

THE NINETY-THIRD DAY

CARSON CITY (Tuesday), May 5, 2009

Assembly called to order at 11:40 a.m.

Madam Speaker presiding.

Roll called.

All present except Assemblyman Arberry, who was excused.

Prayer by the Chaplain, Reverend Patrick Propster.

Proverbs 22:28 & 29:

“Do not remove the old landmark (the ancient boundary) which your fathers have set. Do you see a man diligent (skilled in his work) in his business? He shall stand before kings; he shall not stand before obscure (unknown) men.”

Lord, we know that landmarks are important and that at times change is inevitable. We also know nothing happens in government without a reason or purpose behind it. Therefore, we pray that any and all decisions or changes that would need to be made during these days here and now would all be made on the foundation and for the glory of You.

Oh Gracious Heavenly Father, please, would You grant these here in this room and in this place, the wisdom, the discernment, and the insight to know the heart and the mind of You, for the sake of You and future of us.

AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Commerce and Labor, to which were referred Senate Bills Nos. 49, 91, 129, 335, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MARCUS CONKLIN, *Chairman*

Madam Speaker:

Your Committee on Health and Human Services, to which were referred Senate Bills Nos. 220, 304, 307, 343, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DEBBIE SMITH, *Chair*

Madam Speaker:

Your Committee on Judiciary, to which was referred Senate Bill No. 348, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNIE ANDERSON, *Chairman*

Madam Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which were referred Senate Bills Nos. 280, 300, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JERRY D. CLABORN, *Chair*

Madam Speaker:

Your Committee on Ways and Means, to which were rereferred Assembly Bills Nos. 20, 81, 426, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

SHEILA LESLIE, *VICE Chair*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Ocegüera moved that for the balance of the session, the reading of the histories on all bills and resolutions be dispensed with.

Motion carried.

Assemblyman Ocegüera moved that for the balance of the session, all bills and resolutions reported out of committee be immediately placed on the appropriate reading file.

Motion carried.

By Assemblywoman Buckley:

Assembly Concurrent Resolution No. 30—Directing the Legislative Commission to conduct an interim study on the development and promotion of logistics and distribution centers in this State.

Assemblywoman Koivisto moved that the resolution be referred to the Committee on Elections, Procedures, Ethics, and Constitutional Amendments.

Motion carried.

Assemblyman Claborn moved that Senate Bill No. 108 be taken from the Chief Clerk's desk and placed on the Second Reading File.

Motion carried.

Assemblywoman Smith moved that Senate Bill No. 186 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblyman Anderson moved that Senate Bill No. 106 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblywoman Parnell moved that Senate Bill No. 19 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblywoman Parnell moved that Senate Bill No. 164 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 548—AN ACT relating to state financial administration; revising the manner of calculating the maximum fee per transaction for the use of a credit card, debit card or electronic transfer of money to make a payment to a state agency, local government or court; and providing other matters properly relating thereto.

Assemblywoman Leslie moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 549—AN ACT relating to state financial administration; temporarily suspending the requirement to transfer money from the Abandoned Property Trust Account in the State General Fund to the Millennium Scholarship Trust Fund; and providing other matters properly relating thereto.

Assemblywoman Leslie moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 550—AN ACT relating to state parks; requiring the Administrator of the Division of State Parks of the State Department of Conservation and Natural Resources to establish a commercial wedding program at the Boulder Dam-Valley of Fire State Park; requiring the Administrator to impose and collect a fee for weddings held at the Park under the program; and providing other matters properly relating thereto.

Assemblywoman Leslie moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 551—AN ACT relating to taxation; imposing a tax on the provision of video service to subscribers in this State; making an appropriation; and providing other matters properly relating thereto.

Assemblywoman Leslie moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 552—AN ACT relating to taxation; increasing the fee charged by the State for collecting local sales and use taxes; and providing other matters properly relating thereto.

Assemblywoman Leslie moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 553—AN ACT making an appropriation for the coordination of student and family services in Nevada schools; and providing other matters properly relating thereto.

Assemblywoman Leslie moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 337.

Bill read second time.

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

Amendment No. 592.

SUMMARY—Creates the Office of Statewide Coordinator for Children Who Are Endangered by Drug Exposure in the Office of the Attorney General. ~~and makes various other changes concerning children who are endangered by drug exposure.~~ (BDR 38-593)

AN ACT relating to the protection of children; creating the Office of Statewide Coordinator for Children Who Are Endangered by Drug Exposure ~~and making various other changes concerning children who are endangered by drug exposure.~~ in the Office of the Attorney General; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill creates the Office of Statewide Coordinator for Children Who Are Endangered by Drug Exposure in the Office of the Attorney General. The Attorney General appoints the Statewide Coordinator for Children Who Are Endangered by Drug Exposure, who will engage in activities to assist in the establishment of programs for children who are endangered by drug exposure and to educate the public about children who are endangered by drug exposure. ~~Sections 1 and 5 of this bill define "child who is endangered by drug exposure" for the purposes of these provisions. and the chapter concerning the protection of children. Section 6 of this bill includes "child who is endangered by drug exposure" within the provision which describes when negligent treatment or maltreatment of a child occurs. (NRS 432B.140).~~ Section 2 ~~and 5~~ of this bill ~~define~~ defines "child who is endangered by drug exposure" for the purposes of these provisions. ~~and the chapter concerning the protection of children. Section 6 of this bill includes "child who is endangered by drug exposure" within the provision which describes when negligent treatment or maltreatment of a child occurs. (NRS 432B.140).~~

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

Section 1. Chapter ~~432B~~ 228 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. *"Child who is endangered by drug exposure" means:*

1. *A child who is born affected by prenatal illegal substance abuse or who has withdrawal symptoms resulting from such abuse, or has experienced other complications at birth as a result of such abuse as determined by a physician;*

2. *A child who illegally has a controlled substance in his body as a direct and foreseeable result of the act or omission of the parent, guardian or other person who exercises control or supervision of the child; or*

3. *A child who is allowed, in violation of NRS 453.3325, to be present in any conveyance or upon any premises wherein a controlled substance is unlawfully possessed, used, sold, exchanged, bartered, supplied, prescribed, dispensed, given away, administered, manufactured or compounded in violation of any of the provisions of NRS 453.011 to 453.552, inclusive.*

Sec. 3. 1. *The Office of Statewide Coordinator for Children Who Are Endangered by Drug Exposure is hereby created in the Office of the Attorney General.*

2. *The Attorney General shall appoint a person to serve as Statewide Coordinator who is knowledgeable about the legal and societal aspects of children who are endangered by drug exposure.*

3. *The Statewide Coordinator is in the unclassified service of the State.*

Sec. 4. 1. *The Statewide Coordinator for Children Who Are Endangered by Drug Exposure shall:*

(a) *Provide necessary assistance to communities and local governments in establishing programs for children who are endangered by drug exposure.*

(b) *Provide education to the public concerning children who are endangered by drug exposure.*

(c) *Perform such other tasks as are necessary to carry out his duties and the functions of his office.*

2. *The Attorney General may accept grants, gifts, donations, bequests or devise on behalf of the Office of Statewide Coordinator for Children Who Are Endangered by Drug Exposure which must be used to carry out the duties of the Statewide Coordinator.*

Sec. 5. ~~NRS 432B.010 is hereby amended to read as follows:~~

~~432B.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 432B.020 to 432B.110, inclusive, and section 2 of this act have the meanings ascribed to them in those sections.]~~
(Deleted by amendment.)

Sec. 6. ~~NRS 432B.140 is hereby amended to read as follows:~~

~~432B.140 Negligent treatment or maltreatment of a child occurs if a child has been abandoned, is without proper care, control and supervision, is a child who is endangered by drug exposure or lacks the subsistence, education, shelter, medical care or other care necessary for the well being of the child because of the faults or habits of the person responsible for his~~

~~welfare or his neglect or refusal to provide them when able to do so.]~~
(Deleted by amendment.)

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

Assemblywoman Leslie moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 45.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 587.

AN ACT relating to crimes; allowing a prospective witness who is an older person or a vulnerable person to have his deposition taken for use at a trial or hearing under certain circumstances; ~~providing for a civil penalty against a person convicted of certain crimes against an older person;~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law allows a prospective witness who may be unable to attend or may be prevented from attending a trial or hearing to have his deposition taken, if his testimony is material, in order to prevent a failure of justice. (NRS 174.175) At a trial or hearing, a part or all of a deposition may be used if it appears that: (1) the witness is dead; (2) the witness is out of the State of Nevada; (3) the witness is sick; (4) the witness has become of unsound mind; or (5) the party offering the deposition could not procure the attendance of the witness by subpoena. (NRS 174.215) ~~Section 1 of this~~ **This** bill expands the list of prospective witnesses who may have their deposition taken to include older persons and vulnerable persons. (NRS 174.175) ~~Section 1~~ **This bill** also provides that a court may order the deposition of an older person or a vulnerable person only upon good cause shown to the court.

~~Existing law provides for the imposition of a civil penalty in addition to any criminal penalty against a person who is found guilty of abuse, neglect, exploitation or isolation of an older person. Section 2 of this bill expands the imposition of the civil penalty to any person who is found guilty of committing certain crimes such as murder, assault, battery and robbery against an older person. (NRS 228.280)]~~

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

Section 1. NRS 174.175 is hereby amended to read as follows:

174.175 1. If it appears that a prospective witness *is an older person or a vulnerable person or* may be unable to attend or prevented from attending a trial or hearing, that his testimony is material and that it is necessary to take his deposition in order to prevent a failure of justice, the court at any time after the filing of an indictment, information or complaint may, upon motion of a defendant or of the State and notice to the parties, order that his

testimony be taken by deposition and that any designated books, papers, documents or tangible objects, not privileged, be produced at the same time and place. *If the motion is for the deposition of an older person or a vulnerable person, the court may enter an order to take the deposition only upon good cause shown to the court.* If the deposition is taken upon motion of the State, the court shall order that it be taken under such conditions as will afford to each defendant the opportunity to confront the witnesses against him.

2. If a witness is committed for failure to give bail to appear to testify at a trial or hearing, the court, on written motion of the witness and upon notice to the parties, may direct that his deposition be taken. After the deposition has been subscribed, the court may discharge the witness.

3. This section does not apply to the prosecutor, or to an accomplice in the commission of the offense charged.

4. As used in this section:

(a) "Older person" means a person who is 70 years of age or older.

(b) "Vulnerable person" has the meaning ascribed to it in subsection 7 of NRS 200.5092.

Sec. 2. ~~NRS 228.280 is hereby amended to read as follows:~~

~~228.280 1. In addition to any criminal penalty, a person who is found guilty of abuse, neglect, exploitation or isolation of an older person pursuant to NRS 200.5099 or 200.50995 or found guilty of a crime against an older person pursuant to subsection 1 of NRS 193.167 is liable for a civil penalty to be recovered by the Attorney General in a civil action brought in the name of the State of Nevada:~~

~~(a) For the first offense, in an amount which is not less than \$5,000 and not more than \$20,000;~~

~~(b) For a second or subsequent offense, in an amount which is not less than \$10,000 and not more than \$30,000;~~

~~2. The Attorney General shall deposit any money collected for civil penalties pursuant to subsection 1 in equal amounts to:~~

~~(a) A separate account in the Fund for the Compensation of Victims of Crime created pursuant to NRS 217.260 to provide compensation to older persons who are abused, neglected, exploited or isolated in violation of NRS 200.5099 and 200.50995 [;] or to provide compensation to an older person who is a victim of a crime pursuant to subsection 1 of NRS 193.167; and~~

~~(b) The Account for the Unit for the Investigation and Prosecution of Crimes Against Older Persons created pursuant to NRS 228.285.] (Deleted by amendment.)~~

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

Assemblyman Segerblom moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 142.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:
Amendment No. 589.

AN ACT relating to crimes; establishing the crime of criminal gang recruitment; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 2 of this bill establishes the crime of criminal gang recruitment, which is committed when an adult uses or threatens to use physical violence against a child or against another person, or causes or threatens to cause damage to the property of the child or the property of another person, with the specific intent to coerce, induce or solicit the child: (1) to become a member of a criminal gang; (2) to remain a member of a criminal gang and not withdraw or disassociate himself from the criminal gang; or (3) to rejoin a criminal gang of which he is no longer a member or from which he has withdrawn or disassociated himself. The provisions of **section 2** are patterned after similar statutory provisions in other states, such as Alaska, Arizona, Illinois, Indiana, Kansas, Kentucky, Maryland, Montana, South Carolina, Texas, Virginia and Washington.

Section 1 of this bill provides that a person who commits the crime of criminal gang recruitment is not subject to the additional penalty under existing law for crimes committed for the benefit of, at the direction of, or in affiliation with, a criminal gang, with the specific intent to promote, further or assist the activities of the criminal gang. (NRS 193.168)

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

Section 1. NRS 193.168 is hereby amended to read as follows:

193.168 1. Except as otherwise provided in *subsection 5 and* NRS 193.169, any person who is convicted of a felony committed knowingly for the benefit of, at the direction of, or in affiliation with, a criminal gang, with the specific intent to promote, further or assist the activities of the criminal gang, shall, in addition to the term of imprisonment prescribed by statute for the crime, 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 20 years. In determining the length of the additional penalty imposed, the court shall consider the following information:

- (a) The facts and circumstances of the crime;
- (b) The criminal history of the person;
- (c) The impact of the crime on any victim;
- (d) Any mitigating factors presented by the person; and
- (e) Any other relevant information.

↪ The court shall state on the record that it has considered the information described in paragraphs (a) to (e), inclusive, in determining the length of the additional penalty imposed.

2. The sentence prescribed by this section:

(a) Must not exceed the sentence imposed for the crime; and

(b) Runs consecutively with the sentence prescribed by statute for the crime.

3. This section does not create any separate offense but provides an additional penalty for the primary offense, whose imposition is contingent upon the finding of the prescribed fact.

4. The court shall not impose an additional penalty pursuant to this section unless:

(a) The indictment or information charging the defendant with the primary offense alleges that the primary offense was committed knowingly for the benefit of, at the direction of, or in affiliation with, a criminal gang, with the specific intent to promote, further or assist the activities of the criminal gang; and

(b) The trier of fact finds that allegation to be true beyond a reasonable doubt.

5. ***The court shall not impose an additional penalty pursuant to this section if the primary offense is a violation of section 2 of this act.***

6. Except as otherwise provided in this subsection, the court shall not grant probation to or suspend the sentence of any person convicted of a felony committed for the benefit of, at the direction of, or in affiliation with, a criminal gang if an additional term of imprisonment may be imposed for that primary offense pursuant to this section. The court may, upon the receipt of an appropriate motion, reduce or suspend the sentence imposed for the primary offense if it finds that the defendant rendered substantial assistance in the arrest or conviction of any other principals, accomplices, accessories or coconspirators to the crime, or of any other persons involved in the commission of a felony which was committed for the benefit of, at the direction of, or in affiliation with, a criminal gang. The agency which arrested the defendant must be given an opportunity to support or oppose such a motion before it is granted or denied. If good cause is shown, the motion may be heard in camera.

~~{6.}~~ 7. In any proceeding to determine whether an additional penalty may be imposed pursuant to this section, expert testimony is admissible to show particular conduct, status and customs indicative of criminal gangs, including, but not limited to:

(a) Characteristics of persons who are members of criminal gangs;

(b) Specific rivalries between criminal gangs;

(c) Common practices and operations of criminal gangs and the members of those gangs;

(d) Social customs and behavior of members of criminal gangs;

(e) Terminology used by members of criminal gangs;

(f) Codes of conduct, including criminal conduct, of particular criminal gangs; and

(g) The types of crimes that are likely to be committed by a particular criminal gang or by criminal gangs in general.

~~7.]~~ 8. As used in this section, “criminal gang” means any combination of persons, organized formally or informally, so constructed that the organization will continue its operation even if individual members enter or leave the organization, which:

- (a) Has a common name or identifying symbol;
- (b) Has particular conduct, status and customs indicative of it; and
- (c) Has as one of its common activities engaging in criminal activity punishable as a felony, other than the conduct which constitutes the primary offense.

Sec. 2. Chapter 201 of NRS is hereby amended by adding thereto a new section to read as follows:

1. An adult commits the crime of criminal gang recruitment if the adult uses or threatens to use physical violence against a child or against another person, or causes or threatens to cause damage to the property of the child or the property of another person, with the specific intent to coerce, induce or solicit the child:

- (a) To become a member of a criminal gang;**
- (b) To remain a member of a criminal gang and not withdraw or disassociate himself from the criminal gang; or**
- (c) To rejoin a criminal gang of which he is no longer a member or from which he has withdrawn or disassociated himself.**

2. An adult who commits the crime of criminal gang recruitment is guilty of a category ~~D~~ E felony and shall be punished as provided in NRS 193.130.

3. As used in this section:

- (a) "Adult" means a person who is 18 years of age or older.**
- (b) "Child" means a person who is less than 18 years of age.**
- (c) "Criminal gang" has the meaning ascribed to it in NRS 193.168.**

Assemblyman Segerblom moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 49.

Bill read second time and ordered to third reading.

Senate Bill No. 91.

Bill read second time and ordered to third reading.

Senate Bill No. 129.

Bill read second time and ordered to third reading.

Senate Bill No. 220.

Bill read second time and ordered to third reading.

Senate Bill No. 280.

Bill read second time and ordered to third reading.

Senate Bill No. 300.

Bill read second time and ordered to third reading.

Senate Bill No. 304.

Bill read second time and ordered to third reading.

Senate Bill No. 307.

Bill read second time and ordered to third reading.

Senate Bill No. 335.

Bill read second time and ordered to third reading.

Senate Bill No. 343.

Bill read second time and ordered to third reading.

Senate Bill No. 348.

Bill read second time and ordered to third reading.

Senate Bill No. 108.

Bill read second time and ordered 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 11:59 a.m.

ASSEMBLY IN SESSION

At 12 noon.

Mr. Speaker pro Tempore presiding.

Quorum present.

GENERAL FILE AND THIRD READING

Assembly Bill No. 149.

Bill read third time.

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

Amendment No. 594.

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

Legislative Counsel's Digest:

Existing law sets forth procedures governing foreclosures on real property upon default. A trustee under a deed of trust has the power to sell the property to which the deed of trust applies, subject to certain restrictions. (NRS 107.080, 107.085) **Section 1** of this bill establishes additional restrictions on the trustee's power of sale with respect to owner-occupied housing by providing a ~~homeowner~~ **grantor of a deed of trust or the person who holds the title of record** with the right to request mediation under which he may receive a loan modification. Once ~~the homeowner requests mediation,~~ **mediation is requested,** no further action may be taken to exercise the power of sale until the completion of the mediation. Each mediation must be conducted by a senior justice, judge, hearing master or other designee pursuant to rules adopted by the Nevada Supreme Court or an entity designated by the Nevada Supreme Court ~~to~~ **and a fee of not more than \$85 per hour may be charged and collected for the mediation.** **Section 2 of this bill also restricts the trustee's power of sale with respect to owner-occupied housing by revising the period in which a deficiency in performance or payment under the trust agreement may be made good before the trustee may exercise that power. Similarly, section 3 of this bill restricts the trustee's power of sale with respect to owner-occupied housing by revising the manner in which service of notice that a person is in danger of losing his home must be made.** In addition, **section 4** of this bill authorizes the Nevada Supreme Court to adopt rules providing for voluntary mediation with respect to a homeowner who is not in default but is at risk of default.

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

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

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

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

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

(1) Contact information which the grantor or the person who holds the title of record may use to reach a person with authority to negotiate a loan modification on behalf of the beneficiary of the deed of trust;

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

(3) A form upon which the grantor or the person who holds the title of record may indicate his election to enter into mediation or to waive

mediation and one envelope addressed to the trustee and one envelope addressed to the Mediation Administrator, which the grantor or the person who holds the title of record may use to comply with the provisions of subsection 3;

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

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

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

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

3. The grantor and the person who holds the title of record shall, not later than 30 days after service of the notice upon him in the manner required by NRS 107.085, complete the form required by subparagraph (3) of paragraph (a) of subsection 2 and return the form to the trustee by certified mail, return receipt requested. If the grantor or the person who holds the title of record indicates on ~~the~~ his respective form his election to enter into mediation, the trustee shall notify the beneficiary of the deed of trust and every other person with an interest as defined in NRS 107.090, by certified mail, return receipt requested, of the election of the grantor or the person who holds the title of record, or both, to enter into mediation and file ~~a copy of~~ the form with the Mediation Administrator, who shall assign the matter to a senior justice, judge, hearing master or other designee and schedule the matter for mediation. No further action may be taken to exercise the power of sale until the completion of the mediation. If both the grantor ~~indicates on the form his~~ and the person who holds the title of record indicate on their respective forms their election to waive mediation or ~~fails~~ if both fail to return ~~the form~~ their respective forms to the trustee as required by this subsection, the trustee shall execute an affidavit attesting to that fact under penalty of perjury and serve a copy of the affidavit, together with the waiver of mediation by the grantor and the person who holds the title of record, or proof of service on the grantor and the person who holds the title of record of the notice required by subsection 2 of this section and subsection 2 of NRS 107.080, upon the Mediation Administrator. Upon receipt of the affidavit and the waiver or proof of service, the Mediation Administrator shall provide to the trustee a certificate which provides that no mediation is required in the matter.

4. Each mediation required by this section must be conducted by a senior justice, judge, hearing master or other designee pursuant to the rules adopted pursuant to subsection 8. The beneficiary of the deed of trust or his representative ~~and the grantor or his representative~~ shall ~~each~~ attend the mediation. The grantor or his representative shall attend the mediation if the grantor elected to enter into mediation, and the person

who holds the title of record or his representative shall attend the mediation if the person who holds the title of record elected to enter into mediation. The beneficiary of the deed of trust shall bring to the mediation the original or a certified copy of the deed of trust, the mortgage note and each assignment of the deed of trust or mortgage note. If the beneficiary of the deed of trust is represented at the mediation by another person, that person must have authority to negotiate a loan modification on behalf of the beneficiary of the deed of trust or have access at all times during the mediation to a person with such authority.

5. If the beneficiary of the deed of trust or his representative fails to attend the mediation, fails to participate in the mediation in good faith or does not bring to the mediation each document required by subsection 4 or does not have the authority or access to a person with the authority required by subsection 4, the mediator shall prepare and submit to the ~~district court of the county in which the trust property, or some part thereof, is situated~~ Mediation Administrator a petition and recommendation concerning the imposition of sanctions against the beneficiary of the deed of trust or his representative. The court may issue an order imposing such sanctions against the beneficiary of the deed of trust or his representative as the court determines appropriate, including, without limitation, requiring a loan modification in the manner determined proper by the court.

6. If both the grantor and the person who holds the title of record elected to enter into mediation and both fail to attend the mediation, or if only one of those persons elected to enter into mediation and that person fails to attend the mediation, the Mediation Administrator shall provide to the trustee a certificate which states that no mediation is required in the matter.

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

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

(a) Designating an entity to serve as the Mediation Administrator pursuant to this section. The entities that may be so designated include, without limitation, the Administrative Office of the Courts, the District Court of the county in which the property is situated or any other judicial entity.

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

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

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

(e) *Establishing a fee of not more than \$85 per hour that may be charged and collected by the Mediation Administrator for a mediation pursuant to this section and providing that the responsibility for payment of the fee must be shared equally by the parties to the mediation.*

9. ~~The~~ *Except as otherwise provided in subsection 11, the provisions of this section do not apply if:*

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

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

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

11. *The Mediation Administrator and each mediator who acts pursuant to this section in good faith and without gross negligence is immune from civil liability for those acts.*

12. *As used in this section:*

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

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

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

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

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

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

(a) ~~It~~ *Except as otherwise provided in paragraph (b), in* the case of any trust agreement coming into force:

(1) On or after July 1, 1949, and before July 1, 1957, the grantor, ~~for his successor in interest,~~ *the person who holds the title of record,* a beneficiary

under a subordinate deed of trust or any other person who has a subordinate lien or encumbrance of record on the property has , for a period of 15 days, computed as prescribed in subsection 3, failed to make good the deficiency in performance or payment; or

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

(b) ***In the case of any trust agreement which concerns owner-occupied housing as defined in section 1 of this act, the grantor, the person who holds the title of record, a beneficiary under a subordinate deed of trust or any other person who has a subordinate lien or encumbrance of record on the property has, for a period that commences in the manner and subject to the requirements described in subsection 3 and expires 5 business days before the date of sale, failed to make good the deficiency in performance or payment;***

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

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

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

4. The trustee, or other person authorized to make the sale under the terms of the trust deed or transfer in trust, shall, after expiration of the 3-month period following the recording of the notice of breach and election to

sell, and before the making of the sale, give notice of the time and place thereof by recording the notice of sale and by:

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

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

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

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

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

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

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

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

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

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

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

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

~~(b) On~~, **and, on** the date the trust agreement is made, the trust agreement is subject to the provisions of § 152 of the Home Ownership and Equity Protection Act of 1994, 15 U.S.C. § 1602(aa), and the regulations adopted by

the Board of Governors of the Federal Reserve System pursuant thereto, including, without limitation, 12 C.F.R. § 226.32 [F]; or

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

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

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

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

3. The notice described in subsection 2 must be:

(a) Served upon the grantor **and the person who holds the title of record:**

(1) Except as otherwise provided in subparagraph (2), by personal service or, if personal service cannot be timely effected, in such other manner as a court determines is reasonably calculated to afford notice to the grantor [F] and the person who holds the title of record; or

(2) If the trust agreement concerns owner-occupied housing as defined in section 1 of this act:

(I) By personal service:

(II) If the grantor or the person who holds the title of record is absent from his place of residence or from his usual place of business, by leaving a copy with a person of suitable age and discretion at either place and mailing a copy to the grantor or the person who holds the title of record at his place of residence or place of business; or

(III) If the place of residence or business cannot be ascertained, or a person of suitable age or discretion cannot be found there, by posting a copy in a conspicuous place on the trust property, delivering a copy to a person there residing if the person can be found and mailing a copy to the grantor or the person who holds the title of record at the place where the trust property is situated; and

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

NOTICE

YOU ARE IN DANGER OF LOSING YOUR HOME!

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

Consumer Credit Counseling _____

The Attorney General _____

The Division of Financial Institutions _____

Legal Services _____

Your Lender _____

Nevada Fair Housing Center _____

4. This section does not prohibit a judicial foreclosure.

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

Sec. 3.5. NRS 107.095 is hereby amended to read as follows:

107.095 1. The notice of default required by NRS 107.080 must also be sent by registered or certified mail, return receipt requested and with postage prepaid, to each guarantor or surety of the debt. If the address of the guarantor or surety is unknown, the notice must be sent to the address of the trust property. Failure to give the notice, except as otherwise provided in subsection 3, releases the guarantor or surety from his obligation to the beneficiary, but does not affect the validity of a sale conducted pursuant to NRS 107.080 ~~nor~~ or the obligation of any guarantor or surety to whom the notice was properly given.

2. Failure to give the notice of default required by NRS 107.090, except as otherwise provided in subsection 3, releases the obligation to the beneficiary of any person who has complied with NRS 107.090 and who is or may otherwise be held liable for the debt or other obligation secured by the deed of trust, but such a failure does not affect the validity of a sale conducted pursuant to NRS 107.080 ~~nor~~ or the obligation of any person to whom the notice was properly given pursuant to this section or to NRS 107.080 or 107.090.

3. A guarantor, surety or other obligor is not released pursuant to this section if:

(a) The required notice is given at least 15 days before the later of:

(1) The expiration of the 15- or 35-day period described in paragraph (a) of subsection 2 of NRS 107.080; ~~or~~

(2) In the case of any trust agreement which concerns owner-occupied housing as defined in section 1 of this act, the expiration of the period described in paragraph (b) of subsection 2 of NRS 107.080; or

(3) Any extension of ~~that~~ the applicable period by the beneficiary; or

(b) The notice is rescinded before the sale is advertised.

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

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

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

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

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

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

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

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

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

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

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

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

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

Assemblywoman Buckley moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that all rules be suspended and the Assembly dispense with the reprinting of Assembly Bill No. 149, and that it be placed at the top of General File for third reading and final passage.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 149.

Bill read third time.

Remarks by Assemblywoman Buckley.

Assemblywoman Buckley requested that her remarks be entered in the Journal.

So-called “creative financing” fueled the real estate boom that we enjoyed in Nevada in the early part of this decade.

It started with the exotic loans—0% down, artificially low interest rates for the first two or three years—all meant to entice buyers into the housing market, in some cases to create a trumped-up demand to buy at inflated prices. Unsophisticated borrowers, who wouldn’t know a negative amortization schedule if it jumped up and bit them, sometimes overbought. Borrowers who otherwise would have qualified for a regular mortgage were steered into an exotic mortgage when conventional financing would have been a better choice for them. The brokers did not make as many fees on these loans, so borrowers were not even told about them.

This all came crashing down as these loans began to “reset” to their above-market rates. Suddenly, borrowers couldn’t afford the new principal and interest payments. When they called their original lender for help, they were told they no longer owned the mortgage. When they called the mortgage servicing company who accepted their payments every month, they had difficulty finding anyone who could direct them to the current owner of their mortgage. If they

did find the owner of their mortgage, typically, they could not find anyone who could actually negotiate a refinancing of that mortgage.

And so it went, one after another—cascading foreclosures, decimated neighborhoods destroyed by property values. Then those with conventional mortgages found themselves hopelessly underwater as their homes were worth far less than the balance owed on their conventional financing.

Nevada is caught in a downward economic spiral, fueled by the effects of these mortgage foreclosures.

Assembly Bill No. 149 has a simple theme—get buyers and lenders together to work out a reasonable repayment agreement that will keep homeowners in their homes, allow lenders to realize gains on mortgage loans, rather than losses on mortgage foreclosures, and bring stability back to Nevada's real estate market. Before a nonjudicial foreclosure can occur, Assembly Bill 149 allows a borrower willing and able to make monthly payments to mediate such an agreement with their lender.

The Nevada Supreme Court will administer the program; already over 300 lawyers and all of the retired senior judges have volunteered to receive training in mediation and accept no more than \$340 in total payment for conducting mediations. The cost will be borne equally by borrowers and lenders.

Experts estimate that court-administered mediation will prevent 17,700 foreclosures in Nevada, saving more than \$1.6 billion dollars in home values and the property tax base. Contrast this to the average loss of \$50,000 to lenders and \$19,227 dollars to local governments from foreclosures.

By enacting AB 149, we can help stabilize neighborhood real estate values, keep Nevadans in their homes, and stem the lender losses that are drying up access to credit. I urge your support.

Roll call on Assembly Bill No. 149:

YEAS—41.

NAYS—None.

EXCUSED—Arberry.

Assembly Bill No. 149 having received a two-thirds majority, Mr. Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

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

Assembly in recess at 12:08 p.m.

ASSEMBLY IN SESSION

At 12:09 p.m.

Madam Speaker presiding.

Quorum present.

Assembly Bill No. 528.

Bill read third time.

Remarks by Assemblywoman Leslie.

Roll call on Assembly Bill No. 528:

YEAS—41.

NAYS—None.

EXCUSED—Arberry.

Assembly Bill No. 528 having received a constitutional majority,
Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 535.

Bill read third time.

Remarks by Assemblywoman Koivisto.

Roll call on Assembly Bill No. 535:

YEAS—41.

NAYS—None.

EXCUSED—Arberry.

Assembly Bill No. 535 having received a constitutional majority,
Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 536.

Bill read third time.

Roll call on Assembly Bill No. 536:

YEAS—41.

NAYS—None.

EXCUSED—Arberry.

Assembly Bill No. 536 having received a constitutional majority,
Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 538.

Bill read third time.

Remarks by Assemblywoman Leslie.

Roll call on Assembly Bill No. 538:

YEAS—41.

NAYS—None.

EXCUSED—Arberry.

Assembly Bill No. 538 having received a constitutional majority,
Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 12.

Bill read third time.

Roll call on Senate Bill No. 12:

YEAS—41.

NAYS—None.

EXCUSED—Arberry.

Senate Bill No. 12 having received a constitutional majority,
Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 14.

Bill read third time.

Remarks by Assemblywomen Parnell, Gansert, and Smith.

Roll call on Senate Bill No. 14:

YEAS—38.

NAYS—Cobb, Goedhart, McArthur—3.

EXCUSED—Arberry.

Senate Bill No. 14 having received a two-thirds majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 141.

Bill read third time.

Remarks by Assemblyman Manendo.

Roll call on Senate Bill No. 141:

YEAS—41.

NAYS—None.

EXCUSED—Arberry.

Senate Bill No. 141 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 161.

Bill read third time.

Remarks by Assemblywoman Parnell.

Roll call on Senate Bill No. 161:

YEAS—41.

NAYS—None.

EXCUSED—Arberry.

Senate Bill No. 161 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 216.

Bill read third time.

Remarks by Assemblymen Dondero Loop, Ocegüera, and Anderson.

Roll call on Senate Bill No. 216:

YEAS—39.

NAYS—Ocegüera, Spiegel—2.

EXCUSED—Arberry.

Senate Bill No. 216 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 240.

Bill read third time.

Remarks by Assemblyman Manendo.

Roll call on Senate Bill No. 240:

YEAS—41.

NAYS—None.

EXCUSED—Arberry.

Senate Bill No. 240 having received a constitutional majority,
Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 391.

Bill read third time.

Roll call on Senate Bill No. 391:

YEAS—41.

NAYS—None.

EXCUSED—Arberry.

Senate Bill No. 391 having received a constitutional majority,
Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 20.

Bill read third time.

Remarks by Assemblyman Cobb.

Roll call on Assembly Bill No. 20:

YEAS—41.

NAYS—None.

EXCUSED—Arberry.

Assembly Bill No. 20 having received a constitutional majority,
Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 81.

Bill read third time.

Remarks by Assemblyman Cobb.

Roll call on Assembly Bill No. 81:

YEAS—41.

NAYS—None.

EXCUSED—Arberry.

Assembly Bill No. 81 having received a constitutional majority,
Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 426.

Bill read third time.

Roll call on Assembly Bill No. 426:

YEAS—41.

NAYS—None.

EXCUSED—Arberry.

Assembly Bill No. 426 having received a constitutional majority,
Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 5, 2009

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolutions Nos. 27 and 28.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 27.

Assemblyman Denis moved the adoption of the resolution.

Remarks by Assemblymen Denis, Anderson, and Parnell.

Madam Speaker requested the privilege of the Chair for the purpose of making remarks.

Resolution adopted.

Senate Concurrent Resolution No. 28.

Assemblywoman Mastroluca moved the adoption of the resolution.

Remarks by Assemblywoman Mastroluca.

Resolution adopted.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 5, 2009

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 29.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 29.

Assemblywoman Gansert moved the adoption of the resolution.

Remarks by Assemblymen Gansert, Anderson, and Madam Speaker.

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

ASSEMBLYWOMAN GANSERT:

Thank you, Madam Speaker. I was never privileged to meet Mr. James, but from what I have read and from this resolution, I can tell that he was an outstanding person. He was an educator, he was a climatologist, he was a runner, and he was someone who loved Nevada. I urge support of this resolution.

ASSEMBLYMAN ANDERSON:

Thank you, Madam Speaker. I rise in support of SCR 29. I had the privilege of taking a class, and the good doctor was one of the lecturers. His sense of humor clearly came through. The topic of discussion in the class was the importance of weather and climate in the historical development of the country and on the continent on which we live. His insight into historical events brought alive those things for teachers and they were able to bring it to their classrooms, which was very important.

I had the opportunity to meet with him and interact with him long before I came to this Chamber. I had the pleasure of meeting his son, and then later, his daughter. I clearly see in both of them—one more so than the other—his sense of humor. I truly appreciate the

importance of the great man that he is and was for all of us and the mark he left upon the state's climatological history, which I think is very important to all of us.

Madam Speaker requested the privilege of the Chair for the purpose of making the following remarks:

With the permission of the body, I, too, want to pass my condolences on to the family. What a Nevada treasure your dad was. The state is a better place for him. He must have had some political gene in him, because we certainly see that carried forward, too. Maybe it is the politics of weather—everything has politics. He was truly a Nevada treasure and made such an impact, whether it was on the University System or the state. We thank you for sharing him with us.

Resolution adopted.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 59, 120, 237, 462; Senate Bills Nos. 48, 156, 199, 223, 314, 342, 344; Senate Concurrent Resolution No. 2.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Jim Brunson and Joseph Giampapa.

On request of Assemblyman Cobb, the privilege of the floor of the Assembly Chamber for this day was extended to Gayle Farley and Lawrence LaForge.

On request of Assemblyman Denis, the privilege of the floor of the Assembly Chamber for this day was extended to Lynne Warne, Ruben Murillo, Ken Burhman, Fran Harris, Gaylea Manning, Steve Fargan, Marion Conrad, Christina Gunn, Jane Anderson, Jefferey Geihs, KayAnn Pilling, Leah Wilds, Robert Morin, Kathy Kulas, and Lisa Primas.

On request of Assemblywoman Gansert, the privilege of the floor of the Assembly Chamber for this day was extended to Kathy Lee James, Lee James, Mark James, and Lori James.

On request of Assemblyman Grady, the privilege of the floor of the Assembly Chamber for this day was extended to Christian Medellin.

On request of Assemblyman Gustavson, the privilege of the floor of the Assembly Chamber for this day was extended to the following students from Jesse Hall Elementary School: Bryce Byram, Hannah Cano, Amanda Chisholm, Ashley Cihak, Sarah Connor, Mariah Dent, Hayley Fein, Sydney Ham, Elizabeth Hansen, Andrea Isaac, Tyrus Johnson, Hannah Jorgensen, Austin Lewis, Leticia Lugo, Darah McGovern, Jane Miller, Davis Mooney, Pedro Mora, Logan O'Day, Elliott Parrish, Keith Perkins, Johathon Rabina, Halle Rodriguez, Adam Santana, Tyler Smith, Kenna Snow, Nathan Stucki,

Zachery Tanner, Terrell Tissychy-Ortero, Benjamin Walsh, Jake Ward, Kaylee Westlake, Savannah Wilbur, Ariel Zamarripa, Fayth Bailor, Kyler Bradley, Melanie Cabanilla, Skyler Caudill, Adrienne Coats, Chance Cottle, Lacey Cottle, Garrett Darby, Megan Donohue, Dylan Dziniski, Natalija Engelken, Dylan Evans, Jacob Finkelberg, Kathryn Fish, Dominick Fitzmorris, Willie Freemyers, Clay Gillespie, Sean Griffith, Haily Heckendorn, Jeremy Holm, Evette Jackson, Joprden Kriner, Austin Ladd, Cayden Linares, Eduardo Mora, Blake Naney, Oscar Nila, Matthew O'Leary, Kay Quong, Amber Rhett, Talena Two Hearts, Addam York, Ezra Calvillo, Tyler Chirrick, Samantha Cooper, Jalen Crowl, Daniel Davidson, Ticen Davis, Marlee Fitts, Noah Flint, Hannah Gonzalez, Ashleigh Hodgins, Tyler Hopkins, Collin Jimenez, Alexavier King, Ben Kohlman, Justin Kong, Santiago Lugo, Rogelio Maldonado, Reece Masset, Carson McCusker, Alexadra McVey, Kristin Morrison, Michelle Padilla, Darren Prather, Jayce Robinson, Monica Saylor, Kaylie Seiders, Savannah Smithson, Adam Steele, Brandon Steele, Taylor Stewart, Katie Wadsworth, Jacob Brennan, and Christian Medellin.

On request of Assemblywoman Mastroluca, the privilege of the floor of the Assembly Chamber for this day was extended to Tom McCoy, Michael Brown, Stacy Escalante, and Samatha Guild.

Assemblyman Ocegueda moved that the Assembly adjourn until Wednesday, May 6, 2009, at 11:30 a.m.

Motion carried.

Assembly adjourned at 1:03 p.m.

Approved:

BARBARA E. BUCKLEY
Speaker of the Assembly

Attest: SUSAN FURLONG REIL

Chief Clerk of the Assembly