otherwise provided in subsection 3, the* provisions of subsection 1 do not preclude an association from adopting, and do not preclude the governing documents of an association from setting forth, rules that reasonably restrict the parking or storage of ~~inoperable vehicles,~~ recreational vehicles, watercraft, trailers or commercial *motor* vehicles in the common-interest community to the extent authorized by law.

3. *In any common-interest community, the executive board shall not and the governing documents must not prohibit a person from:*

(a) *Parking a utility service vehicle that has a gross vehicle weight rating of 20,000 pounds or less ~~on a driveway, road, street, alley or other thoroughfare.~~*

(1) ~~While~~ *In an area designated for parking for visitors, or on the driveway of or in front of the unit of a subscriber or consumer, while the person is engaged in any activity relating to the delivery of public utility services to subscribers or consumers; or*

(2) ~~His~~ *In an area designated for parking for visitors, or on the driveway of or in front of his unit, if the person is:*

(I) *A unit's owner ~~or~~ or a tenant of a unit's owner; and*

(II) ~~Parking the vehicle within 50 yards of his unit; and~~

~~His~~ *Bringing the vehicle to his unit pursuant to his employment with the entity which owns the vehicle for the purpose of responding to requests for public utility services; or*

(b) *Parking a law enforcement vehicle or emergency services vehicle ~~on a driveway, road, street, alley or other thoroughfare.~~*

(1) ~~While~~ *In an area designated for parking for visitors, or on the driveway of or in front of the unit of a person to whom law enforcement or*

emergency services are being provided, while the person is engaged in his official duties; or

(2) ~~##~~ In an area designated for parking for visitors, or on the driveway of or in front of his unit, if the person is:

(I) A unit's owner ~~+~~ or a tenant of a unit's owner; and

(II) ~~Parking the vehicle within 50 yards of his unit; and~~

~~(III)~~ Bringing the vehicle to his unit pursuant to his employment with the entity which owns the vehicle for the purpose of responding to requests for law enforcement services or emergency services.

4. As used in this section:

(a) "Commercial motor vehicle" has the meaning ascribed to it in 49 C.F.R. § 350.105.

(b) "Emergency services vehicle" means a vehicle:

(1) Owned by any governmental agency or political subdivision of this State; and

(2) Identified by the entity which owns the vehicle as a vehicle used to provide emergency services.

(c) "Law enforcement vehicle" means a vehicle:

(1) Owned by any governmental agency or political subdivision of this State; and

(2) Identified by the entity which owns the vehicle as a vehicle used to provide law enforcement services.

(d) "Utility service vehicle" means any commercial motor vehicle:

(1) Used in the furtherance of repairing, maintaining or operating any structure or any other physical facility necessary for the delivery of public utility services, including, without limitation, the furnishing of electricity, gas, water, sanitary sewer, telephone, cable or community antenna service; and

(2) Except for any emergency use, operated primarily within the service area of a utility's subscribers or consumers, without regard to whether the commercial motor vehicle is owned, leased or rented by the utility.

Assemblyman Segerblom moved the adoption of the amendment.

Remarks by Assemblyman Segerblom.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 151.

Bill read second time.

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

Amendment No. 156.

AN ACT relating to mortgage lending; requiring a mortgage broker to include his license number on any loan secured by a lien on real property for which he engages in activity as a mortgage broker; requiring certain financial

institutions that offer nontraditional mortgage loan products to make certain disclosures to borrowers with respect to nontraditional mortgage loans; requiring such financial institutions to certify such disclosures to the Commissioner of Financial Institutions; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill requires a mortgage broker to include his license number on each loan secured by a lien on real property for which he engages in activity as a mortgage broker. If a mortgage broker fails to comply with **section 1**, the Commissioner of Mortgage Lending may impose an administrative fine of not more than \$10,000 and may place conditions on the license of the mortgage broker or suspend or revoke the license. (NRS 645B.670) In addition, a mortgage broker who fails to comply with **section 1** is guilty of a misdemeanor. (NRS 645B.950)

Section 2 of this bill requires a financial institution that offers nontraditional mortgage loan products to make certain written disclosures to a borrower with respect to a nontraditional loan secured by a lien on real property. The disclosures must be written in language that is easy to understand ~~[]~~ **and printed in 10-point type or font**. In addition, **section 2** requires the financial institution to certify to the Commissioner of Financial Institutions that the disclosures have been made. **Section 2** also authorizes the financial institution to contract with a nonprofit consumer credit counseling , housing counseling or legal services agency to make the required certifications. A financial institution that fails to comply with **section 2** is guilty of a misdemeanor. (NRS 668.115)

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

Section 1. Chapter 645B of NRS is hereby amended by adding thereto a new section to read as follows:

A mortgage broker shall ensure that each loan secured by a lien on real property for which he engages in activity as a mortgage broker includes the license number of the mortgage broker.

Sec. 2. Chapter 658 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A financial institution which is required to be licensed pursuant to the provisions of this title or title 56 of NRS and which offers nontraditional mortgage loan products that are secured by liens on real property shall, with respect to each nontraditional mortgage loan made by the financial institution, disclose to the borrower adequate information concerning the actual costs and risks of the nontraditional mortgage loan product offered.

2. The disclosure required by subsection 1 must be written in language that is easy to understand , must be printed in 10-point bold type or font and must include, without limitation:

(a) Information concerning potential increases in monthly payments, including information describing the circumstances under which interest rates or negative amortization could reach the contractual limits;

(b) Information concerning the maximum monthly payment that the borrower may be required to pay if amortizing payments are required and the interest rate and negative amortization caps are reached;

(c) Information concerning the circumstances under which structural payment changes will occur, the amount of the new payments and the method of calculating the amount of the new payments;

(d) Information concerning negative amortization, including information describing the potential for increases in the principal balance and decreases in home equity and any other potential adverse consequences to the borrower resulting from negative amortization;

(e) If a nontraditional mortgage loan product includes prepayment penalties, information explaining the prepayment penalties and the amount of the penalties;

(f) If the financial institution offers full-document home loans in addition to low-document home loans, no-document home loans or stated-document home loans, information concerning any pricing premium that attaches to the low-document home loans, no-document home loans or stated-document home loans; and

(g) For payment option adjustable-rate mortgages, information explaining each payment option available and the effect on the loan balance of each payment option.

3. A financial institution required to make a disclosure pursuant to subsection 1 shall, with respect to each nontraditional mortgage loan made by the financial institution, certify to the Commissioner that the financial institution has made the disclosure required by subsection 1. The financial institution may contract with a nonprofit consumer credit counseling housing counseling or legal services agency which has been operating as such for the immediately preceding 7 years to provide the certification required by this subsection.

4. As used in this section:

(a) "Low-document home loan" has the meaning ascribed to it in NRS 598D.100.

(b) "No-document home loan" has the meaning ascribed to it in NRS 598D.100.

(c) "Nonprofit consumer credit counseling housing counseling or legal services agency" means ~~the~~ :

(1) A person or organization which is recognized as exempt under section 501(c)(3) of the Internal Revenue Code of 1986, 26 U.S.C. § 501(c)(3), and which is certified by the United States Department of Housing and Urban Development; or

(2) A person or organization which is recognized as exempt under section 501(c)(3) of the Internal Revenue Code of 1986, 26 U.S.C. § 501(c)(3), and which:

~~† (1) Provides~~

(I) As its primary business, provides specialized personal and group counseling services to a person who is seeking to purchase a home or obtain legal advice regarding a real estate transaction and who is suffering or who may suffer economic hardship because of the extension of credit;

~~† (2) Acts~~

(II) Acts as an agent for a person who is suffering or who may suffer economic hardship because of the extension of credit in his efforts to resolve his economic hardships; ~~†~~

~~(3) Receives~~

(III) May receive money or any other thing of value for disbursement to one or more of the creditors of a person who is suffering or who may suffer economic hardship because of the extension of credit ~~†~~; and

(IV) If it has a board of directors, has a board of directors with a majority of members who are not employed by the agency or otherwise receive any direct or indirect financial benefit from the provision of any services by the agency.

(d) "Nontraditional mortgage loan product" has the meaning ascribed to it in NRS 658.190 and also includes an adjustable-rate mortgage, a low-document home loan, a no-document home loan and a stated-document home loan.

(e) "Stated-document home loan" has the meaning ascribed to it in NRS 598D.100.

Sec. 3. 1. The provisions of this act apply only to loans secured by liens on real property and nontraditional mortgage loan products offered on or after the effective date of this act.

2. For a loan secured by a lien on real property that is made on or after the effective date of this act but before October 1, 2009, a mortgage broker who does not include his license number on the loan as required by section 1 of this act may, without penalty, cure his failure to comply with section 1 of this act not later than 30 days after the date the loan is made.

3. For a nontraditional mortgage loan product offered on or after the effective date of this act but before October 1, 2009, a financial institution that:

(a) Is subject to the requirements of section 2 of this act; and

(b) Fails to comply with the provisions of section 2 of this act,

↪ may, without penalty, cure the failure to comply with section 2 of this act not later than 30 days after the date the nontraditional mortgage loan is made.

Sec. 4. This act becomes effective upon passage and approval.

Assemblyman Conklin moved the adoption of the amendment.

Remarks by Assemblyman Conklin.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 152.

Bill read second time.

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

Amendment No. 157.

AN ACT relating to mortgage lending; defining the term “loan modification consultant”; requiring certain mortgage lending professionals to be licensed as a mortgage agent or mortgage broker; revising the definition of “homeowner” as it applies to services performed by certain mortgage lending professionals; revising provisions governing the applicability of requirements regarding foreclosure consultants and loan modification consultants; revising provisions governing compensation of foreclosure consultants; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Section 2 of this bill defines the term “loan modification consultant.”

Existing law does not currently require a foreclosure consultant to be licensed. (NRS 645F.300-645F.450) **Section 3** of this bill requires a person who performs any of a variety of specified services for compensation, a foreclosure consultant and a loan modification consultant to be licensed under the provisions of chapter 645B of NRS, which governs mortgage brokers and mortgage agents. This licensing requirement makes such persons subject to the regulatory and penalty provisions set forth in chapter 645B of NRS.

Section 5 of this bill revises the definition of “homeowner” as it applies to services performed by foreclosure consultants by expanding the definition to include any record owner of residence, rather than only the record owner of a residence in foreclosure at the time the notice of the pendency of an action for foreclosure is recorded or the notice of default and election to sell is recorded. (NRS 645F.360)

Section 6 of this bill provides that an attorney at law is exempt from the provisions governing a person who performs any covered service for compensation, a loan modification consultant, a foreclosure consultant or a foreclosure purchaser unless the services rendered by the attorney are performed in the course and scope of his employment by or other affiliation with a mortgage broker or mortgage agent. (NRS 645F.380)

Section 6.5 of this bill clarifies that a foreclosure consultant is prohibited from claiming, demanding, charging, collecting or receiving any compensation until after the foreclosure consultant has fully performed every covered service he contracted to perform or

represented he would perform, rather than after the performance of any individual service. (NRS 645F.400)

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

Section 1. Chapter 645F of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. *"Loan modification consultant" means a person who, directly or indirectly, makes any solicitation, representation or offer to a homeowner to perform for compensation, or who, for compensation, performs any act that the person represents will adjust the terms of a mortgage loan in a manner not provided for in the original or previously modified mortgage loan. Such an adjustment includes, without limitation:*

1. *A change in the payment amount;*
2. *A change in the loan amount;*
3. *A loan forbearance;*
4. *A change in the loan maturity; and*
5. *A change in the interest rate.*

Sec. 3. *A person who performs any covered service for compensation, a foreclosure consultant and a loan modification consultant must be licensed pursuant to chapter 645B of NRS in the following manner:*

1. *As a mortgage broker; or*
2. *If the person:*
 - (a) *Is an employee or independent contractor of a foreclosure consultant or loan modification consultant; and*
 - (b) *Is authorized by the foreclosure consultant or loan modification consultant to engage in, on behalf of the foreclosure consultant or loan modification consultant, any activity that would require the person, if he were not an employee or independent contractor of the foreclosure consultant or loan modification consultant, to be licensed pursuant to subsection 1,*
↳ as a mortgage agent.

Sec. 4. NRS 645F.300 is hereby amended to read as follows:

645F.300 As used in NRS 645F.300 to 645F.450, inclusive, **and sections 2 and 3 of this act**, unless the context otherwise requires, the words and terms defined in NRS 645F.310 to 645F.370, inclusive, **and section 2 of this act** have the meanings ascribed to them in those sections.

Sec. 5. NRS 645F.360 is hereby amended to read as follows:

645F.360 "Homeowner" means the record owner of a residence , **including, without limitation, the record owner of a residence** in foreclosure at the time the notice of the pendency of an action for foreclosure is recorded pursuant to NRS 14.010 or the notice of default and election to sell is recorded pursuant to NRS 107.080.

Sec. 6. NRS 645F.380 is hereby amended to read as follows:

645F.380 The provisions of NRS 645F.300 to 645F.450, inclusive, *and sections 2 and 3 of this act* do not apply to, and the terms “foreclosure consultant” and “foreclosure purchaser” do not include:

1. An attorney at law rendering services in the performance of his duties as an attorney at law ~~for~~, *unless the attorney at law is rendering those services in the course and scope of his employment by or other affiliation with a mortgage broker or mortgage agent;*

2. A person, firm, company or corporation licensed to engage in the business of debt adjustment pursuant to chapter 676 of NRS while engaging in that business;

3. ~~A person licensed as a real estate broker, broker salesman or salesman pursuant to chapter 645 of NRS while acting under the authority of that license;~~

~~4.]~~ A person or the authorized agent of a person acting under the provisions of a program sponsored by the Federal Government, this State or a local government, including, without limitation, the Department of Housing and Urban Development, the Federal Home Loan Mortgage Corporation, the Federal National Mortgage Association or the Federal Home Loan Bank;

~~5.]~~ **4.** A person who holds or is owed an obligation secured by a mortgage or other lien on a residence in foreclosure if the person performs services in connection with this obligation or lien and the obligation or lien did not arise as the result of or as part of a proposed foreclosure reconveyance;

~~6.]~~ **5.** Any person doing business under the laws of this State or of the United States relating to banks, trust companies, savings and loan associations, industrial loan and thrift companies, regulated lenders, credit unions, insurance companies, or a mortgagee which is a United States Department of Housing and Urban Development approved mortgagee and any subsidiary or affiliate of those persons, and any agent or employee of those persons while engaged in the business of those persons;

~~7.]~~ **6.** A person, *other than a mortgage agent or mortgage broker, who is licensed* ~~as an escrow agent, title agent, mortgage agent, mortgage broker or mortgage banker~~ pursuant to *chapter 692A or any* chapter ~~645A, 692A, 645B or 645E~~ *of title 54* of NRS ~~[, respectively.]~~ while acting under the authority of his license;

~~8.]~~ **7.** A nonprofit agency or organization that offers credit counseling or advice to a homeowner of a residence in foreclosure or a person in default on a loan; or

~~9.]~~ **8.** A judgment creditor of the homeowner whose claim accrued before the recording of the notice of the pendency of an action for foreclosure against the homeowner pursuant to NRS 14.010 or the recording of the notice of default and election to sell pursuant to NRS 107.080.

Sec. 6.5. NRS 645F.400 is hereby amended to read as follows:

645F.400 A foreclosure consultant shall not:

1. Claim, demand, charge, collect or receive any compensation until after the foreclosure consultant has fully performed ~~each~~ every covered service that he contracted to perform or represented he would perform.

2. Claim, demand, charge, collect or receive any fee, interest or other compensation for any reason which is not fully disclosed to the homeowner.

3. Take any wage assignment, lien on real or personal property, assignment of a homeowner's equity or other interest in a residence in foreclosure or other security for the payment of compensation. Any such security is void and unenforceable.

4. Receive any consideration from any third party in connection with a covered service provided to a homeowner unless the consideration is first fully disclosed to the homeowner.

5. Acquire, directly or indirectly, any interest in the residence in foreclosure of a homeowner with whom the foreclosure consultant has contracted to perform a covered service.

6. Accept a power of attorney from a homeowner for any purpose, other than to inspect documents as provided by law.

Sec. 7. NRS 645F.430 is hereby amended to read as follows:

645F.430 A foreclosure purchaser who engages in any conduct that operates as a fraud or deceit upon a homeowner in connection with a transaction that is subject to the provisions of NRS 645F.300 to 645F.450, inclusive, **and sections 2 and 3 of this act**, including, without limitation, a foreclosure reconveyance, is guilty of a gross misdemeanor and shall be punished by imprisonment in the county jail for not more than 1 year, or by a fine of not more than \$50,000, or by both fine and imprisonment.

Sec. 8. NRS 645F.440 is hereby amended to read as follows:

645F.440 1. In addition to the penalty provided in NRS 645F.430 and except as otherwise provided in subsection 5, if a foreclosure purchaser engages in any conduct that operates as a fraud or deceit upon a homeowner in connection with a transaction that is subject to the provisions of NRS 645F.300 to 645F.450, inclusive, **and sections 2 and 3 of this act**, including, without limitation, a foreclosure reconveyance, the transaction in which the foreclosure purchaser acquired title to the residence in foreclosure may be rescinded by the homeowner within 2 years after the date of the recording of the conveyance.

2. To rescind a transaction pursuant to subsection 1, the homeowner must give written notice to the foreclosure purchaser and a successor in interest to the foreclosure purchaser, if the successor in interest is not a bona fide purchaser, and record that notice with the recorder of the county in which the property is located. The notice of rescission must contain:

(a) The name of the homeowner, the foreclosure purchaser and any successor in interest who holds title to the property; and

(b) A description of the property.

3. Within 20 days after receiving notice pursuant to subsection 2:

(a) The foreclosure purchaser and the successor in interest, if the successor in interest is not a bona fide purchaser, shall reconvey to the homeowner title to the property free and clear of encumbrances which were created subsequent to the rescinded transaction and which are due to the actions of the foreclosure purchaser; and

(b) The homeowner shall return to the foreclosure purchaser any consideration received from the foreclosure purchaser in exchange for the property.

4. If the foreclosure purchaser has not reconveyed to the homeowner title to the property within the period described in subsection 3, the homeowner may bring an action to enforce the rescission in the district court of the county in which the property is located.

5. A transaction may not be rescinded pursuant to this section if the foreclosure purchaser has transferred the property to a bona fide purchaser.

6. As used in this section, “bona fide purchaser” means any person who purchases an interest in a residence in foreclosure from a foreclosure purchaser in good faith and for valuable consideration and who does not know or have reasonable cause to believe that the foreclosure purchaser engaged in conduct which violates subsection 1.

Sec. 9. NRS 645F.450 is hereby amended to read as follows:

645F.450 The rights, remedies and penalties provided pursuant to the provisions of NRS 645F.300 to 645F.450, inclusive, ***and sections 2 and 3 of this act*** are cumulative and do not abrogate and are in addition to any other rights, remedies and penalties that may exist at law or in equity, including, without limitation, any criminal penalty that may be imposed pursuant to NRS 645F.430.

Sec. 10. NRS 205.372 is hereby amended to read as follows:

205.372 1. A person who, with the intent to defraud a participant in a mortgage lending transaction:

(a) Knowingly makes a false statement or misrepresentation concerning a material fact or deliberately conceals or fails to disclose a material fact;

(b) Knowingly uses or facilitates the use of a false statement or misrepresentation made by another person concerning a material fact or deliberately uses or facilitates the use of another person’s concealment or failure to disclose a material fact;

(c) Receives any proceeds or any other money in connection with a mortgage lending transaction that the person knows resulted from a violation of paragraph (a) or (b);

(d) Conspires with another person to violate any of the provisions of paragraph (a), (b) or (c); or

(e) Files or causes to be filed with a county recorder any document that the person knows to include a misstatement, misrepresentation or omission concerning a material fact,

↪ commits the offense of mortgage lending fraud which is a category C felony and, upon conviction, shall be punished by imprisonment in the state

prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years, or by a fine of not more than \$10,000, or by both fine and imprisonment.

2. A person who engages in a pattern of mortgage lending fraud or conspires or attempts to engage in a pattern of mortgage lending fraud is guilty of a category B felony and, upon conviction, shall be punished by imprisonment in the state prison for a minimum term of not less than 3 years and a maximum term of not more than 20 years, or by a fine of not more than \$50,000, or by both fine and imprisonment.

3. Each mortgage lending transaction in which a person violates any provision of subsection 1 constitutes a separate violation.

4. Except as otherwise provided in this subsection, if a lender or any agent of the lender is convicted of the offense of mortgage lending fraud in violation of this section, the mortgage lending transaction with regard to which the fraud was committed may be rescinded by the borrower within 6 months after the date of the conviction if the borrower gives written notice to the lender and records that notice with the recorder of the county in which the mortgage was recorded. A mortgage lending transaction may not be rescinded pursuant to this subsection if the lender has transferred the mortgage to a bona fide purchaser.

5. The Attorney General may investigate and prosecute a violation of this section.

6. As used in this section:

(a) "Bona fide purchaser" means any person who purchases a mortgage in good faith and for valuable consideration and who does not know or have reasonable cause to believe that the lender or any agent of the lender engaged in mortgage lending fraud in violation of this section.

(b) "Mortgage lending transaction" means any transaction between two or more persons for the purpose of making or obtaining, attempting to make or obtain, or assisting another person to make or obtain a loan that is secured by a mortgage or other lien on residential real property. The term includes, without limitation:

- (1) The solicitation of a person to make or obtain the loan;
- (2) The representation or offer to represent another person to make or obtain the loan;
- (3) The negotiation of the terms of the loan;
- (4) The provision of services in connection with the loan; and
- (5) The execution of any document in connection with making or obtaining the loan.

(c) "Participant in a mortgage lending transaction" includes, without limitation:

- (1) A borrower as defined in NRS 598D.020;
- (2) An escrow agent as defined in NRS 645A.010;
- (3) A foreclosure consultant as defined in NRS 645F.320;
- (4) A foreclosure purchaser as defined in NRS 645F.330;

- (5) An investor as defined in NRS 645B.0121;
- (6) A lender as defined in NRS 598D.050;
- (7) *A loan modification consultant as defined in section 2 of this act;*
- (8) A mortgage agent as defined in NRS 645B.0125;
- ~~[(8)]~~ (9) A mortgage banker as defined in NRS 645E.100; and
- ~~[(9)]~~ (10) A mortgage broker as defined in NRS 645B.0127.

(d) "Pattern of mortgage lending fraud" means one or more violations of a provision of subsection 1 committed in two or more mortgage lending transactions which have the same or similar intents, results, accomplices, victims or methods of commission, or are otherwise interrelated by distinguishing characteristics.

Sec. 11. This act becomes effective on July 1, 2009.

Assemblyman Conklin moved the adoption of the amendment.

Remarks by Assemblyman Conklin.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 257.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 116.

AN ACT relating to crimes; prohibiting the taking of an excessive number of certain free publications under certain circumstances; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law defines the crime of theft and provides that theft is punishable as a misdemeanor if the value of the property involved in the theft is less than \$250. (NRS 205.0832, 205.0835) Existing law also defines the crime of petit larceny and provides that petit larceny is punishable as a misdemeanor if the value of the personal goods or property involved in the petit larceny is less than \$250. (NRS 205.240)

Section 1 of this bill, which is modeled after California Penal Code § 490.7, generally prohibits a person from taking more than 10 copies of a free or complimentary ~~newspaper~~ **periodical** if the person has the specific intent to: (1) profit by recycling the ~~newspaper~~ **periodical**; (2) sell or barter the ~~newspaper~~ **periodical**; (3) deprive others of the opportunity to read the ~~newspaper~~ **periodical**; or (4) harm a business competitor. **Section 1** provides that a person who commits a first offense is guilty of a misdemeanor and subject to a fine of up to \$250, and for a second or subsequent offense, is guilty of a misdemeanor punishable by up to 10 days in jail or a fine of up to \$500, or both. The court may also order a person convicted of a first or second offense to perform community service in lieu of all or a part of the punishment.

Sections 1-3 of the bill also clarify that a violation of **section 1** does not constitute the crime of theft or petit larceny.

WHEREAS, Free publications provide an important source of information to the public and a valuable alternative to the news and ideas expressed in other local media, thereby contributing to the marketplace of ideas; and

WHEREAS, The Nevada Legislature should attempt to ensure that the marketplace of ideas is preserved and that contributors to that marketplace, such as free publications, are protected from improper and injurious interference with their mission; and

WHEREAS, The unauthorized taking of an excessive number of copies of free publications impoverishes the marketplace of ideas and injures the rights of a free publication's readers, writers, publishers and advertisers; now, therefore,

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

Section 1. Chapter 205 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in this section, a person shall not take from a news rack more than 10 copies of the current issue of a free or complimentary ~~newspaper~~ periodical if the person has the specific intent to:

- (a) Recycle the ~~newspaper~~ periodical for cash or other payment;**
- (b) Sell or barter the ~~newspaper~~ periodical;**
- (c) Deprive others of the opportunity to read or enjoy the ~~newspaper~~ periodical; or**
- (d) Harm a business competitor.**

2. This section does not apply to the taking of a current issue of a free or complimentary issue:

(a) By the owner or operator of a news rack in which the copies are placed;

(b) By the owner or operator of the property on which the news rack is placed ~~++~~, unless the news rack is on a portion of the property which is a public forum;

(c) By the publisher, printer, distributor or deliverer of the ~~newspaper~~ periodical;

(d) By any person who advertises in the current issue of the ~~newspaper~~ periodical;

(e) By any person who has the express permission of any person described in paragraphs (a) to (d), inclusive; or

(f) If the publisher has indicated on the news rack or in the ~~newspaper~~ periodical that the limitation set forth in this section does not apply to the current issue.

3. A person who violates this section:

(a) For the first offense, is guilty of a misdemeanor and shall be punished by a fine of not more than \$250.

(b) For a second or subsequent offense, is guilty of a misdemeanor and shall be punished by imprisonment in the county jail for not more than 10 days, or by a fine of not more than \$500, or by both fine and imprisonment.

4. In lieu of all or a part of the punishment which may be imposed pursuant to subsection 3, the convicted person may be sentenced to perform:

(a) For a first offense, 20 hours of community service pursuant to the conditions prescribed in NRS 176.087.

(b) For a second or subsequent offense, 40 hours of community service pursuant to the conditions prescribed in NRS 176.087.

5. A conviction under this section shall be deemed not to constitute a conviction for theft or petit larceny.

6. For the purposes of this section ~~and~~ :

(a) An issue of a ~~newspaper~~ periodical is the “current issue” if not more than half the period until the distribution of the next issue of the ~~newspaper~~ periodical has passed.

(b) ”Periodical” means a newspaper or magazine that is published at regular fixed intervals and has consecutive issue or volume numbers.

Sec. 2. NRS 205.0832 is hereby amended to read as follows:

205.0832 1. Except as otherwise provided in subsection 2 ~~and~~ **section 1 of this act**, a person commits theft if, without lawful authority, he knowingly:

(a) Controls any property of another person with the intent to deprive that person of the property.

(b) Converts, makes an unauthorized transfer of an interest in, or without authorization controls any property of another person, or uses the services or property of another person entrusted to him or placed in his possession for a limited, authorized period of determined or prescribed duration or for a limited use.

(c) Obtains real, personal or intangible property or the services of another person by a material misrepresentation with intent to deprive that person of the property or services. As used in this paragraph, “material misrepresentation” means the use of any pretense, or the making of any promise, representation or statement of present, past or future fact which is fraudulent and which, when used or made, is instrumental in causing the wrongful control or transfer of property or services. The pretense may be verbal or it may be a physical act.

(d) Comes into control of lost, mislaid or misdelivered property of another person under circumstances providing means of inquiry as to the true owner and appropriates that property to his own use or that of another person without reasonable efforts to notify the true owner.

(e) Controls property of another person knowing or having reason to know that the property was stolen.

(f) Obtains services or parts, products or other items related to such services which he knows are available only for compensation without paying

or agreeing to pay compensation or diverts the services of another person to his own benefit or that of another person without lawful authority to do so.

(g) Takes, destroys, conceals or disposes of property in which another person has a security interest, with intent to defraud that person.

(h) Commits any act that is declared to be theft by a specific statute.

(i) Draws or passes a check, and in exchange obtains property or services, if he knows that the check will not be paid when presented.

(j) Obtains gasoline or other fuel or automotive products which are available only for compensation without paying or agreeing to pay compensation.

2. A person who commits an act that is prohibited by subsection 1 which involves the repair of a vehicle has not committed theft unless, before the repair was made, he received a written estimate of the cost of the repair.

Sec. 3. NRS 205.240 is hereby amended to read as follows:

205.240 1. Except as otherwise provided in NRS 205.220, 205.226, 205.228 and 475.105 ~~§~~ *and section 1 of this act*, a person commits petit larceny if the person:

(a) Intentionally steals, takes and carries away, leads away or drives away:

(1) Personal goods or property, with a value of less than \$250, owned by another person;

(2) Bedding, furniture or other property, with a value of less than \$250, which the person, as a lodger, is to use in or with his lodging and which is owned by another person; or

(3) Real property, with a value of less than \$250, that the person has converted into personal property by severing it from real property owned by another person.

(b) Intentionally steals, takes and carries away, leads away, drives away or entices away one or more domesticated animals or domesticated birds, with an aggregate value of less than \$250, owned by another person.

2. A person who commits petit larceny is guilty of a misdemeanor. In addition to any other penalty, the court shall order the person to pay restitution.

Assemblyman Segerblom moved the adoption of the amendment.

Remarks by Assemblyman Segerblom.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 389.

Bill read second time.

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

Amendment No. 147.

AN ACT relating to personal identifying information; prohibiting a person from printing certain information concerning a credit card or debit card on any copy of a receipt retained by the person; **prohibiting a person from**

providing machines that do not allow a person to comply with the prohibition against printing certain information; providing civil and criminal penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing state and federal laws prohibit a person who accepts credit cards or debit cards for the transaction of business from printing the expiration date of the card or more than the last five digits of the account number of the card on any receipt provided to the cardholder. (NRS 597.945; 15 U.S.C. § 1681c(g)) ~~(This)~~ **Section 2 of this** bill prohibits such a person from printing more than the last five digits of the account number of the card on any copy of the receipt that is retained by the person who accepted the card. Additionally, ~~this bill~~ **section 2** prescribes a civil penalty of \$500 for a person who violates these provisions and an additional penalty of \$1,000 per week for a person who does not correct the violation. The aggregate amount of civil penalties imposed on a person for violations of these provisions which occur on the same premises must not exceed \$4,500. ~~(This bill)~~ **Finally, section 2** authorizes the Attorney General or a district attorney to: (1) recover the civil penalties in a civil action; and (2) bring an action to enjoin any violation of the provisions of ~~(this bill)~~ **section 2**. A person who violates any order or injunction issued to enjoin a violation of the provisions of ~~(this bill)~~ **section 2** is guilty of a gross misdemeanor.

Section 3 of this bill exempts from the applicability of section 2, from July 1, 2009, to December 31, 2009, a person who does not have the ability to control or adjust the manner in which a receipt is electronically printed.

Section 1 of this bill prohibits a manufacturer or a supplier from providing, selling or leasing a cash register or other machine or device that does not allow a person to comply with the provisions of section 2. Section 1 also authorizes the Attorney General or a district attorney to bring an action to enjoin any violation of the provisions of section 1. A person who violates any order or injunction issued to enjoin a violation of the provisions of section 1 is guilty of a gross misdemeanor.

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

Section 1. Chapter 597 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A manufacturer or supplier of a cash register or other machine or device that prints receipts for transactions in which a credit card or debit card is used shall not provide, lease or sell for the transaction of business any equipment that does not allow a person to comply with the provisions of subsection 1 of NRS 597.945.

2. The Attorney General or the district attorney may bring an action in any court of competent jurisdiction in the name of the State of Nevada against any person to restrain and prevent any violation of this section. The

court may issue an injunction for those purposes without proof of actual damage sustained by any person.

3. A person who violates any order or injunction issued pursuant to this section is guilty of a gross misdemeanor.

4. As used in this section:

(a) "Credit card" has the meaning ascribed to it in NRS 597.945.

(b) "Debit card" has the meaning ascribed to it in NRS 597.945.

(c) "Supplier" means a person engaged in the business of providing, leasing or selling cash registers or other machines or devices that are used to print receipts in the transaction of business.

~~[Section 1.]~~ Sec. 2. NRS 597.945 is hereby amended to read as follows:

597.945 1. Except as otherwise provided in this section, if a person accepts credit cards or debit cards for the transaction of business, the person shall not : ~~[do any of the following:]~~

(a) Print the expiration date of the credit card or debit card on any receipt provided to the cardholder ; ~~[]~~

(b) Print more than the last five digits of the account number of the credit card or debit card on any receipt provided to the cardholder ~~[]~~ ; *or*

(c) Print more than the last five digits of the account number of the credit card or debit card on any copy of a receipt retained by the person.

2. This section:

(a) Applies only to receipts that are electronically printed.

(b) Does not apply to transactions in which the only means of recording the credit card or debit card number is:

(1) By handwriting the credit card or debit card number; or

(2) By imprinting or copying the credit card or debit card.

3. ~~[If any cash register or other machine or device that electronically prints receipts for credit card or debit card transactions was first put into use before October 1, 2003, the provisions of this section do not apply to any transaction that occurs with regard to that cash register or other machine or device before January 1, 2008.]~~ *A person who violates any provision of this section is liable for a civil penalty in the amount of \$500. The person must be given notice of the violation and 2 weeks to correct the violation. A person who does not correct the violation within 2 weeks after receiving notice of the violation is liable for an additional civil penalty in the amount of \$1,000 per week until the person corrects the violation, except that the aggregate amount of civil penalties imposed on a person for violations which occur on the same premises must not exceed \$4,500.*

4. *A civil penalty imposed pursuant to subsection 3 must be recovered in a civil action brought in the name of the State of Nevada by the Attorney General or by any district attorney in a court of competent jurisdiction. Any penalty collected pursuant to this section must be paid to the State Treasurer for credit to the State General Fund.*

5. *The Attorney General or the district attorney may bring an action in any court of competent jurisdiction in the name of the State of Nevada against any person to restrain and prevent any violation of this section. The court may issue an injunction for those purposes without proof of actual damage sustained by any person.*

6. *A person who violates any order or injunction issued pursuant to this section is guilty of a gross misdemeanor.*

7. As used in this section:

(a) "Credit card" means any instrument or device, whether known as a credit card, credit plate or by any other name, issued with or without fee by an issuer for the use of the cardholder in obtaining money, property, goods, services or anything else of value on credit.

(b) "Debit card" means any instrument or device, whether known as a debit card or by any other name, that is issued with or without a fee by an issuer for the use of the cardholder in obtaining money, property, goods, services or anything else of value, subject to the issuer removing money from the checking account or savings account of the cardholder.

Sec. 3. 1. From July 1, 2009, to December 31, 2009, inclusive, the prohibitions set forth in subsection 1 of NRS 597.945 are applicable only to a person who has the control or ability to adjust the manner in which a receipt is electronically printed for transactions in which a credit card or debit card is used.

2. As used in this section:

(a) "Credit card" has the meaning ascribed to it in NRS 597.945.

(b) "Debit card" has the meaning ascribed to it in NRS 597.945.

~~Sec. 2~~ **Sec. 4. 1. This section and sections 2 and 3 of this act become effective on July 1, 2009.**

2. Section 1 of this act becomes effective on October 1, 2009.

Assemblyman Conklin moved the adoption of the amendment.

Remarks by Assemblyman Conklin.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Commerce and Labor, to which were referred Assembly Bills Nos. 178, 522, 523, has had the same under consideration, and begs leave to report the same back with the recommendation: Without recommendation, and refer to the Committee on Ways and Means.

MARCUS CONKLIN, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Ocegüera moved that Assembly Bills Nos. 178, 522, 523 just reported out of committee, be placed on the Second Reading File.

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 12 noon.

ASSEMBLY IN SESSION

At 12:01 p.m.

Madam Speaker presiding.

Quorum present.

SECOND READING AND AMENDMENT

Assembly Bill No. 178.

Bill read second time and ordered to third reading.

Assembly Bill No. 522.

Bill read second time and ordered to third reading.

Assembly Bill No. 523.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Conklin moved that Assembly Bills Nos. 178, 522, 523 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblyman Ocegüera moved that Assembly Bill No. 533 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

Assemblyman Ocegüera moved that Assembly Bill No. 372 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

Assemblyman Ocegüera moved that Assembly Bill No. 297 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

Assemblyman Ocegüera moved that Assembly Bill No. 243 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

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

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 443.

Bill read third time.

The following amendment was proposed by Assemblywoman Leslie:

Amendment No. 175.

SUMMARY—Revises provisions concerning the election of Councilmen in the cities of Reno and Sparks ~~to be contingent upon voter approval.~~ (BDR S-811)

AN ACT relating to local government; creating ~~to be contingent upon voter approval,~~ a sixth ward for the City of Reno; requiring ~~to be contingent upon voter approval,~~ that the candidates for Councilman in the City of Reno and in the City of Sparks be ~~to be voted for,~~ elected in a general election only by the registered voters of the ward that a candidate seeks to represent; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The existing Charter of the City of Reno divides the City into five wards, each of which is represented on the City Council by a Councilman. A sixth Councilman represents the City at large. (Reno City Charter §§ 1.050, 2.010) **Section 1** of this bill increases the number of wards in Reno to six, and **sections 2-4** of this bill replace the office of Councilman at large with the office of Councilman to represent the newly created sixth ward. (Reno City Charter §§ 1.050, 2.010, 5.010, 5.020)

The existing charters of the Cities of Reno and Sparks provide that the candidates for Councilman to represent a particular ward must be voted on in a primary election only by the registered voters of that ward, but in a general election, must be ~~to be voted on,~~ elected by the registered voters of the City at large. (Reno City Charter, §§ 5.010, 5.020; Sparks City Charter, §§ 5.010, 5.020) **Sections 3 and 4** of this bill amend the Charter of the City of Reno, and **sections 5 and 6** of this bill amend the Charter of the City of Sparks, to provide that all candidates for Councilman must be ~~to be voted on,~~ elected in a general election by only the registered voters of the ward that a candidate seeks to represent.

Section 9 of this bill requires the City of Reno, and section 10 of this bill requires the City of Sparks, to place on the ballot for the 2010 general election the question of whether to amend their respective charters to provide that all candidates for Councilman must be elected in a general election by only the registered voters of the ward that a candidate seeks to represent. Section 11 of this bill provides that sections 1-4, 7 and 8 of this bill become effective only if the voters in the City of Reno approve the ballot question that is required by section 9 and that sections 5 and 6 of this bill become effective only if the voters in the City of Sparks approve the ballot question that is required by section 10.

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

Section 1. Section 1.050 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 327, Statutes of Nevada 1999, at page 1365, is hereby amended to read as follows:

Sec. 1.050 Wards: Creation; boundaries.

1. The City must be divided into ~~five~~ *six* wards, which must be as nearly equal in population as can be conveniently provided. The territory comprising each ward must be contiguous, except that if any territory of the City which is not contiguous to the remainder of the City does not contain sufficient population to constitute a separate ward, it may be placed in any ward of the City.

2. The boundaries of the wards must be established and changed by ordinance, passed by a vote of at least five-sevenths of the City Council. The boundaries of the wards:

(a) Must be changed whenever the population, as determined by the last preceding national census of the Bureau of the Census of the United States Department of Commerce, in any ward exceeds the population in any other ward by more than 5 percent.

(b) May be changed to include territory that has been annexed, or whenever the population in any ward exceeds the population in another ward by more than 5 percent by any measure that is found to be reliable by the City Council.

Sec. 2. Section 2.010 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 327, Statutes of Nevada 1999, at page 1366, is hereby amended to read as follows:

Sec. 2.010 Mayor and City Council: Qualifications; election; term of office; salary.

1. The legislative power of the City is vested in a City Council consisting of six Councilmen and a Mayor.

2. The Mayor and Councilmen must be qualified electors within the City. Each Councilman *must be a resident of the ward from which he is* elected ~~from a ward~~ *and* must continue to live in that ward for as long as he represents the ward.

3. The Mayor ~~and one Councilman represent~~ *represents* the City at large and one Councilman represents each ward. The Mayor and Councilmen serve for terms of 4 years.

4. The Mayor and Councilmen are entitled to receive a salary in an amount fixed by the City Council.

Sec. 3. Section 5.010 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 87, Statutes of Nevada 2001, at page 557, is hereby amended to read as follows:

Sec. 5.010 General elections.

1. ~~On the Tuesday after the first Monday in November 1998, and at each successive interval of 4 years, there must be elected by the qualified voters of the City, at the general election, a Mayor, Councilmen from the second and fourth wards, a Municipal Judge and a City Attorney, all of whom hold office for a term of 4 years and until their successors have been elected and qualified pursuant to subsection 3 or 4.~~

2. ~~On the Tuesday after the first Monday in November 2000, and at each successive interval of 4 years, there must be elected by the qualified voters of~~

~~the City, at the general election, Councilmen from the first, third and fifth wards, one Councilman at large and two Municipal Judges, all of whom hold office for a term of 4 years and until their successors have been elected and qualified pursuant to subsection 5 or 6.~~

~~3.]~~ On the Tuesday after the first Monday in November 2002, and at each successive interval of 6 years, there must be elected, ~~[by the qualified voters of the City,]~~ at the general election, a Municipal Judge, who holds office for a term of 6 years and until his successor has been elected and qualified.

~~[4.]~~ 2. On the Tuesday after the first Monday in November 2002, and at each successive interval of 4 years, there must be elected, ~~[by the qualified voters of the City,]~~ at the general election, a Mayor, Councilmen from the second and fourth wards, and a City Attorney, all of whom hold office for a term of 4 years and until their successors have been elected and qualified.

~~[5.]~~ 3. On the Tuesday after the first Monday in November 2004, and at each successive interval of 6 years, there must be elected, ~~[by the qualified voters of the City,]~~ at the general election, three Municipal Judges, all of whom hold office for a term of 6 years and until their successors have been elected and qualified.

~~[6.]~~ 4. On the Tuesday after the first Monday in November 2004, and at each successive interval of 4 years, there must be elected, ~~[by the qualified voters of the City,]~~ at the general election, Councilmen from the first, third and fifth wards and one Councilman at large, all of whom hold office for a term of 4 years and until their successors have been elected and qualified ~~[.]~~ *pursuant to subsection 5.*

5. On the Tuesday after the first Monday in November 2012, and at each successive interval of 4 years, there must be elected, at the general election, Councilmen from the first, third, fifth and sixth wards, all of whom hold office for a term of 4 years and until their successors have been elected and qualified.

6. In an election held pursuant to this section:

(a) A candidate for the office of City Councilman must be elected only by the registered voters of the ward that he seeks to represent.

(b) Candidates for Mayor, Municipal Judge and City Attorney must be elected by the registered voters of the City at large.

Sec. 4. Section 5.020 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 376, Statutes of Nevada 2005, at page 1438, is hereby amended to read as follows:

Sec. 5.020 Primary elections; declaration of candidacy.

1. A candidate for any office to be voted for at an election must file a declaration of candidacy with the City Clerk. All filing fees collected by the City Clerk must be deposited to the credit of the General Fund of the City.

2. If for any general election, there are three or more candidates for any office to be filled at that election, a primary election for any such office must be held on the date fixed by the election laws of this State for statewide elections, at which time there must be nominated candidates for the office to

be voted for at the next general election. If for any general election there are two or fewer candidates for any office to be filled at that election, their names must not be placed on the ballot for the primary election but must be placed on the ballot for the general election.

3. In the primary election:

(a) The names of the two candidates for Municipal Judge, City Attorney or a particular City Council seat, as the case may be, who receive the highest number of votes must be placed on the ballot for the general election.

(b) ~~{Candidates}~~ *A candidate for the office of City Councilman* ~~{who represent a specific ward}~~ must be voted upon only by the registered voters of ~~{that ward.}~~ *the ward that he seeks to represent.*

(c) Candidates for Mayor ~~{and Councilman at large}~~ , *Municipal Judge and City Attorney* must be voted upon by ~~{all}~~ *the* registered voters of the City ~~{.~~

~~4.—The Mayor and all Councilmen must be voted upon by all registered voters of the City at the general election.}~~ *at large.*

Sec. 5. Section 5.010 of the Charter of the City of Sparks, being chapter 470, Statutes of Nevada 1975, as last amended by chapter 52, Statutes of Nevada 2005, at page 104, is hereby amended to read as follows:

Sec. 5.010 General elections.

~~1. {On the Tuesday after the first Monday in June 2001, there must be elected by the registered voters of the City, at a general municipal election, Council members to represent the first, third and fifth wards, a Municipal Judge for Department 1 and a City Attorney, all of whom hold office until their successors have been elected and qualified, pursuant to subsection 3 or 4.~~

~~2.—On the Tuesday after the first Monday in June 2003, there must be elected by the registered voters of the City, at a general municipal election, Council members to represent the second and fourth wards, a Mayor and a Municipal Judge for Department 2, all of whom hold office until their successors have been elected and qualified, pursuant to subsection 5 or 6.~~

~~3.}~~ On the Tuesday after the first Monday in November 2004, and at each successive interval of 4 years, there must be elected , ~~{by the registered voters of the City.}~~ at the general election, Council members to represent the first, third and fifth wards and a City Attorney, all of whom hold office for a term of 4 years and until their successors have been elected and qualified.

~~{4.—On the Tuesday after the first Monday in November 2004, and at each successive interval of 4 years, there must be elected by the registered voters of the City, at the general election, a Municipal Judge for Department 1, who holds office for a term of 4 years and until his successor has been elected and qualified, pursuant to subsection 7.~~

~~5.}~~ 2. On the Tuesday after the first Monday in November 2006, and at each successive interval of 4 years, there must be elected , ~~{by the registered voters of the City.}~~ at the general election, Council members to represent the

second and fourth wards and a Mayor, all of whom hold office for a term of 4 years and until their successors have been elected and qualified.

~~{6.}~~ 3. On the Tuesday after the first Monday in November 2006, and at each successive interval of 6 years, there must be elected, ~~{by the registered voters of the City,}~~ at the general election, a Municipal Judge for Department 2, who holds office for a term of 6 years and until his successor has been elected and qualified.

~~{7.}~~ 4. On the Tuesday after the first Monday in November 2008, and at each successive interval of 6 years, there must be elected, ~~{by the registered voters of the City,}~~ at the general election, a Municipal Judge for Department 1, who holds office for a term of 6 years and until his successor has been elected and qualified.

~~{8.—All candidates at}~~

5. *In* an election that is held pursuant to this section :

(a) *Candidates for the offices of Mayor, City Attorney and Municipal Judge* must be voted upon by the registered voters of the City at large.

(b) *A candidate for the office of City Councilman must be elected only by the registered voters of the ward that he seeks to represent.*

Sec. 6. Section 5.020 of the Charter of the City of Sparks, being chapter 470, Statutes of Nevada 1975, as last amended by chapter 41, Statutes of Nevada 2001, at page 398, is hereby amended to read as follows:

Sec. 5.020 Primary elections.

1. *At an election that is held pursuant to this section:*

(a) Candidates for the offices of Mayor, City Attorney and Municipal Judge must be voted upon by the registered voters of the City at large. ~~{Candidates to represent a ward as a member of the City Council}~~

(b) *A candidate for the office of City Councilman* must be voted upon *only* by the registered voters of the ward ~~{to be represented by them,}~~ *that he seeks to represent.*

2. The names of the two candidates for Mayor, City Attorney and Municipal Judge and the names of the two candidates to represent the ward as a member of the City Council from each ward who receive the highest number of votes at the primary election must be placed on the ballot for the general election.

Sec. 7. The City Council of the City of Reno shall, not later than July 1, ~~{2009,}~~ 2011, establish the boundaries of the ward created by the amendatory provisions of section 1 of this act, which must be designated the sixth ward, and change the boundaries of the first through fifth wards to comply with the provisions of section 1.050 of the Charter of the City of Reno, as amended by section 1 of this act.

Sec. 8. Notwithstanding the amendatory provisions of section 2 of this act, a Councilman of the City of Reno who holds office on July 1, ~~{2009,}~~ 2011, shall:

1. If elected or appointed to represent a ward, continue to represent that ward for the remainder of his term of office.

2. If elected or appointed to represent the City at large, be deemed to represent only the ward created by the amendatory provisions of section 1 of this act for the remainder of his term of office.

Sec. 9. The City Council of the City of Reno shall place on the ballot for the general election to be held on November 2, 2010, a question in substantially the following form:

Shall the Charter of the City of Reno be amended to provide for a ward system for the election of Councilmen, providing that each Councilman must be elected in a general election by only the registered voters of the ward that he seeks to represent?

Sec. 10. The City Council of the City of Sparks shall place on the ballot for the general election to be held on November 2, 2010, a question in substantially the following form:

Shall the Charter of the City of Sparks be amended to provide for a ward system for the election of Councilmen, providing that each Councilman must be elected in a general election by only the registered voters of the ward that he seeks to represent?

~~{Sec. 9.}~~ **Sec. 11. 1. This section and sections 9 and 10 of this act become effective:**

~~1. Upon passage and approval, for the purpose of passing any ordinances and performing any preparatory administrative tasks that are necessary to carry out the provisions of this act; and~~

~~2. On July 1, 2009, for all other purposes.~~

2. Sections 1 to 4, inclusive, 7 and 8 of this act become effective on July 1, 2011, only if a majority of the voters voting on the question placed on the ballot pursuant to section 9 of this act vote affirmatively on the question.

3. Sections 5 and 6 of this act become effective on July 1, 2011, only if a majority of the voters voting on the question placed on the ballot pursuant to section 10 of this act vote affirmatively on the question.

Assemblywoman Leslie moved the adoption of the amendment.

Remarks by Assemblywoman Leslie

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 533.

Bill read third time.

Remarks by Assemblywoman Leslie.

Roll call on Assembly Bill No. 533:

YEAS—40.

NAYS—None.

EXCUSED—Arberry, Carpenter—2.

Assembly Bill No. 533 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 14.

Bill read third time.

Remarks by Assemblywoman Parnell.

Roll call on Assembly Bill No. 14:

YEAS—40.

NAYS—None.

EXCUSED—Arberry, Carpenter—2.

Assembly Bill No. 14 having received a constitutional majority,
Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 188.

Bill read third time.

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

Assembly in recess at 12:13 p.m.

ASSEMBLY IN SESSION

At 12:15 p.m.

Madam Speaker presiding.

Quorum present.

Remarks by Assemblyman Stewart.

Roll call on Assembly Bill No. 188:

YEAS—40.

NAYS—None.

EXCUSED—Arberry, Carpenter—2.

Assembly Bill No. 188 having received a constitutional majority,
Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 193.

Bill read third time.

Remarks by Assemblywoman Kirkpatrick.

Roll call on Assembly Bill No. 193:

YEAS—40.

NAYS—None.

EXCUSED—Arberry, Carpenter—2.

Assembly Bill No. 193 having received a constitutional majority,
Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 237.

Bill read third time.

Remarks by Assemblyman Anderson.

Roll call on Assembly Bill No. 237:

YEAS—40.

NAYS—None.

EXCUSED—Arberry, Carpenter—2.

Assembly Bill No. 237 having received a constitutional majority,
Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 249.

Bill read third time.

Remarks by Assemblyman Hardy.

Roll call on Assembly Bill No. 249:

YEAS—40.

NAYS—None.

EXCUSED—Arberry, Carpenter—2.

Assembly Bill No. 249 having received a constitutional majority,
Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 253.

Bill read third time.

Remarks by Assemblyman Cobb.

Potential conflict of interest declared by Assemblyman Gustavson.

Roll call on Assembly Bill No. 253:

YEAS—39.

NAYS—Horne.

EXCUSED—Arberry, Carpenter—2.

Assembly Bill No. 253 having received a constitutional majority,
Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 264.

Bill read third time.

Remarks by Assemblywoman Leslie.

Roll call on Assembly Bill No. 264:

YEAS—40.

NAYS—None.

EXCUSED—Arberry, Carpenter—2.

Assembly Bill No. 264 having received a constitutional majority,
Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 266.

Bill read third time.

Remarks by Assemblymen Ocegueda and Settlemeyer.

Roll call on Assembly Bill No. 266:

YEAS—28.

NAYS—Cobb, Gansert, Goedhart, Goicoechea, Grady, Gustavson, Hambrick, Hardy, McArthur, Settlemeyer, Stewart, Woodbury—12.

EXCUSED—Arberry, Carpenter—2.

Assembly Bill No. 266 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 280.

Bill read third time.

Remarks by Assemblymen Segerblom and Gustavson.

Roll call on Assembly Bill No. 280:

YEAS—38.

NAYS—Goedhart, Gustavson—2.

EXCUSED—Arberry, Carpenter—2.

Assembly Bill No. 280 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 286.

Bill read third time.

Remarks by Assemblyman Christensen.

Roll call on Assembly Bill No. 286:

YEAS—40.

NAYS—None.

EXCUSED—Arberry, Carpenter—2.

Assembly Bill No. 286 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 289.

Bill read third time.

Remarks by Assemblyman Mortenson.

Roll call on Assembly Bill No. 289:

YEAS—40.

NAYS—None.

EXCUSED—Arberry, Carpenter—2.

Assembly Bill No. 289 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 291.

Bill read third time.

Remarks by Assemblywoman Spiegel.

Roll call on Assembly Bill No. 291:

YEAS—39.

NAYS—Gustavson.

EXCUSED—Arberry, Carpenter—2.

Assembly Bill No. 291 having received a constitutional majority,
Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

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

Assembly in recess at 12:40 p.m.

ASSEMBLY IN SESSION

At 1:07 p.m.

Madam Speaker presiding.

Quorum present.

Assembly Bill No. 296.

Bill read third time.

Remarks by Assemblyman Atkinson.

Roll call on Assembly Bill No. 296:

YEAS—40.

NAYS—None.

EXCUSED—Arberry, Carpenter—2.

Assembly Bill No. 296 having received a constitutional majority,
Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 301.

Bill read third time.

Remarks by Assemblyman Kihuen.

Roll call on Assembly Bill No. 301:

YEAS—40.

NAYS—None.

EXCUSED—Arberry, Carpenter—2.

Assembly Bill No. 301 having received a constitutional majority,
Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 306.

Bill read third time.

Remarks by Assemblyman Mortenson.

Roll call on Assembly Bill No. 306:

YEAS—40.

NAYS—None.

EXCUSED—Arberry, Carpenter—2.

Assembly Bill No. 306 having received a constitutional majority,
Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 327.

Bill read third time.

Remarks by Assemblyman Denis.

Roll call on Assembly Bill No. 327:

YEAS—40.

NAYS—None.

EXCUSED—Arberry, Carpenter—2.

Assembly Bill No. 327 having received a constitutional majority,
Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 329.

Bill read third time.

Remarks by Assemblyman Goicoechea.

Roll call on Assembly Bill No. 329:

YEAS—40.

NAYS—None.

EXCUSED—Arberry, Carpenter—2.

Assembly Bill No. 329 having received a constitutional majority,
Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 332.

Bill read third time.

Remarks by Assemblywoman Dondero Loop.

Roll call on Assembly Bill No. 332:

YEAS—40.

NAYS—None.

EXCUSED—Arberry, Carpenter—2.

Assembly Bill No. 332 having received a constitutional majority,
Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Kirkpatrick moved that Assembly Bill No. 360 be taken
from the General File and placed on the Chief Clerk's desk.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 362.

Bill read third time.

Remarks by Assemblyman Claborn.

Roll call on Assembly Bill No. 362:

YEAS—40.

NAYS—None.

EXCUSED—Arberry, Carpenter—2.

Assembly Bill No. 362 having received a constitutional majority,
Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 393.

Bill read third time.

Remarks by Assemblywoman Smith.

Roll call on Assembly Bill No. 393:

YEAS—40.

NAYS—None.

EXCUSED—Arberry, Carpenter—2.

Assembly Bill No. 393 having received a constitutional majority,
Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 403.

Bill read third time.

Remarks by Assemblywoman McClain.

Roll call on Assembly Bill No. 403:

YEAS—40.

NAYS—None.

EXCUSED—Arberry, Carpenter—2.

Assembly Bill No. 403 having received a constitutional majority,
Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 407.

Bill read third time.

Remarks by Assemblyman Bobzien.

Roll call on Assembly Bill No. 407:

YEAS—38.

NAYS—Goedhart, Gustavson—2.

EXCUSED—Arberry, Carpenter—2.

Assembly Bill No. 407 having received a two-thirds majority,
Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 412.

Bill read third time.

Remarks by Assemblymen Claborn, Ocegüera, and Atkinson.

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

Roll call on Assembly Bill No. 412:

YEAS—40.

NAYS—None.

EXCUSED—Arberry, Carpenter—2.

Assembly Bill No. 412 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Ocegüera moved that Assembly Bill No. 413 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 414.

Bill read third time.

Remarks by Assemblyman Claborn.

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

Roll call on Assembly Bill No. 414:

YEAS—40.

NAYS—None.

EXCUSED—Arberry, Carpenter—2.

Assembly Bill No. 414 having received a two-thirds majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 415.

Bill read third time.

Remarks by Assemblyman Goicoechea.

Roll call on Assembly Bill No. 415:

YEAS—40.

NAYS—None.

EXCUSED—Arberry, Carpenter—2.

Assembly Bill No. 415 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 417.

Bill read third time.

Remarks by Assemblywoman Kirkpatrick.

Roll call on Assembly Bill No. 417:

YEAS—40.

NAYS—None.

EXCUSED—Arberry, Carpenter—2.

Assembly Bill No. 417 having received a constitutional majority,
Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 429.

Bill read third time.

Remarks by Assemblywoman Smith.

Conflict of interest declared by Assemblywoman Dondero Loop.

Roll call on Assembly Bill No. 429:

YEAS—39.

NAYS—None.

NOT VOTING—Dondero Loop.

EXCUSED—Arberry, Carpenter—2.

Assembly Bill No. 429 having received a constitutional majority,
Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Atkinson moved that Assembly Bill No. 455 be taken from
the General File and placed on the Chief Clerk's desk.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 459.

Bill read third time.

Remarks by Assemblywoman McClain.

Roll call on Assembly Bill No. 459:

YEAS—40.

NAYS—None.

EXCUSED—Arberry, Carpenter—2.

Assembly Bill No. 459 having received a constitutional majority,
Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 462.

Bill read third time.

Remarks by Assemblyman Ohrenschall.

Roll call on Assembly Bill No. 462:

YEAS—40.

NAYS—None.

EXCUSED—Arberry, Carpenter—2.

Assembly Bill No. 462 having received a constitutional majority,
Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 473.

Bill read third time.

Remarks by Assemblyman Anderson.

Roll call on Assembly Bill No. 473:

YEAS—34.

NAYS—Christensen, Cobb, Goedhart, Gustavson, Hambrick, McArthur—6.

EXCUSED—Arberry, Carpenter—2.

Assembly Bill No. 473 having received a constitutional majority,
Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 477.

Bill read third time.

Roll call on Assembly Bill No. 477:

YEAS—40.

NAYS—None.

EXCUSED—Arberry, Carpenter—2.

Assembly Bill No. 477 having received a constitutional majority,
Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Kirkpatrick moved that Assembly Bill No. 483 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 516.

Bill read third time.

Remarks by Assemblyman Claborn.

Roll call on Assembly Bill No. 516:

YEAS—40.

NAYS—None.

EXCUSED—Arberry, Carpenter—2.

Assembly Bill No. 516 having received a constitutional majority,
Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 517.

Bill read third time.

Remarks by Assemblyman Segerblom.

Roll call on Assembly Bill No. 517:

YEAS—40.

NAYS—None.

EXCUSED—Arberry, Carpenter—2.

Assembly Bill No. 517 having received a constitutional majority,
Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 518.

Bill read third time.

Remarks by Assemblyman Atkinson.

Roll call on Assembly Bill No. 518:

YEAS—40.

NAYS—None.

EXCUSED—Arberry, Carpenter—2.

Assembly Bill No. 518 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Ocegüera moved that Assembly Bills Nos. 243, 297, 372, 413, 483; Assembly Joint Resolutions Nos. 5, 7, 10, 14; Senate Bills Nos. 38, 109; 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.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Buckley, the privilege of the floor of the Assembly Chamber for this day was extended to Melissa Sewell.

On request of Assemblyman Christensen, the privilege of the floor of the Assembly Chamber for this day was extended to Dillon Brock, Grant Zampirro, and Levi Jenkins.

On request of Assemblyman Cobb, the privilege of the floor of the Assembly Chamber for this day was extended to Andrew Outland, Quin Outland, Robin Huhn, and Nathan Schank.

On request of Assemblyman Denis, the privilege of the floor of the Assembly Chamber for this day was extended to Schyler Jarvis, Corey Lundy, and Brandon Pierce.

On request of Assemblyman Goedhart, the privilege of the floor of the Assembly Chamber for this day was extended to Ian Butler, Sawyer Janicek, Bryce James, Alan Gonzalez, Jackson Fitzsimmons, and Bryce McIntyre.

On request of Assemblyman Grady, the privilege of the floor of the Assembly Chamber for this day was extended to Karl Stephenson, Braedon Jenkins, Miles McDonald, Kari Stephenson, and Casey Stangel.

On request of Assemblyman Gustavson, the privilege of the floor of the Assembly Chamber for this day was extended to Andrew Rousse, Joshua Rousse, and Zac Smith.

On request of Assemblyman Hambrick, the privilege of the floor of the Assembly Chamber for this day was extended to Erik Nordland, Mathew Tooker, and Seon Montblanc.

On request of Assemblyman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Trevor Sollberger, Eric Pinger, and Logan Thompson.

On request of Assemblywoman Kirkpatrick, the privilege of the floor of the Assembly Chamber for this day was extended to Caleb Lawrence and Mathew Henson.

On request of Assemblyman McArthur, the privilege of the floor of the Assembly Chamber for this day was extended to Tim Taylor, David Lyles, and Sean Kelly.

On request of Assemblywoman McClain, the privilege of the floor of the Assembly Chamber for this day was extended to Ed Anderson.

On request of Assemblyman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to Jacob McAllister.

On request of Assemblyman Settlemeyer, the privilege of the floor of the Assembly Chamber for this day was extended to Kyle Cook, Ian Burson, and Samuel Wilson.

On request of Assemblyman Stewart, the privilege of the floor of the Assembly Chamber for this day was extended to Jeremiah Hendelins and Joshua Hendelins.

Assemblyman Ocegüera moved that the Assembly adjourn until Tuesday, April 14, 2009, at 11 a.m.

Motion carried.

Assembly adjourned at 1:59 p.m.

Approved:

BARBARA E. BUCKLEY
Speaker of the Assembly

Attest: SUSAN FURLONG REIL

Chief Clerk of the Assembly