

THE ONE HUNDRED FOURTEENTH DAY

CARSON CITY (Tuesday), May 31, 2011

Assembly called to order at 11:58 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Goicoechea, who was excused.

Prayer by the Chaplain, Pat Hickey.

“But the one who looks into the perfect law, the law of liberty, and perseveres, being no hearer who forgets but a doer who acts, he will be blessed in his doing.” (James 1:25)—and from my Catholic tradition—Lord, pray for us sinners now and in the hour of our death or sine die.

AMEN.

Pledge of allegiance to the Flag.

Assemblywoman Kirkpatrick 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.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 30, 2011

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 78.

Also, I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 152, 212, 232, 384, 463; Assembly Joint Resolution No. 6.

Also, I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 202, 204, 358, 390, 489, 530.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 2, Amendment No. 776; Assembly Bill No. 81, Amendment No. 685; Assembly Bill No. 117, Amendment No. 831; Assembly Bill No. 199, Amendment No. 658; Assembly Bill No. 240, Amendment No. 764; Assembly Bill No. 242, Amendment No. 745; Assembly Bill No. 257, Amendment No. 591; Assembly Bill No. 265, Amendment No. 800; Assembly Bill No. 277, Amendment No. 677; Assembly Bill No. 291, Amendment No. 678; Assembly Bill No. 294, Amendment No. 695; Assembly Bill No. 301, Amendment No. 688; Assembly Bill No. 322, Amendment No. 714; Assembly Bill No. 328, Amendment No. 675; Assembly Bill No. 337, Amendment No. 689; Assembly Bill No. 360, Amendment No. 748; Assembly Bill No. 374, Amendment No. 676; Assembly Bill No. 376, Amendment No. 632; Assembly Bill No. 379, Amendments Nos. 635, 656; Assembly Bill No. 388, Amendment No. 696; Assembly Bill No. 413, Amendment No. 631; Assembly Bill No. 433, Amendment No. 690; Assembly Bill No. 504, Amendment No. 738; Assembly Joint Resolution No. 5, Amendment No. 713, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 53, Amendment No. 673; Assembly Bill No. 80,

Amendments Nos. 686, 845; Assembly Bill No. 223, Amendments Nos. 694, 851; Assembly Bill No. 260, Amendment No. 856; Assembly Bill No. 452, Amendment No. 834, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 136, Amendment No. 693; Assembly Bill No. 258, Amendment No. 777; Assembly Bill No. 273, Amendments Nos. 679, 824; Assembly Bill No. 410, Amendment No. 590; Assembly Bill No. 471, Amendment No. 749; Assembly Bill No. 473, Amendment No. 836; Assembly Bill No. 549, Amendment No. 751, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 60, 426, 437, 440, 443, 446.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 168, 276.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly Amendment No. 646 to Senate Bill No. 77; Assembly Amendment No. 654 to Senate Bill No. 259; Assembly Amendment No. 655 to Senate Bill No. 292; Assembly Amendment No. 672 to Senate Bill No. 323; Assembly Amendment No. 711 to Senate Bill No. 339; Assembly Amendment No. 716 to Senate Bill No. 414.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Leslie, Kihuen and Kieckhefer as a Conference Committee concerning Senate Bill No. 264.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 60.

Assemblywoman Kirkpatrick moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 168.

Assemblywoman Kirkpatrick moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 276.

Assemblywoman Kirkpatrick moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 426.

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

Motion carried.

Senate Bill No. 437.

Assemblywoman Kirkpatrick moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 440.

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

Motion carried.

Senate Bill No. 443.

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

Motion carried.

Senate Bill No. 446.

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

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Conklin moved that the Assembly recess until 3:30 p.m.

Motion carried.

Assembly in recess at 12:18 p.m.

ASSEMBLY IN SESSION

At 4:02 p.m.

Mr. Speaker presiding.

Quorum present.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 31, 2011

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 421.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly Amendment No. 794 to Senate Bill No. 257.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly Amendment No. 659 to Senate Bill No. 101.

SHERRY L. Rodriguez
Assistant Secretary of the Senate

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 53.

The following Senate amendment was read:

Amendment No. 673.

AN ACT relating to transportation; requiring the Director of the Department of Transportation to charge fees based upon market value for authorizing the placement of trademarks or symbols identifying individual enterprises on certain signs and for providing information regarding attractions and services along highways of the State; authorizing the Director to recommend to the Board of Directors of the Department programs for providing information to the traveling public to be funded from money received from fees charged on those signs; **exempting certain signs located in a redevelopment area from certain restrictions on the proximity of advertising to certain highways in this State;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Director of the Department of Transportation to adopt regulations to fix reasonable fees to recover the actual cost of administering a program for erecting certain signs on highways. Existing law provides that in certain larger counties, the Department is required to establish the fees based upon the market value as determined by the Department. **Section 3** of this bill instead requires the Department to fix the fees in all counties based upon market value as determined by the Department. Existing law provides that the fees collected by the Department are to be credited to the Account for Systems of Providing Information to the Traveling Public in the State Highway Fund. **Section 1** of this bill authorizes the Director to recommend to the Board of Directors of the Department programs to provide information to the traveling public to be paid from money available for that purpose from the Account.

Existing law provides that outdoor advertising shall not be maintained within 660 feet of the nearest edge of the right-of-way and visible from the main-traveled way of the interstate or primary highway systems of this State. Exemptions are provided for: (1) certain directional, warning, landmark, informational and other official signs; (2) signs which advertise the sale or lease of the property on which they are located or advertise for a business or activities conducted on the property on which they are located; (3) signs in zoned commercial or industrial areas; and (4) certain directional information signs in hardship areas which have been approved by the Secretary of Transportation pursuant to certain federal regulations. (NRS 410.320) Sections 10 and 13 of this bill provide

an exemption from the 660-foot restriction for certain signs located in a redevelopment area.

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

Section 1. Chapter 408 of NRS is hereby amended by adding thereto a new section to read as follows:

The Director may recommend to the Board, for its approval, programs to provide information to the traveling public to be paid from such money as is available for this purpose pursuant to NRS 408.567.

Sec. 2. NRS 408.551 is hereby amended to read as follows:

408.551 As used in NRS 408.551 to 408.567, inclusive, *and section 1 of this act*, “center” means a facility to provide information to members of the traveling public, concerning accommodations, food, fuel and recreation, through an attendant or some means of communication.

Sec. 3. NRS 408.557 is hereby amended to read as follows:

408.557 1. The Director shall adopt regulations:

(a) Governing the size, shape, lighting and other characteristics of a sign to be erected at ~~such~~ a location ~~as~~ *designated pursuant to NRS 408.553*;

(b) Authorizing the use of trademarks and symbols identifying an individual enterprise on a sign erected at the location;

(c) Fixing the qualifications of a person or governmental agency to operate a center and of an enterprise to be identified on a directional or informational sign;

(d) ~~Fixing reasonable fees to recover the actual administrative cost incurred by the Department for:~~

~~(1) Authorizing the use of trademarks and symbols identifying an individual enterprise on a directional or informational sign; and~~

~~(2) Providing information concerning commercial attractions and services.~~

~~(e)~~ Fixing reasonable fees, based upon the market value as determined by the Department, for:

(1) Authorizing the use of trademarks and symbols identifying an individual enterprise on a directional or informational sign ~~in an urban area of a county whose population is 100,000 or more;~~ ; and

(2) Providing information ~~in an urban area of a county whose population is 100,000 or more~~ concerning commercial attractions and services; and

~~(f)~~ (e) Otherwise necessary to carry out the provisions of NRS 408.551 to 408.567, inclusive ~~as~~, *and section 1 of this act*.

2. The regulations adopted by the Director pursuant to subsection 1 must be consistent with the provisions of 23 U.S.C. § 131.

Sec. 4. NRS 408.559 is hereby amended to read as follows:

408.559 The Department shall develop a plan, in cooperation with the Commission on Tourism, to carry out the provisions of NRS 408.551 to 408.567, inclusive ~~[-]~~, **and section 1 of this act.** The plan must take into consideration such factors as:

1. Economic development in this state.
2. Availability of money for the purposes of NRS 408.551 to 408.567, inclusive ~~[-]~~, **and section 1 of this act.**
3. Population in a particular area.
4. Proposed highway construction.
5. Need for information.

↪ The Department and the Commission shall review the plan at least once each year and revise it until the provisions of NRS 408.551 to 408.567, inclusive, **and section 1 of this act** have been uniformly put into effect throughout the State.

Sec. 5. NRS 408.567 is hereby amended to read as follows:

408.567 1. Money received by the Department from:

(a) Fees for:

(1) Authorizing the use of trademarks and symbols identifying an individual enterprise on a directional or informational sign; and

(2) Providing information concerning commercial attractions and services;

(b) Participants in a telephone system established to reserve accommodations for travelers; and

(c) Appropriations made by the Legislature for the purposes of NRS 408.551 to 408.567, inclusive, **and section 1 of this act,**

↪ must be deposited with the State Treasurer for credit to the Account for Systems of Providing Information to the Traveling Public in the State Highway Fund, which is hereby created.

2. Money in the Account must only be used to carry out the provisions of NRS 408.551 to 408.567, inclusive ~~[-]~~, **and section 1 of this act.**

Sec. 6. Chapter 410 of NRS is hereby amended by adding thereto the provisions set forth as sections 7 to 10, inclusive, of this act.

Sec. 7. "Agency" has the meaning ascribed to it in NRS 279.386.

Sec. 8. "Redevelopment area" has the meaning ascribed to it in NRS 279.410.

Sec. 9. "Redevelopment project" has the meaning ascribed to it in NRS 279.412.

Sec. 10. 1. An application for a permit for a sign, display or device to be erected or maintained in a redevelopment area pursuant to subsection 7 of NRS 410.320 must be submitted to the Department, on a form provided

by the Department, by the agency undertaking the redevelopment project. The application must include, without limitation:

(a) Certification by the agency that the sign, display or device meets the requirements of subsection 4 of NRS 410.320; and

(b) A finding by the agency that the sign, display or device will not result in a concentration of outdoor advertising that would have a negative impact on the safety or aesthetic quality of the redevelopment area.

2. The Department shall issue a permit upon receipt of an application that meets the requirements of subsection 1 unless the Department determines that the sign, display or device does not conform to the national standards adopted by the Secretary of Transportation pursuant to 23 U.S.C. § 131.

3. A permit issued pursuant to this section is valid for 10 years or until the completion of the redevelopment project, whichever occurs earlier. The Department may, for good cause shown by the agency that obtained the permit, allow for an extension of a permit beyond a 10-year period, provided that the redevelopment project has not been completed.

4. Upon expiration of a permit, the Department shall personally serve or send by registered or certified mail notice to the landowner and the owner of the sign, display or device that the sign, display or device must be removed within 30 days thereafter, unless the sign, display or device is otherwise exempt pursuant to subsections 1 to 6, inclusive, of NRS 410.320.

5. If a person fails to remove a sign, display or device pursuant to subsection 4, the Department may:

(a) Impose an administrative fine of \$10,000 plus \$100 per day for each day after the receipt of notice that the sign, display or device has not been removed;

(b) Impose an additional civil penalty equal to any gross revenue earned by the person from the sign, display or device during the period that:

(1) Begins on the date of receipt of the notice to remove the sign, display or device; and

(2) Ends on the date on which the sign, display or device is removed;
and

(c) Charge the person any costs incurred by the Department in removing the sign, display or device.

Sec. 11. NRS 410.220 is hereby amended to read as follows:

410.220 1. The Legislature hereby finds and declares that:

(a) The erection and maintenance of outdoor advertising signs, displays and devices, in areas adjacent to the rights-of-way of the interstate highway system and the primary highway system within this state, is a legitimate commercial use of private property adjacent to roads and highways and that

regulation and control or removal of such outdoor advertising is necessary to the system of state highways declared essential by NRS 408.100.

(b) The erection and maintenance of such advertising in such locations must be regulated:

(1) To prevent unreasonable distraction of operators of motor vehicles, confusion with regard to traffic lights, signs or signals and other interference with the effectiveness of traffic regulations;

(2) To promote the safety, convenience and enjoyment of travel on the state highways in this state;

(3) To attract tourists and promote the prosperity, economic well-being and general welfare of the State;

(4) For the protection of the public investment in the state highways; and

(5) To preserve and enhance the natural scenic beauty and aesthetic features of the highways and adjacent areas.

(c) All outdoor advertising which does not conform to the requirements of NRS 410.220 to 410.410, inclusive, **and sections 7 to 10, inclusive, of this act** is contrary to the public safety, health and general welfare of the people of this state.

(d) The removal of signs adjacent to the rights-of-way of the interstate or primary highway system within this state which provide directional information about goods and services in the interest of the traveling public and which:

(1) Were erected in conformance with the laws of the State of Nevada and subsequently became nonconforming under the requirements of 23 U.S.C. § 131; and

(2) Were in existence on May 6, 1976,
 ↪ could create substantial economic hardships in defined hardship areas within the State of Nevada.

2. It is the intent of the Legislature in NRS 410.220 to 410.410, inclusive, **and sections 7 to 10, inclusive, of this act** to provide a statutory basis for regulation of outdoor advertising consistent with the public policy declared by the Congress of the United States in areas adjacent to the interstate and primary highway systems.

Sec. 12. NRS 410.230 is hereby amended to read as follows:

410.230 As used in NRS 410.220 to 410.410, inclusive, **and sections 7 to 10, inclusive, of this act**, the words and terms defined in NRS 410.250 to 410.310, inclusive, **and sections 7, 8 and 9 of this act** have the meanings ascribed to them in those sections, unless a different meaning clearly appears in the context.

Sec. 13. NRS 410.320 is hereby amended to read as follows:

410.320 Outdoor advertising shall not be erected or maintained within 660 feet of the nearest edge of the right-of-way and visible from the main-traveled way of the interstate or primary highway systems in this state, and, outside urban areas outdoor advertising shall not be erected or maintained beyond 660 feet from the nearest edge of the right-of-way of the interstate and primary highway systems which is visible and placed with the purpose of having its message read from the main-traveled way of the interstate and primary highway systems in this state, except the following:

1. Directional, warning, landmark, informational and other official signs and notices, including but not limited to signs and notices pertaining to natural wonders, scenic and historic attractions. Only signs which are required or authorized by law or by federal, state or county authority, and which conform to national standards promulgated by the Secretary of Transportation pursuant to 23 U.S.C. § 131, are permitted.

2. Signs, displays and devices which advertise the sale or lease of the property upon which they are located.

3. Signs, displays and devices which advertise the activities conducted or services rendered or the goods produced or sold upon the property upon which the advertising sign, display or device is erected.

4. Signs, displays and devices located in zoned commercial or industrial areas, when located within 660 feet of the nearest edge of the right-of-way and visible from the main-traveled way of the interstate and primary highway systems within this state.

5. Signs, displays and devices located in an unzoned commercial or industrial area as defined in NRS 410.300, when located within 660 feet of the nearest edge of the right-of-way and visible from the main-traveled way of the interstate and primary highway systems within this state.

6. Nonconforming signs in defined hardship areas which provide directional information about goods and services in the interest of the traveling public and are approved by the Secretary of Transportation pursuant to 23 U.S.C. § 131(o).

7. Signs, displays and devices which:

(a) Are located within a redevelopment area;

(b) Advertise businesses or activities within the redevelopment area as part of the redevelopment project; and

(c) Have been:

(1) Approved by the agency undertaking the redevelopment project; and

(2) Issued a permit by the Department pursuant to an application submitted pursuant to section 10 of this act by the agency undertaking the redevelopment project.

Sec. 14. NRS 410.340 is hereby amended to read as follows:

410.340 1. Any outdoor advertising sign, display or device located within 660 feet of the nearest edge of the right-of-way and visible from the main-traveled way of the interstate or primary highway systems in this state, and, in the case of any outdoor advertising sign, display or device located beyond 660 feet from the nearest edge of the right-of-way for interstate and primary highway systems, which is located outside of urban areas and placed with the purpose of having its message read from the main-traveled way of the interstate and primary highway systems, which was lawfully in existence and maintained on October 22, 1965, and which is not within one of the exceptions set forth in NRS 410.320, shall be removed no later than July 1, 1973, or 3 years from the date funds are available for such removal, except as provided in subsection 3.

2. ~~Any~~ **Except as otherwise provided in section 10 of this act, any** other outdoor advertising sign, display or device located within 660 feet of the nearest edge of the right-of-way and visible from the main-traveled way of any highway of the interstate or primary system, and, in the case of any outdoor advertising sign, display or device located beyond 660 feet from the nearest edge of the right-of-way for interstate and primary highway systems, which is located outside of urban areas and placed with the purpose of having its message read from the main-traveled way of the interstate and primary highway systems, and which is not within one of the exceptions set forth in NRS 410.320, shall be removed not later than the end of the fifth year after it becomes nonconforming.

3. Any outdoor advertising sign, display or device located within 660 feet of the nearest edge of the right-of-way and visible from the main-traveled way of the interstate or primary highway system, and, in the case of any outdoor advertising sign, display or device located beyond 660 feet from the nearest edge of the right-of-way for interstate and primary highway systems, which is located outside of urban areas and placed with the purpose of having its message read from the main-traveled way of the interstate and primary highway systems, and which is lawfully maintained on or after February 20, 1972, but which subsequently becomes nonconforming with the provisions of NRS 410.220 to 410.410, inclusive, by reason of amendment of such provisions or change in regulations or agreements prescribed or entered into as authorized by NRS 410.220 to 410.410, inclusive, may be maintained until the end of the fifth year after it becomes nonconforming.

4. No compensation shall be paid upon removal of any outdoor advertising sign, display or device erected after February 20, 1972, which as a result thereof become nonconforming. However, such outdoor advertising sign, display or device shall be removed only when all other outdoor advertising signs, displays or devices existing on February 20, 1972, have been removed.

Sec. 15. NRS 410.360 is hereby amended to read as follows:

410.360 1. Any outdoor advertising sign, display or device erected after February 20, 1972, which violates the provisions of NRS 410.220 to 410.410, inclusive, is hereby declared to be a public nuisance and the Director shall remove any such sign, display or device which is not removed before the expiration of 30 days after notice of the violation and demand for removal have been served personally or by registered or certified mail upon the landowner and the owner of the sign or their agents. Removal by the Department of the sign, display or device on the failure of the owners to comply with the notice and demand gives the Department a right of action to recover the expense of the removal, cost and expenses of suit.

2. ~~Any~~ **Except as otherwise provided in section 10 of this act, any** person who erects or causes to be erected an outdoor advertising sign, display or device which violates the provisions of NRS 410.220 to 410.410, inclusive, shall pay to the Department:

- (a) For the first violation, a fine of \$50;
- (b) For the second violation, a fine of \$250;
- (c) For the third or subsequent violation, a fine of \$500 per violation; and
- (d) The reasonable costs of collection.

~~Sec. 6.~~ **Sec. 16.** This act becomes effective on July 1, 2011.

Assemblywoman Dondero Loop moved that the Assembly do not concur in the Senate Amendment No. 673 to Assembly Bill No. 53.

Remarks by Assemblywoman Dondero Loop.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 277.

The following Senate amendment was read:

Amendment No. 677.

AN ACT relating to motor vehicles; requiring the Department of Motor Vehicles, with respect to special license plates for the support of outreach programs and services for veterans and their families, to make such plates available to female veterans with an optional image representative of female veterans; **providing for the issuance of special license plates inscribed with the words “DISABLED FEMALE VETERAN”**; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Director of the Department of Motor Vehicles to order the preparation of special license plates for the support of outreach programs and services for veterans and their families. These special license plates are available to veterans of the Army, Navy, Air Force, Marine Corps or Coast Guard of the United States, a reserve component thereof or the

National Guard, or the spouse, parent or child of such a veteran. (NRS 482.3763) **Section 4** of this bill requires the Department to make the plates available: (1) to female veterans; and (2) with an optional image representative of female veterans. The fees for the initial issuance and renewal of the optional version of the special license plates for the support of outreach programs and services for veterans and their families are the same as for the regular version.

Under existing law, new special license plates authorized by an act of the Legislature typically are subject to all of the following: (1) approval or disapproval by the Commission on Special License Plates; (2) the limitation on the number of separate designs of special license plates that may be issued by the Department at any one time; and (3) the requirement that the Department receive at least 1,000 applications for the issuance of the plate within 2 years after the effective date of the act of the Legislature. (NRS 482.367004, 482.367008, 482.36705) The optional special license plates for female veterans are exempt from all three of the preceding requirements because the plates are simply an optional version of existing special license plates for veterans.

Existing law entitles a veteran who has suffered a 100-percent service-connected disability and who receives compensation from the United States for the disability to receive special license plates inscribed with the words “DISABLED VETERAN” or “VETERAN WHO IS DISABLED.” (NRS 482.377) Veterans with these license plates are entitled to certain privileges and exemptions related to parking. (NRS 482.377, 484B.463, 484B.467) Section 4.5 of this bill provides for the issuance of such plates inscribed with the words “DISABLED FEMALE VETERAN.”

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

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. NRS 482.3763 is hereby amended to read as follows:

482.3763 1. The Director shall order the preparation of special license plates for the support of outreach programs and services for veterans and their families and establish procedures for the application for and issuance of the plates.

2. The Department shall, upon application therefor and payment of the prescribed fees, issue special license plates for the support of outreach programs and services for veterans and their families to:

(a) A veteran of the Army, Navy, Air Force, Marine Corps or Coast Guard of the United States, a reserve component thereof or the National Guard; ~~or~~

(b) *A female veteran; or*

(c) The spouse, parent or child of a person described in paragraph (a) ~~or~~ *or (b).*

↪ The plates must be inscribed with the word “VETERAN” and with the seal of the branch of the Armed Forces of the United States, ~~or~~ the seal of the National Guard ~~or~~ *or an image representative of the female veterans*, as applicable, requested by the applicant. A person may request that personalized prestige license plates issued pursuant to NRS 482.3667 be combined with special license plates for the support of outreach programs and services for veterans and their families if that person pays the fees for the personalized prestige license plates in addition to the fees for the special license plates for the support of outreach programs and services for veterans and their families pursuant to subsection 4.

3. If, during a registration year, the holder of special plates issued pursuant to this section disposes of the vehicle to which the plates are affixed, the holder shall:

(a) Retain the plates and affix them to another vehicle which meets the requirements of this section if the holder pays the fee for the transfer of the registration and any registration fee or governmental services tax due pursuant to NRS 482.399; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

4. In addition to all other applicable registration and license fees and governmental services taxes, and to the special fee imposed pursuant to NRS 482.3764 for the support of outreach programs and services for veterans and their families, the fee for:

(a) The initial issuance of the special license plates is \$35.

(b) The annual renewal sticker is \$10.

5. If the special plates issued pursuant to this section are lost, stolen or mutilated, the owner of the vehicle may secure a set of replacement license plates from the Department for a fee of \$10.

Sec. 4.5. NRS 482.377 is hereby amended to read as follows:

482.377 1. A veteran of the Armed Forces of the United States who, as a result of his or her service:

(a) Has suffered a 100-percent service-connected disability and who receives compensation from the United States for the disability is entitled to specially designed license plates inscribed with the words “DISABLED ~~VETERAN~~ *VETERAN*,” “**DISABLED FEMALE VETERAN**” or “VETERAN WHO IS DISABLED,” at the option of the veteran, and three or four consecutive numbers.

(b) Has been captured and held prisoner by a military force of a foreign nation is entitled to specially designed license plates inscribed with the words "EX PRISONER OF WAR" and three or four consecutive numbers.

2. Each person who qualifies for special license plates pursuant to this section may apply for not more than two sets of plates. If the person applies for a second set of plates for an additional vehicle, the second set of plates must have a different number than the first set of plates issued to the same applicant. Special license plates issued pursuant to this section may be used only on a private passenger vehicle, a noncommercial truck or a motor home.

3. The Department shall issue specially designed license plates for persons qualified pursuant to this section who submit an application on a form prescribed by the Department and evidence of disability or former imprisonment required by the Department.

4. A vehicle on which license plates issued by the Department pursuant to this section are displayed is exempt from the payment of any parking fees, including those collected through parking meters, charged by the State or any political subdivision or other public body within the State, other than the United States.

5. If, during a registration year, the holder of a set of special license plates issued pursuant to this section disposes of the vehicle to which the plates are affixed, the holder shall:

(a) Retain the plates and affix them to another vehicle which meets the requirements of this section and report the change to the Department in accordance with the procedure set forth for other transfers; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

Sec. 5. The Nevada Veterans' Services Commission, created by NRS 417.150, shall provide an image representative of female veterans to the Department of Motor Vehicles for the purposes of NRS 482.3763, as amended by section 4 of this act.

Assemblywoman Dondero Loop moved that the Assembly do not concur in the Senate Amendment No. 677 to Assembly Bill No. 277.

Remarks by Assemblywoman Dondero Loop.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 2.

The following Senate amendment was read:

Amendment No. 776.

ASSEMBLYMEN Kirkpatrick AND KIRNER

AN ACT relating to motor vehicles; providing an exemption from emissions inspection for certain motor vehicles; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the issuance of special license plates for certain older motor vehicles in categories including antique vehicles, street rods, classic rods and classic vehicles. (NRS 482.381, 482.3812, 482.3814, 482.3816) Existing law also requires the State Environmental Commission to establish criteria that allow motor vehicles with such license plates to qualify for an exemption from standards for the control of emissions from motor vehicles, and to provide by regulation that an evaluation required of such motor vehicles to qualify for the exemption may be conducted at stations authorized to perform inspections of motor vehicles and devices for compliance with emissions standards. (NRS 445B.760)

Section 5 of this bill provides for the exemption of those older motor vehicles that have been issued the special license plates from standards for the control of emissions without the performance of any such evaluation if the owner of the motor vehicle certifies that the motor vehicle has not been driven more than 5,000 miles the previous year. Sections ~~1-4~~ **1.7-4** of this bill require that the owner of such a motor vehicle which qualifies for the exemption pay a fee to the Department of Motor Vehicles, to be accounted for in the Pollution Control Account, in an amount equal to the cost for a certificate of compliance with emissions standards ~~1~~ **(currently \$6, but subject to statutory change)**.

Section 1 of this bill provides that if an authorized inspection station or authorized station tests the emissions from a motor vehicle and the motor vehicle fails the emissions test, the Department of Motor Vehicles is prohibited, for a period of 90 days after the motor vehicle fails the emissions test, from issuing for the motor vehicle an "Old Timer," "Street Rod," "Classic Rod" or "Classic Vehicle" special license plate. The effect of section 1 is to discourage persons from attempting to obtain such a special license plate for the express purpose of circumventing the laws of this State pertaining to emissions from motor vehicles. Section 1 applies only within the geographic areas of this State in which motor vehicles are subject to emissions testing.

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

Section 1. Chapter 482 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If, with respect to a motor vehicle that is required to comply with the provisions of NRS 445B.700 to 445B.815, inclusive, and the regulations

adopted pursuant thereto, an authorized inspection station or authorized station tests the emissions from the motor vehicle and the motor vehicle fails the emissions test, the Department shall not issue a special license plate for that vehicle pursuant to NRS 482.381, 482.3812, 482.3814 or 482.3816 for a period of 90 days after the motor vehicle fails the emissions test.

2. As used in this section:

(a) "Authorized inspection station" has the meaning ascribed to it in NRS 445B.710.

(b) "Authorized station" has the meaning ascribed to it in NRS 445B.720.

(c) "Fails the emissions test" means that a motor vehicle does not comply with the applicable provisions of NRS 445B.700 to 445B.815, inclusive, and the regulations adopted pursuant thereto.

~~Section 4~~ Sec. 1.7. NRS 482.381 is hereby amended to read as follows:

482.381 1. ~~The~~ Except as otherwise provided in section 1 of this act, ~~the~~ Department may issue special license plates and registration certificates to residents of Nevada for any motor vehicle which is a model manufactured more than 40 years before the date of application for registration pursuant to this section.

2. License plates issued pursuant to this section must bear the inscription "Old Timer," and the plates must be numbered consecutively.

3. The Nevada Old Timer Club members shall bear the cost of the dies for carrying out the provisions of this section.

4. The Department shall charge and collect the following fees for the issuance of these license plates, which fees are in addition to all other license fees and applicable taxes:

- (a) For the first issuance\$35
- (b) For a renewal sticker..... 10

5. In addition to the fees required pursuant to subsection 4, the Department shall charge and collect a fee ~~of \$6~~ for the first issuance of the license plates for those motor vehicles exempted pursuant to NRS 445B.760 from the provisions of NRS 445B.770 to 445B.815, inclusive. The amount of the fee must be equal to the amount of the fee for a form certifying emission control compliance set forth in paragraph (c) of subsection 1 of NRS 445B.830.

6. Fees paid to the Department pursuant to subsection 5 must be accounted for in the Pollution Control Account created by NRS 445B.830.

Sec. 2. NRS 482.3812 is hereby amended to read as follows:

482.3812 1. ~~The~~ Except as otherwise provided in section 1 of this act, the Department may issue special license plates and registration

certificates to residents of Nevada for any passenger car or light commercial vehicle:

- (a) Having a manufacturer's rated carrying capacity of 1 ton or less; and
- (b) Manufactured not later than 1948.

2. License plates issued pursuant to this section must be inscribed with the words "STREET ROD" and three or four consecutive numbers.

3. If during a registration year, the holder of special plates issued pursuant to this section disposes of the vehicle to which the plates are affixed, the holder shall retain the plates and:

- (a) Affix them to another vehicle which meets the requirements of this section and report the change to the Department in accordance with the procedure set forth for other transfers; or
- (b) Within 30 days after removing the plates from the vehicle, return them to the Department.

4. The fee for the special license plates is \$35, in addition to all other applicable registration and license fees and governmental services taxes. The fee for an annual renewal sticker is \$10.

5. *In addition to the fees required pursuant to subsection 4, the Department shall charge and collect a fee ~~of \$6~~ for the first issuance of the special license plates for those motor vehicles exempted pursuant to NRS 445B.760 from the provisions of NRS 445B.770 to 445B.815, inclusive. The amount of the fee must be equal to the amount of the fee for a form certifying emission control compliance set forth in paragraph (c) of subsection 1 of NRS 445B.830.*

6. *Fees paid to the Department pursuant to subsection 5 must be accounted for in the Pollution Control Account created by NRS 445B.830.*

Sec. 3. NRS 482.3814 is hereby amended to read as follows:

482.3814 1. ~~The~~ Except as otherwise provided in section 1 of this act, the Department may issue special license plates and registration certificates to residents of Nevada for any passenger car or light commercial vehicle:

- (a) Having a manufacturer's rated carrying capacity of 1 ton or less; and
- (b) Manufactured not earlier than 1949, but at least 20 years before the application is submitted to the Department.

2. License plates issued pursuant to this section must be inscribed with the words "CLASSIC ROD" and three or four consecutive numbers.

3. If during a registration year, the holder of special plates issued pursuant to this section disposes of the vehicle to which the plates are affixed, the holder shall retain the plates and:

- (a) Affix them to another vehicle which meets the requirements of this section and report the change to the Department in accordance with the procedure set forth for other transfers; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

4. The fee for the special license plates is \$35, in addition to all other applicable registration and license fees and government services taxes. The fee for an annual renewal sticker is \$10.

5. In addition to the fees required pursuant to subsection 4, the Department shall charge and collect a fee ~~of \$6~~ for the first issuance of the special license plates for those motor vehicles exempted pursuant to NRS 445B.760 from the provisions of NRS 445B.770 to 445B.815, inclusive. The amount of the fee must be equal to the amount of the fee for a form certifying emission control compliance set forth in paragraph (c) of subsection 1 of NRS 445B.830.

6. Fees paid to the Department pursuant to subsection 5 must be accounted for in the Pollution Control Account created by NRS 445B.830.

Sec. 4. NRS 482.3816 is hereby amended to read as follows:

482.3816 1. ~~The~~ ***Except as otherwise provided in section 1 of this act, the*** Department may issue special license plates and registration certificates to residents of Nevada for any passenger car or light commercial vehicle:

- (a) Having a manufacturer's rated carrying capacity of 1 ton or less;
- (b) Manufactured at least 25 years before the application is submitted to the Department; and
- (c) Containing only the original parts which were used to manufacture the vehicle or replacement parts that duplicate those original parts.

2. License plates issued pursuant to this section must be inscribed with the words "CLASSIC VEHICLE" and three or four consecutive numbers.

3. If during a registration year, the holder of special plates issued pursuant to this section disposes of the vehicle to which the plates are affixed, the holder shall retain the plates and:

(a) Affix them to another vehicle which meets the requirements of this section and report the change to the Department in accordance with the procedure set forth for other transfers; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

4. The fee for the special license plates is \$35, in addition to all other applicable registration and license fees and governmental services taxes. The fee for an annual renewal sticker is \$10.

5. In addition to the fees required pursuant to subsection 4, the Department shall charge and collect a fee ~~of \$6~~ for the first issuance of the special license plates for those motor vehicles exempted pursuant to NRS 445B.760 from the provisions of NRS 445B.770 to 445B.815, inclusive. The amount of the fee must be equal to the amount of the fee for

a form certifying emission control compliance set forth in paragraph (c) of subsection 1 of NRS 445B.830.

6. Fees paid to the Department pursuant to subsection 5 must be accounted for in the Pollution Control Account created by NRS 445B.830.

Sec. 5. NRS 445B.760 is hereby amended to read as follows:

445B.760 1. The Commission may by regulation prescribe standards for exhaust emissions, fuel evaporative emissions and visible emissions of smoke from mobile internal combustion engines on the ground or in the air, including, but not limited to, aircraft, motor vehicles, snowmobiles and railroad locomotives. The regulations must ~~[-~~

~~(a) Provide] provide~~ for the exemption from such standards of ~~[restored vehicles] a vehicle~~ for which special license plates have been issued pursuant to NRS 482.381, 482.3812, 482.3814 or 482.3816 ~~[-~~

~~(b) Establish criteria for the condition and functioning of a restored vehicle to qualify for the exemption, and provide that the evaluation of the condition and functioning of such a vehicle may be conducted at an authorized inspection station or authorized station as defined in NRS 445B.710 and 445B.720, respectively.~~

~~(c) Define “restored vehicle” for the purposes of the regulations.] if the owner of such a vehicle certifies to the Department of Motor Vehicles, on a form provided by the Department of Motor Vehicles, that the vehicle was not driven more than 5,000 miles during the immediately preceding year.~~

2. Except as otherwise provided in subsection 3, standards for exhaust emissions which apply to a:

(a) Reconstructed vehicle, as defined in NRS 482.100; and

(b) Trimobile, as defined in NRS 482.129,

↪ must be based on standards which were in effect in the year in which the engine of the vehicle was built.

3. A trimobile that meets the definition of a motorcycle in 40 C.F.R. § 86.402-78 or 86.402-98, as applicable, is not subject to emissions standards under this chapter.

4. Any such standards which pertain to motor vehicles must be approved by the Department of Motor Vehicles before they are adopted by the Commission.

Sec. 6. ~~[This act becomes effective on July 1, 2011.] (Deleted by amendment.)~~

Assemblywoman Dondero Loop moved that the Assembly concur in the Senate Amendment No. 776 to Assembly Bill No. 2.

Remarks by Assemblywoman Dondero Loop.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 374.

The following Senate amendment was read:

Amendment No. 676.

ASSEMBLYMEN WOODBURY [;] , ATKINSON; DALY AND HAMMOND

AN ACT relating to mobile equipment; requiring the Director of the Department of Transportation to submit a report to the Governor and the Legislature relating to the elimination by outsourcing or the purchase or leasing of certain mobile equipment; requiring the Department to prepare and present an analysis of the costs and benefits associated with the purchasing or leasing of certain mobile equipment or contracting for the performance of the work which would have been performed using that mobile equipment; prohibiting the Board of Directors of the Department from approving the purchase of certain mobile equipment unless the Department justifies the purchase based on the costs and benefits analysis; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Director of the Department of Transportation to submit various reports to the Legislature concerning the activities of the Department. (NRS 408.203) **Section 2** of this bill provides that, on or before February 1 of each odd-numbered year, the Director is required to submit a report to the Governor and the Legislature concerning all mobile equipment eliminated by outsourcing or purchased or leased in the previous 2 years. **Section 2** further requires that the report include, without limitation, the costs and benefits analysis prepared pursuant to **section 3** of this bill and the justification for the decision to purchase or lease the mobile equipment or to enter into a contract for the performance of the work which would have been performed using the mobile equipment.

Existing law requires the Board of Directors of the Department to authorize the purchase by the Department of any equipment which exceeds \$50,000. (NRS 408.389) **Section 3** provides that, before the Board may approve the purchase of any mobile equipment which exceeds \$50,000, the Department is required to: (1) prepare and present a costs and benefits analysis of purchasing or leasing the mobile equipment or contracting for the performance of the work which would have been performed using the mobile equipment; and (2) justify purchasing instead of leasing or contracting based on that analysis. **Section 3** further prohibits the Board from approving any purchase of mobile equipment which exceeds \$50,000 unless the Department is able to justify purchasing based on that analysis.

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

Section 1. (Deleted by amendment.)

Sec. 2. NRS 408.203 is hereby amended to read as follows:

408.203 The Director shall:

1. Compile a comprehensive report outlining the requirements for the construction and maintenance of highways for the next 10 years, including anticipated revenues and expenditures of the Department, and submit it to the Director of the Legislative Counsel Bureau for transmittal to the Chairs of the Senate and Assembly Standing Committees on Transportation.

2. Compile a comprehensive report of the requirements for the construction and maintenance of highways for the next 3 years, including anticipated revenues and expenditures of the Department, no later than October 1 of each even-numbered year, and submit it to the Director of the Legislative Counsel Bureau for transmittal to the Chairs of the Senate and Assembly Standing Committees on Transportation.

3. Report to the Legislature by February 1 of odd-numbered years the progress being made in the Department's 12-year plan for the resurfacing of state highways. The report must include an accounting of revenues and expenditures in the preceding 2 fiscal years, a list of the projects which have been completed, including mileage and cost, and an estimate of the adequacy of projected revenues for timely completion of the plan.

4. *On or before February 1 of each odd-numbered year, submit to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature a written report concerning all mobile equipment eliminated by outsourcing or purchased or leased by the Department in the preceding 2 fiscal years. The report must include, without limitation, an analysis of the costs and benefits of each purchase, lease or contract prepared pursuant to subsection 2 of NRS 408.389, the justification for the decision to purchase, lease or contract and any other information required by the Director relating to such purchase, lease or contract.*

Sec. 3. NRS 408.389 is hereby amended to read as follows:

408.389 1. ~~[The]~~ ***Except as otherwise provided in subsection 2, the Department shall not purchase any equipment which exceeds \$50,000, unless the purchase is first approved by the Board.***

2. *Before the Board may approve the purchase of any mobile equipment which exceeds \$50,000, the Department shall:*

(a) Prepare and present to the Board an analysis of the costs and benefits, including, without limitation, all related personnel costs, that are associated with:

(1) Purchasing, operating and maintaining the same item of equipment;

(2) Leasing, operating and maintaining the same item of mobile equipment; or

(3) *Contracting for the performance of the work which would have been performed using the mobile equipment; and*

(b) *Justify the need for the purchase based on that analysis.*

3. The Board shall not ~~delegate~~ :

(a) *Delegate* to the Director its authority to approve purchases of equipment pursuant to subsection 1 ~~1~~; *or*

(b) *Approve any purchase of mobile equipment which exceeds \$50,000 and for which the Department is unable to provide justification pursuant to subsection 2.*

Sec. 4. This act becomes effective on July 1, 2011.

Assemblywoman Dondero Loop moved that the Assembly concur in the Senate Amendment No. 676 to Assembly Bill No. 374.

Remarks by Assemblywoman Dondero Loop.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 257.

The following Senate amendment was read:

Amendment No. 591.

AN ACT relating to the Open Meeting Law; revising provisions governing periods devoted to public comment; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Open Meeting Law requires that meetings of public bodies be open to the public, with limited exceptions. Under the Open Meeting Law, a public body is required to provide written notice of all such meetings, which must include an agenda with a period devoted to comments by the general public and discussion of those comments. However, a public body is prohibited from taking action upon a matter that is raised during such a period for public comment until the matter has been specifically included on an agenda and is denoted to be an item upon which the public body may take action. (NRS 241.020) This bill requires the public body , at a minimum, to provide ~~two separate~~ periods devoted to public comment ~~and discussion of any public comments as follows:~~ (1) one period at the beginning of the meeting ~~before any items on which action may be taken are heard by the public body~~ and ~~one~~ period before the adjournment of the meeting ~~each of which must allow for discussion of any public comments.~~; or (2) a period after each item on which action may be taken is discussed by the public body, but before the public body takes action on the item.

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

Section 1. NRS 241.020 is hereby amended to read as follows:

241.020 1. Except as otherwise provided by specific statute, all meetings of public bodies must be open and public, and all persons must be permitted to attend any meeting of these public bodies. A meeting that is closed pursuant to a specific statute may only be closed to the extent specified in the statute allowing the meeting to be closed. All other portions of the meeting must be open and public, and the public body must comply with all other provisions of this chapter to the extent not specifically precluded by the specific statute. Public officers and employees responsible for these meetings shall make reasonable efforts to assist and accommodate persons with physical disabilities desiring to attend.

2. Except in an emergency, written notice of all meetings must be given at least 3 working days before the meeting. The notice must include:

- (a) The time, place and location of the meeting.
- (b) A list of the locations where the notice has been posted.
- (c) An agenda consisting of:

(1) A clear and complete statement of the topics scheduled to be considered during the meeting.

(2) A list describing the items on which action may be taken and clearly denoting that action may be taken on those items.

(3) ~~[A period] [At least two periods]~~ **Periods** devoted to comments by the general public, if any, ~~[which must be taken at the beginning of the meeting and before the adjournment of the meeting.]~~ and discussion of those comments. **Comments by the general public must be taken:**

(I) At the beginning of the meeting before any items on which action may be taken are heard by the public body and again before the adjournment of the meeting; or

(II) After each item on the agenda on which action may be taken is discussed by the public body, but before the public body takes action on the item.

↪ The provisions of this subparagraph do not prohibit a public body from taking comments by the general public in addition to what is required pursuant to sub-subparagraph (I) or (II). No action may be taken upon a matter raised ~~[under this item of the agenda]~~ **during a period devoted to comments by the general public** until the matter itself has been specifically included on an agenda as an item upon which action may be taken pursuant to subparagraph (2).

(4) If any portion of the meeting will be closed to consider the character, alleged misconduct or professional competence of a person, the name of the person whose character, alleged misconduct or professional competence will be considered.

(5) If, during any portion of the meeting, the public body will consider whether to take administrative action against a person, the name of the person against whom administrative action may be taken.

3. Minimum public notice is:

(a) Posting a copy of the notice at the principal office of the public body or, if there is no principal office, at the building in which the meeting is to be held, and at not less than three other separate, prominent places within the jurisdiction of the public body not later than 9 a.m. of the third working day before the meeting; and

(b) Providing a copy of the notice to any person who has requested notice of the meetings of the public body. A request for notice lapses 6 months after it is made. The public body shall inform the requester of this fact by enclosure with, notation upon or text included within the first notice sent. The notice must be:

(1) Delivered to the postal service used by the public body not later than 9 a.m. of the third working day before the meeting for transmittal to the requester by regular mail; or

(2) If feasible for the public body and the requester has agreed to receive the public notice by electronic mail, transmitted to the requester by electronic mail sent not later than 9 a.m. of the third working day before the meeting.

4. If a public body maintains a website on the Internet or its successor, the public body shall post notice of each of its meetings on its website unless the public body is unable to do so because of technical problems relating to the operation or maintenance of its website. Notice posted pursuant to this subsection is supplemental to and is not a substitute for the minimum public notice required pursuant to subsection 3. The inability of a public body to post notice of a meeting pursuant to this subsection as a result of technical problems with its website shall not be deemed to be a violation of the provisions of this chapter.

5. Upon any request, a public body shall provide, at no charge, at least one copy of:

(a) An agenda for a public meeting;

(b) A proposed ordinance or regulation which will be discussed at the public meeting; and

(c) Subject to the provisions of subsection 6, any other supporting material provided to the members of the public body for an item on the agenda, except materials:

(1) Submitted to the public body pursuant to a nondisclosure or confidentiality agreement which relates to proprietary information;

(2) Pertaining to the closed portion of such a meeting of the public body; or

(3) Declared confidential by law, unless otherwise agreed to by each person whose interest is being protected under the order of confidentiality.

↪ The public body shall make at least one copy of the documents described in paragraphs (a), (b) and (c) available to the public at the meeting to which the documents pertain. As used in this subsection, “proprietary information” has the meaning ascribed to it in NRS 332.025.

6. A copy of supporting material required to be provided upon request pursuant to paragraph (c) of subsection 5 must be:

(a) If the supporting material is provided to the members of the public body before the meeting, made available to the requester at the time the material is provided to the members of the public body; or

(b) If the supporting material is provided to the members of the public body at the meeting, made available at the meeting to the requester at the same time the material is provided to the members of the public body.

↪ If the requester has agreed to receive the information and material set forth in subsection 5 by electronic mail, the public body shall, if feasible, provide the information and material by electronic mail.

7. A public body may provide the public notice, information and material required by this section by electronic mail. If a public body makes such notice, information and material available by electronic mail, the public body shall inquire of a person who requests the notice, information or material if the person will accept receipt by electronic mail. The inability of a public body, as a result of technical problems with its electronic mail system, to provide a public notice, information or material required by this section to a person who has agreed to receive such notice, information or material by electronic mail shall not be deemed to be a violation of the provisions of this chapter.

8. As used in this section, “emergency” means an unforeseen circumstance which requires immediate action and includes, but is not limited to:

(a) Disasters caused by fire, flood, earthquake or other natural causes; or

(b) Any impairment of the health and safety of the public.

Sec. 2. This act becomes effective on July 1, 2011.

Assemblywoman Kirkpatrick moved that the Assembly do not concur in the Senate Amendment No. 591 to Assembly Bill No. 257.

Remarks by Assemblywoman Kirkpatrick.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 59.

The following Senate amendment was read:

Amendment No. 634.

AN ACT relating to the Open Meeting Law; requiring a public body to take certain actions if the Attorney General finds that the public body has violated the Open Meeting Law; authorizing the Attorney General to issue subpoenas during investigations of such violations; ~~revising the definition of “public body” for the purposes of the Open Meeting Law;~~ **providing that meetings of a public body that are quasi-judicial in nature are subject to the Open Meeting Law under certain circumstances;** requiring a public body to include certain notifications on an agenda for a public meeting; excluding a meeting held to consider an applicant for employment from certain notice requirements; making members of a public body subject to a civil penalty for violations; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law establishes the Open Meeting Law which requires, except in certain limited situations, that all meetings of public bodies be open and public. It further requires that all persons be allowed to attend any meeting of these public bodies. (NRS 241.020) Existing law makes any action of a public body in violation of the Open Meeting Law void, and requires the Attorney General to investigate and prosecute any violation of the Open Meeting Law. (NRS 241.036, 241.040) If the Attorney General finds that a public body has taken an action which violates the Open Meeting Law, **section 2** of this bill requires the public body to include an item on the next agenda posted for a meeting of the public body acknowledging the finding of the Attorney General regarding such a violation. **Section 2** also provides that such acknowledgment is not an admission of wrongdoing on the part of the public body for the purposes of a civil action, criminal prosecution or injunctive relief. **Section 3** of this bill authorizes the Attorney General to issue subpoenas for the production of documents, records or materials in the course of his or her investigation of any violation of the Open Meeting Law and makes failure or refusal to comply with such a subpoena a misdemeanor.

Section 1.5 of this bill provides that meetings of a public body that are quasi-judicial in nature are subject to the provisions of the Open Meeting Law unless exempted by the Legislative Commission. Section 4 of this bill revises the definition of “public body” **1.5 also defines when a meeting is quasi-judicial in nature** for purposes of the Open Meeting Law. ~~to identify the manner in which an entity must be created to be considered a public body and to clarify that a public body consists of at least two members. Section 4 also excludes proceedings of a public body that are judicial or quasi-judicial in nature from the requirements of the Open Meeting Law, unless the public body in question is also a regulatory body.~~

Section 5 of this bill adds certain notifications that must be included on an agenda for a meeting of a public body.

Under existing law, if a public body holds a meeting to consider the character, alleged misconduct, professional competence, or physical or mental health of a person, it must first provide written notice of that fact and, if such a meeting will be closed, must allow the attendance of certain individuals. Existing law also provides that casual or tangential references to a person or the person's name during a closed meeting do not constitute consideration of the character, alleged misconduct, professional competence, or physical or mental health of the person. (NRS 241.033) **Section 6** of this bill provides that a meeting to consider an applicant for employment does not require prior notice to be given to the applicant.

Existing law makes each member of a public body who attends a meeting where action is taken in violation of the Open Meeting Law with knowledge of the fact that the meeting is in violation guilty of a misdemeanor. (NRS 241.040) **Section 7** of this bill further makes each such member who attends such a meeting subject to a civil penalty in an amount not to exceed \$500.

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

Section 1. Chapter 241 of NRS is hereby amended by adding thereto the provisions set forth as sections **1.5**, 2 and 3 of this act.

Sec. 1.5. 1. Meetings of a public body that are quasi-judicial in nature are subject to the provisions of this chapter unless the public body has received an exemption from the Legislative Commission.

2. For the purposes of this section, a meeting is quasi-judicial in nature if it is judicial in character and the public body affords to each party in the meeting:

(a) The ability to present and object to evidence;

(b) The ability to cross-examine witnesses;

(c) A written decision; and

(d) An opportunity to appeal the written decision.

Sec. 2. 1. *If the Attorney General makes findings of fact and conclusions of law that a public body has taken action in violation of any provision of this chapter, the public body must include an item on the next agenda posted for a meeting of the public body which acknowledges the findings of fact and conclusions of law. The opinion of the Attorney General must be treated as supporting material for the item on the agenda for the purposes of NRS 241.020.*

2. *The inclusion of an item on the agenda for a meeting of a public body pursuant to subsection 1 is not an admission of wrongdoing for the purposes of a civil action, criminal prosecution or injunctive relief.*

Sec. 3. 1. *The Attorney General shall investigate and prosecute any violation of this chapter.*

2. *In any investigation conducted pursuant to subsection 1, the Attorney General may issue subpoenas for the production of any relevant documents, records or materials.*

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

Sec. 4. NRS 241.015 is hereby amended to read as follows:

241.015 As used in this chapter, unless the context otherwise requires:

1. "Action" means:

(a) A decision made by a majority of the members present during a meeting of a public body;

(b) A commitment or promise made by a majority of the members present during a meeting of a public body;

(c) If a public body may have a member who is not an elected official, an affirmative vote taken by a majority of the members present during a meeting of the public body; or

(d) If all the members of a public body must be elected officials, an affirmative vote taken by a majority of all the members of the public body.

2. "Meeting":

(a) Except as otherwise provided in paragraph (b), means:

(1) The gathering of members of a public body at which a quorum is present to deliberate toward a decision or to take action on any matter over which the public body has supervision, control, jurisdiction or advisory power.

(2) Any series of gatherings of members of a public body at which:

(I) Less than a quorum is present at any individual gathering;

(II) The members of the public body attending one or more of the gatherings collectively constitute a quorum; and

(III) The series of gatherings was held with the specific intent to avoid the provisions of this chapter.

(b) Does not include a gathering or series of gatherings of members of a public body, as described in paragraph (a), at which a quorum is actually or collectively present:

(1) Which occurs at a social function if the members do not deliberate toward a decision or take action on any matter over which the public body has supervision, control, jurisdiction or advisory power.

(2) To receive information from the attorney employed or retained by the public body regarding potential or existing litigation involving a matter over which the public body has supervision, control, jurisdiction or advisory power and to deliberate toward a decision on the matter, or both.

3. Except as otherwise provided in this subsection, "public body" means:

(a) Any administrative, advisory, executive or legislative body of the State or a local government *consisting of at least two persons* which expends or

disburses or is supported in whole or in part by tax revenue or which advises or makes recommendations to any entity which expends or disburses or is supported in whole or in part by tax revenue, including, but not limited to, any board, commission, committee, subcommittee or other subsidiary thereof and includes an educational foundation as defined in subsection 3 of NRS 388.750 and a university foundation as defined in subsection 3 of NRS 396.405 ~~[- and]~~, ***if the administrative, advisory, executive or legislative body is created by:***

- (1) ***The Constitution of this State;***
- (2) ***Any statute of this State;***
- (3) ***A city charter and any city ordinance which has been filed or recorded as required by the applicable law;***
- (4) ***The Nevada Administrative Code;***
- (5) ***A resolution or other formal designation by such a body created by a statute of this State or an ordinance of a local government;***
- (6) ***An executive order issued by the Governor; or***
- (7) ***A resolution or ~~order~~ an action by the governing body of a political subdivision of this State;***

(b) ***Any board, commission or committee consisting of at least two persons appointed by:***

(1) ***The Governor or a public officer who is under the direction of the Governor, if the board, commission or committee has at least two members who are not employees of the Executive Department of the State Government;***

(2) ***An entity in the Executive Department of the State Government consisting of members appointed by the Governor, if the board, commission or committee otherwise meets the definition of a public body pursuant to this subsection; or***

(3) ***A public officer who is under the direction of an agency or other entity in the Executive Department of the State Government consisting of members appointed by the Governor, if the board, commission or committee has at least two members who are not employed by the public officer or entity; and***

(c) A limited-purpose association that is created for a rural agricultural residential common-interest community as defined in subsection 6 of NRS 116.1201.

↪ ~~“Public body” does not include the Legislature of the State of Nevada, for an entity, other than a regulatory body as defined in NRS 622.060, which would otherwise be considered a public body when such entity is engaged in proceedings that are judicial or quasi-judicial in nature.~~

4. “Quorum” means a simple majority of the constituent membership of a public body or another proportion established by law.

Sec. 5. NRS 241.020 is hereby amended to read as follows:

241.020 1. Except as otherwise provided by specific statute, all meetings of public bodies must be open and public, and all persons must be permitted to attend any meeting of these public bodies. A meeting that is closed pursuant to a specific statute may only be closed to the extent specified in the statute allowing the meeting to be closed. All other portions of the meeting must be open and public, and the public body must comply with all other provisions of this chapter to the extent not specifically precluded by the specific statute. Public officers and employees responsible for these meetings shall make reasonable efforts to assist and accommodate persons with physical disabilities desiring to attend.

2. Except in an emergency, written notice of all meetings must be given at least 3 working days before the meeting. The notice must include:

(a) The time, place and location of the meeting.

(b) A list of the locations where the notice has been posted.

(c) An agenda consisting of:

(1) A clear and complete statement of the topics scheduled to be considered during the meeting.

(2) A list describing the items on which action may be taken and clearly denoting that action may be taken on those items ~~by~~ **by placing the term "for possible action" next to the appropriate item.**

(3) A period devoted to comments by the general public, if any, and discussion of those comments. No action may be taken upon a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action may be taken pursuant to subparagraph (2).

(4) If any portion of the meeting will be closed to consider the character, alleged misconduct or professional competence of a person, the name of the person whose character, alleged misconduct or professional competence will be considered.

(5) If, during any portion of the meeting, the public body will consider whether to take administrative action against a person, the name of the person against whom administrative action may be taken.

(6) Notification that:

(I) Items on the agenda may be taken out of order;

(II) The public body may combine two or more agenda items for consideration; and

(III) The public body may remove an item from the agenda or delay discussion relating to an item on the agenda at any time.

(7) Any restrictions on comments by the general public. Any such restrictions must be reasonable and may restrict the time, place and

manner of the comments, but may not restrict comments based upon viewpoint.

3. Minimum public notice is:

(a) Posting a copy of the notice at the principal office of the public body or, if there is no principal office, at the building in which the meeting is to be held, and at not less than three other separate, prominent places within the jurisdiction of the public body not later than 9 a.m. of the third working day before the meeting; and

(b) Providing a copy of the notice to any person who has requested notice of the meetings of the public body. A request for notice lapses 6 months after it is made. The public body shall inform the requester of this fact by enclosure with, notation upon or text included within the first notice sent. The notice must be:

(1) Delivered to the postal service used by the public body not later than 9 a.m. of the third working day before the meeting for transmittal to the requester by regular mail; or

(2) If feasible for the public body and the requester has agreed to receive the public notice by electronic mail, transmitted to the requester by electronic mail sent not later than 9 a.m. of the third working day before the meeting.

4. If a public body maintains a website on the Internet or its successor, the public body shall post notice of each of its meetings on its website unless the public body is unable to do so because of technical problems relating to the operation or maintenance of its website. Notice posted pursuant to this subsection is supplemental to and is not a substitute for the minimum public notice required pursuant to subsection 3. The inability of a public body to post notice of a meeting pursuant to this subsection as a result of technical problems with its website shall not be deemed to be a violation of the provisions of this chapter.

5. Upon any request, a public body shall provide, at no charge, at least one copy of:

(a) An agenda for a public meeting;

(b) A proposed ordinance or regulation which will be discussed at the public meeting; and

(c) Subject to the provisions of subsection 6, any other supporting material provided to the members of the public body for an item on the agenda, except materials:

(1) Submitted to the public body pursuant to a nondisclosure or confidentiality agreement which relates to proprietary information;

(2) Pertaining to the closed portion of such a meeting of the public body; or

(3) Declared confidential by law, unless otherwise agreed to by each person whose interest is being protected under the order of confidentiality.

↪ The public body shall make at least one copy of the documents described in paragraphs (a), (b) and (c) available to the public at the meeting to which the documents pertain. As used in this subsection, “proprietary information” has the meaning ascribed to it in NRS 332.025.

6. A copy of supporting material required to be provided upon request pursuant to paragraph (c) of subsection 5 must be:

(a) If the supporting material is provided to the members of the public body before the meeting, made available to the requester at the time the material is provided to the members of the public body; or

(b) If the supporting material is provided to the members of the public body at the meeting, made available at the meeting to the requester at the same time the material is provided to the members of the public body.

↪ If the requester has agreed to receive the information and material set forth in subsection 5 by electronic mail, the public body shall, if feasible, provide the information and material by electronic mail.

7. A public body may provide the public notice, information and material required by this section by electronic mail. If a public body makes such notice, information and material available by electronic mail, the public body shall inquire of a person who requests the notice, information or material if the person will accept receipt by electronic mail. The inability of a public body, as a result of technical problems with its electronic mail system, to provide a public notice, information or material required by this section to a person who has agreed to receive such notice, information or material by electronic mail shall not be deemed to be a violation of the provisions of this chapter.

8. As used in this section, “emergency” means an unforeseen circumstance which requires immediate action and includes, but is not limited to:

(a) Disasters caused by fire, flood, earthquake or other natural causes; or

(b) Any impairment of the health and safety of the public.

Sec. 6. NRS 241.033 is hereby amended to read as follows:

241.033 1. ~~1.~~ ***Except as otherwise provided in subsection 7, a public body shall not hold a meeting to consider the character, alleged misconduct, professional competence, or physical or mental health of any person or to consider an appeal by a person of the results of an examination conducted by or on behalf of the public body unless it has:***

(a) Given written notice to that person of the time and place of the meeting; and

(b) Received proof of service of the notice.

2. The written notice required pursuant to subsection 1:

(a) Except as otherwise provided in subsection 3, must be:

(1) Delivered personally to that person at least 5 working days before the meeting; or

(2) Sent by certified mail to the last known address of that person at least 21 working days before the meeting.

(b) May, with respect to a meeting to consider the character, alleged misconduct, professional competence, or physical or mental health of a person, include an informational statement setting forth that the public body may, without further notice, take administrative action against the person if the public body determines that such administrative action is warranted after considering the character, alleged misconduct, professional competence, or physical or mental health of the person.

(c) Must include:

(1) A list of the general topics concerning the person that will be considered by the public body during the closed meeting; and

(2) A statement of the provisions of subsection 4, if applicable.

3. The Nevada Athletic Commission is exempt from the requirements of subparagraphs (1) and (2) of paragraph (a) of subsection 2, but must give written notice of the time and place of the meeting and must receive proof of service of the notice before the meeting may be held.

4. If a public body holds a closed meeting or closes a portion of a meeting to consider the character, alleged misconduct, professional competence, or physical or mental health of a person, the public body must allow that person to:

(a) Attend the closed meeting or that portion of the closed meeting during which the character, alleged misconduct, professional competence, or physical or mental health of the person is considered;

(b) Have an attorney or other representative of the person's choosing present with the person during the closed meeting; and

(c) Present written evidence, provide testimony and present witnesses relating to the character, alleged misconduct, professional competence, or physical or mental health of the person to the public body during the closed meeting.

5. Except as otherwise provided in subsection 4, with regard to the attendance of persons other than members of the public body and the person whose character, alleged misconduct, professional competence, physical or mental health or appeal of the results of an examination is considered, the chair of the public body may at any time before or during a closed meeting:

(a) Determine which additional persons, if any, are allowed to attend the closed meeting or portion thereof; or

(b) Allow the members of the public body to determine, by majority vote, which additional persons, if any, are allowed to attend the closed meeting or portion thereof.

6. A public body shall provide a copy of any record of a closed meeting prepared pursuant to NRS 241.035, upon the request of any person who received written notice of the closed meeting pursuant to subsection 1.

7. For the purposes of this section ~~[-casual]~~ :

(a) *A meeting held to consider an applicant for employment is not subject to the notice requirements otherwise imposed by this section.*

(b) *Casual* or tangential references to a person or the name of a person during a closed meeting do not constitute consideration of the character, alleged misconduct, professional competence, or physical or mental health of the person.

Sec. 7. NRS 241.040 is hereby amended to read as follows:

241.040 1. Each member of a public body who attends a meeting of that public body where action is taken in violation of any provision of this chapter, with knowledge of the fact that the meeting is in violation thereof, is guilty of a misdemeanor.

2. Wrongful exclusion of any person or persons from a meeting is a misdemeanor.

3. A member of a public body who attends a meeting of that public body at which action is taken in violation of this chapter is not the accomplice of any other member so attending.

4. *In addition to any criminal penalty imposed pursuant to this section, each member of a public body who attends a meeting of that public body where action is taken in violation of any provision of this chapter, and who participates in such action with knowledge of the violation, is subject to a civil penalty in an amount not to exceed \$500. The Attorney General ~~[shall investigate and prosecute any violation of this chapter.]~~ may recover the penalty in a civil action brought in the name of the State of Nevada in any court of competent jurisdiction. Such an action must be commenced within 1 year after the date of the action taken in violation of this chapter.*

Sec. 8. 1. This ~~fact becomes~~ section and sections 1 and 2 to 7, inclusive, of this act become effective on July 1, 2011.

2. Section 1.5 of this act becomes effective on January 1, 2012.

Assemblywoman Kirkpatrick moved that the Assembly do not concur in the Senate Amendment No. 634 to Assembly Bill No. 59.

Remarks by Assemblywoman Kirkpatrick.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 117.

The following Senate amendment was read:

Amendment No. 831.

SUMMARY—~~[Revises]~~ **Temporarily revises** provisions governing the required minimum number of school days in public schools. (BDR 34-91)

AN ACT relating to education; authorizing the board of trustees of a school district and the governing body of a charter school to request, **for the 2011-2013 biennium**, a waiver from the required minimum number of school days in a school year during an economic hardship; setting forth certain provisions governing a furlough program of employees of school districts and charter schools as the program relates to the Public Employees' Retirement System; **expiring the provisions of this act**; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, each school district is required to schedule and provide annually a minimum of 180 days of school in the schools of the school district and a charter school is required to schedule and provide at least as many days of instruction as are required of other public schools in the school district in which the charter school is located. (NRS 386.550, 388.090) ~~[Section 2]~~ **For the 2011-2013 biennium, section 6.5** of this bill authorizes the board of trustees of a school district and the governing body of a charter school to request a waiver of not more than ~~[10 school]~~ **5 noninstructional** days from the required minimum number of school days for a school year **in that biennium** during an economic hardship to avoid the layoff of teachers and other educational personnel employed by the school district or charter school. A request for a waiver must be reviewed by the Superintendent of Public Instruction and, if approved, transmitted to the Interim Finance Committee, which makes the final determination of whether to grant a waiver. For purposes of requesting a waiver from the required minimum school days, the circumstances in which an economic hardship exists for a school district or charter school are identical to the circumstances in which an economic hardship exists under existing law for a school district or charter school to request a waiver from the required minimum expenditures for textbooks, instructional supplies, instructional software and instructional hardware. (NRS 387.2065)

The 2009 Session of the Legislature enacted provisions requiring furlough leave of certain state employees and set forth provisions relating to the furlough program and the manner in which the program is carried out as it relates to the Public Employees' Retirement System. (Chapter 391, Statutes of Nevada 2009, p. 2160) **Section 7** of this bill sets forth the intent of the Legislature in the establishment of a program certified by the board of trustees of a school district or the governing body of a charter school

whereby employees of school districts and charter schools who are members of the Public Employees' Retirement System and who take furlough leave due to extreme fiscal need be held harmless in the accumulation of retirement service credit and reported salary. **Section 7** further sets forth provisions concerning the furlough leave as it relates to the Public Employees' Retirement System in a manner similar to the furlough program of state employees.

Section 8 of this bill expires the provisions of this bill on June 30, 2013.

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

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 6.5. 1. Notwithstanding the provisions of NRS 386.550, 388.090, 388.537 and 388.842, for the 2011-2013 biennium the board of trustees of a school district or the governing body of a charter school that experiences an economic hardship may submit a written request to the Superintendent of Public Instruction on a form prescribed by the Department of Education for a waiver of not more than 5 noninstructional days of the required minimum number of school days in a school year to avoid, during the economic hardship, the layoff of teachers and other educational personnel employed by the school district or charter school.

2. Upon receipt of a written request pursuant to subsection 1, the Superintendent of Public Instruction shall consider the request and determine whether an economic hardship exists for the school district or charter school and whether a waiver of the required number of school days is necessary to avoid, during the economic hardship, the layoff of teachers and other educational personnel employed by the school district or charter school. The Superintendent of Public Instruction may request additional information from the applicant in making the determination. If the Superintendent of Public Instruction determines that an economic hardship exists for the applicant and that a waiver of the required minimum number of school days is necessary to avoid, during the economic hardship, the layoff of teachers and other educational personnel employed by the applicant, the Superintendent shall forward the written request to the Interim Finance Committee, including the basis for the Superintendent's determination and any recommendations

for the number of school days that may be waived, which must not exceed 5 noninstructional days.

3. Upon receipt of a written request from the Superintendent of Public Instruction pursuant to subsection 2, the Interim Finance Committee shall consider the request and determine whether an economic hardship exists for the school district or charter school and whether a waiver of the required minimum number of school days is necessary to avoid, during the economic hardship, the layoff of teachers and other educational personnel employed by the school district or charter school. The Interim Finance Committee may request additional information from the applicant in making the determination. If the Interim Finance Committee grants a waiver, the Committee shall by resolution set forth:

(a) The grounds for its determination; and

(b) The number of school days that may be waived for the school year by the school district or charter school, which must not exceed 5 noninstructional days.

4. For the purposes of this section, an economic hardship exists for a school district or charter school if:

(a) Projections of revenue do not meet or exceed the revenue anticipated at the time the basic support guarantees are established for the fiscal year pursuant to NRS 387.122; or

(b) The school district or charter school incurs unforeseen expenses, including, without limitation, expenses related to a natural disaster.

5. A waiver granted pursuant to this section does not affect any right or remedy available pursuant to the provisions of chapter 288 of NRS, any obligation of the board of trustees of a school district or the governing body of a charter school pursuant to chapter 288 of NRS or any contract negotiated by the board of trustees of a school district or the governing body of a charter school pursuant to chapter 288 of NRS.

Sec. 7. 1. It is the intent of the Legislature that if the board of trustees of a school district or the governing body of a charter school certifies a furlough program whereby employees of the school district or charter school who are members of the Public Employees' Retirement System and who take furlough leave pursuant to the program due to extreme fiscal need be held harmless in the accumulation of retirement service credit and reported salary pursuant to chapter 286 of NRS.

2. If the board of trustees of a school district or the governing body of a charter school certifies a furlough program, the program must require that any furlough time taken by the employees of the school district or charter school:

(a) Be noninstructional days or minutes, as applicable; and

(b) Not exceed the number of professional development days or minutes and other noninstructional days or minutes which provide time for teachers before and after the school year and which the school district or charter school used for the 2010-2011 school year.

~~2.3~~ **3.** Except as otherwise required as a result of NRS 286.537 and notwithstanding the provisions of NRS 286.481, if an employee of a school district or charter school who participates in the Public Employees' Retirement System is required to take furlough leave pursuant to a furlough program certified by the board of trustees of the school district or the governing body of the charter school, the employee is entitled to receive full service credit for the time taken as furlough leave in the same manner as service credit is computed pursuant to NRS 286.501 if:

(a) The employee does not take more than **the equivalent of** 96 hours of furlough leave in a school year; and

(b) The board of trustees of the school district or the governing body of the charter school certifies to the Public Employees' Retirement System that the school district or charter school is participating in a furlough program and that the furlough leave which is reported for the employee is taken in accordance with the requirements of that program.

~~3.4~~ **4.** In any month in which ~~a day of~~ furlough leave is taken, an employee is entitled to receive full-time service credit in the same manner as service credit is computed pursuant to NRS 286.501 for the furlough leave in accordance with the normal workday for the employee. An employee who is less than full-time is entitled to service credit in the same manner as service credit is computed pursuant to NRS 286.501 and in the same manner and to the same extent as though the employee had worked the ~~hours~~ **time** taken as furlough leave.

~~4.4~~ **5.** When a member is on furlough leave pursuant to this section as certified by the board of trustees of the school district or the governing body of the charter school, the board of trustees or the governing body must:

(a) Include all information required by the Public Employees' Retirement System on the board of trustees' or governing body's regular monthly retirement report as provided in NRS 286.460; and

(b) Pay all required employer and employee contributions to the Public Employees' Retirement System based on the compensation that would have been paid to the member but for the member's participation in the program. The board of trustees of the school district and the governing body of the charter school may recover from the employee the amount of the employee contributions set forth in NRS 286.410.

~~5.4~~ **6.** Except as otherwise required by this section, the terms and conditions of any furlough program certified by the board of trustees of the

school district or the governing body of a charter school must be negotiated pursuant to chapter 288 of NRS.

~~6.]~~ **7.** Service credit under a furlough program certified by the board of trustees of a school district or the governing body of a charter school must be computed according to the school year.

~~7.]~~ **8.** As used in this section, “member” has the meaning ascribed to it in NRS 286.050.

Sec. 7.5. The provisions of this act apply to the 2011-2012 school year and the 2012-2013 school year.

Sec. 8. ~~[1.—This section and sections 1 to 6, inclusive, of this act become effective on July 1, 2011.~~

~~2.—Section 7 of this act]~~ **This act** becomes effective ~~on July 1, 2011,~~ **upon passage and approval** and expires by limitation on June 30, 2013.

Assemblyman Bobzien moved that the Assembly concur in the Senate Amendment No. 831 to Assembly Bill No. 117.

Remarks by Assemblyman Bobzien.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 379.

The following Senate amendment was read:

Amendment No. 635.

AN ACT relating to crimes; establishing the crime of stolen valor; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

The federal Stolen Valor Act of 2005 prohibits a person from falsely representing himself or herself, verbally or in writing, to have been awarded certain military decorations or awards. A person who violates this provision may be fined, imprisoned for not more than 6 months or both fined and imprisoned. (18 U.S.C. § 704(b)) The United States Court of Appeals for the Ninth Circuit recently held that the Stolen Valor Act is facially invalid pursuant to the First Amendment to the Constitution of the United States and is therefore unconstitutional. The Ninth Circuit Court found that the Act as currently drafted restricts free speech rights, but the Court suggested that the statute could be modified into a constitutional anti-fraud statute. (*United States v. Alvarez*, 617 F.3d 1198, 1212, 1217 (9th Cir. 2010)) The Court noted that to prove that a person is liable for fraud, it must be shown that the person knowingly made a false representation of fact to intentionally mislead another person and successfully misled the other person through such false representation. (*United States v. Alvarez*, 617 F.3d 1198, 1211 (9th Cir. 2010) (citing *Ill. ex rel. Madigan v. Telemarketing Assocs., Inc.*, 538 U.S. 600, 620 (2003)))

Existing Nevada law prohibits a person from willfully wearing the badge, button, insigne or rosette of any military order or of any secret order or society, or from using any such item to obtain aid, assistance or any other benefit or advantage, if the person is not entitled to wear or use any such items. (NRS 205.410) This bill repeals existing Nevada law and provides that a person commits the crime of stolen valor if the person knowingly, with the intent to mislead or defraud and with the intent to obtain **some benefit or something of monetary value**, misleads or defrauds another person by ~~making any~~ **committing various acts concerning the** false representation of ~~his or her~~ **himself or herself with relation to** military service ~~and obtains something of value. If the amount of the loss caused by the violation:~~ (1) is less than \$2,500, the person who committed the violation is guilty of a gross misdemeanor; and (2) is \$2,500 or more, the person who committed the violation is guilty of a category B felony.]

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. A person ~~is guilty of the crime of stolen valor if the person~~ shall not knowingly, with the intent to mislead or defraud:

(a) ~~Makes~~ **Make any false representation of military service, including, without limitation, falsely representing his or her current or former military status, claiming that he or she served in the Armed Forces of the United States, a reserve component thereof or the National Guard, or that he or she served in a combat zone;**

(b) ~~Makes~~ **Make any such false representation with the intent to obtain employment, be elected or appointed to public office or obtain something of monetary value; and**

(c) ~~Misleads~~ **Mislead or ~~defrauds~~ defraud another person through such false representation and ~~obtains~~ obtain employment, be elected or appointed to public office or obtain something of monetary value.**

2. ~~If the amount of the loss caused by a violation of subsection 1:~~
(a) ~~Is less than \$2,500, the person who committed the violation]~~

A person shall not knowingly, with the intent to mislead or defraud:

(a) **Falsely represent himself or herself by wearing any military decoration or medal authorized by Congress for the Armed Forces of the United States, any service medal or badge awarded to members of such forces, any ribbon, button or rosette of any such badge, decoration or medal, or any colorable imitation of such items;**

(b) **Make such false representation with the intent to obtain something of monetary value; and**

(c) Mislead or defraud another person through such false representation and obtain something of monetary value.

3. A person shall not knowingly, with the intent to mislead or defraud:

(a) Falsely represent himself or herself, verbally or in writing, to have been awarded any military decoration or medal authorized by Congress for the Armed Forces of the United States, any service medal or badge awarded to members of such forces, any ribbon, button or rosette of any such badge, decoration or medal, or any colorable imitation of such items;

(b) Make such false representation with the intent to obtain something of monetary value; and

(c) Mislead or defraud another person through such false representation and obtain something of monetary value.

4. A person shall not knowingly, with the intent to mislead or defraud:

(a) Falsely claim to be or to have been a member of any elite United States Special Operations Command (USSOCOM) of the Armed Forces of the United States, any of its component units or the predecessors of any such units verbally, in writing or by wearing or displaying the distinctive emblem, badge or pin thereof;

(b) Make such false claims with the intent to obtain something of monetary value; and

(c) Mislead or defraud another person through such false claims and obtain something of monetary value.

5. A person shall not knowingly, with the intent to mislead or defraud:

(a) Forge, counterfeit or falsely alter any military document of any military service of the United States, including, without limitation, a certificate of discharge or a military identification card or badge;

(b) Use for any purpose, unlawfully possess, display or exhibit any such false document with the intent to obtain something of monetary value; and

(c) Mislead or defraud another person through the use of any such false document and obtain something of monetary value.

6. A person who violates any provision of this section is guilty of the crime of stolen valor. A person who violates:

(a) Subsection 1 is guilty of a misdemeanor.

(b) Subsection 2, except as otherwise provided in subsection 7 or 8, is guilty of a misdemeanor.

(c) Subsection 3, except as otherwise provided in subsection 7 or 8, is guilty of a misdemeanor.

(d) Subsection 4 is guilty of a misdemeanor.

(e) Subsection 5 is guilty of a gross misdemeanor.

7. A person who violates subsection 2 or 3 by wearing or falsely representing himself or herself to have been awarded a Distinguished Service Cross, Navy Cross, Air Force Cross, Silver Star or Purple Heart, or

any replacement or duplicate medal for any such medal as authorized by law, is guilty of a gross misdemeanor.

~~f (b) Is \$2,500 or more, the person who committed the violation]~~

8. A person who violates subsection 2 or 3 by wearing or falsely representing himself or herself to have been awarded a Medal of Honor is guilty of a category E felony and shall be punished as provided in NRS 193.130.

Sec. 2. NRS 205.410 is hereby repealed.

TEXT OF REPEALED SECTION

205.410 Improper use of insignia.

Every person who shall willfully wear the badge, button, insigne or rosette of any military order or of any secret order or society, or any similitude thereof; or who shall use any such badge, button, insigne or rosette to obtain aid or assistance, or any other benefit or advantage, unless the person shall be entitled to so wear or use the same under the constitution, bylaws, rules and regulations of such order or society, shall be fined not more than \$500.

Assemblyman Horne moved that the Assembly do not concur in the Senate Amendment No. 635 to Assembly Bill No. 379.

Remarks by Assemblyman Horne.

Motion carried.

The following Senate amendment was read:

Amendment No. 656.

JOINT SPONSOR: SENATOR HALSETH

AN ACT relating to crimes; establishing the crime of stolen valor; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The federal Stolen Valor Act of 2005 prohibits a person from falsely representing himself or herself, verbally or in writing, to have been awarded certain military decorations or awards. A person who violates this provision may be fined, imprisoned for not more than 6 months or both fined and imprisoned. (18 U.S.C. § 704(b)) The United States Court of Appeals for the Ninth Circuit recently held that the Stolen Valor Act is facially invalid pursuant to the First Amendment to the Constitution of the United States and is therefore unconstitutional. The Ninth Circuit Court found that the Act as currently drafted restricts free speech rights, but the Court suggested that the statute could be modified into a constitutional anti-fraud statute. (*United States v. Alvarez*, 617 F.3d 1198, 1212, 1217 (9th Cir. 2010)) The Court noted that to prove that a person is liable for fraud, it must be shown that the person knowingly made a false representation of fact to intentionally mislead another person and successfully misled the other person through such false representation. (*United States v. Alvarez*, 617 F.3d 1198, 1211 (9th Cir.

2010) (citing *Ill. ex rel. Madigan v. Telemarketing Assocs., Inc.*, 538 U.S. 600, 620 (2003)))

Existing Nevada law prohibits a person from willfully wearing the badge, button, insignie or rosette of any military order or of any secret order or society, or from using any such item to obtain aid, assistance or any other benefit or advantage, if the person is not entitled to wear or use any such items. (NRS 205.410) This bill repeals existing Nevada law and provides that a person commits the crime of stolen valor if the person knowingly, with the intent to mislead or defraud and with the intent to obtain something of value, misleads or defrauds another person by making any false representation of his or her military service and obtains something of value. If the amount of the loss caused by the violation: (1) is less than \$2,500, the person who committed the violation is guilty of a gross misdemeanor; and (2) is \$2,500 or more, the person who committed the violation is guilty of a category E felony.

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. A person is guilty of the crime of stolen valor if the person knowingly, with the intent to mislead or defraud:

(a) Makes any false representation of military service, including, without limitation, falsely representing his or her current or former military status, claiming that he or she served in the Armed Forces of the United States, a reserve component thereof or the National Guard, or that he or she served in a combat zone;

(b) Makes any such false representation with the intent to obtain something of value; and

(c) Misleads or defrauds another person through such false representation and obtains something of value.

2. If the amount of the loss caused by a violation of subsection 1:

(a) Is less than \$2,500, the person who committed the violation is guilty of a gross misdemeanor.

(b) Is \$2,500 or more, the person who committed the violation is guilty of a category E felony and shall be punished as provided in NRS 193.130.

Sec. 2. NRS 205.410 is hereby repealed.

TEXT OF REPEALED SECTION

205.410 Improper use of insignia.

Every person who shall willfully wear the badge, button, insignie or rosette of any military order or of any secret order or society, or any similitude

thereof; or who shall use any such badge, button, insigne or rosette to obtain aid or assistance, or any other benefit or advantage, unless the person shall be entitled to so wear or use the same under the constitution, bylaws, rules and regulations of such order or society, shall be fined not more than \$500.

Assemblyman Horne moved that the Assembly do not concur in the Senate Amendment No. 656 to Assembly Bill No. 379.

Remarks by Assemblyman Horne.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 136.

The following Senate amendment was read:

Amendment No. 693.

AN ACT relating to offenders; revising provisions governing credits for offenders sentenced for certain crimes; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that certain credits to the sentence of an offender convicted of certain category C, D or E felonies must be deducted from the minimum term imposed by the sentence until the offender becomes eligible for parole and from the maximum term imposed by the sentence ~~to~~, **except in certain circumstances.** (NRS 209.4465) **This bill adds to the exceptions that an offender who has been convicted of being a habitual criminal or a habitual felon may not have credits applied to both the minimum and maximum term imposed by the sentence.** This bill **further** provides that an offender convicted of ~~certain~~ a category B ~~felonies~~ **felony** also qualifies to have certain credits deducted from the minimum term imposed by the sentence until the offender becomes eligible for parole and from the maximum term imposed by the sentence ~~[. However, an offender who has been convicted of being a habitual criminal, a habitual felon or a habitually fraudulent felon does not qualify for such credits.]~~, **except in certain circumstances.**

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

Section 1. NRS 209.4465 is hereby amended to read as follows:

209.4465 1. An offender who is sentenced to prison for a crime committed on or after July 17, 1997, who has no serious infraction of the regulations of the Department, the terms and conditions of his or her residential confinement or the laws of the State recorded against the offender, and who performs in a faithful, orderly and peaceable manner the duties assigned to the offender, must be allowed:

(a) For the period the offender is actually incarcerated pursuant to his or her sentence;

(b) For the period the offender is in residential confinement; and

(c) For the period the offender is in the custody of the Division of Parole and Probation of the Department of Public Safety pursuant to NRS 209.4886 or 209.4888,

→ a deduction of 20 days from his or her sentence for each month the offender serves.

2. In addition to the credits allowed pursuant to subsection 1, the Director may allow not more than 10 days of credit each month for an offender whose diligence in labor and study merits such credits. In addition to the credits allowed pursuant to this subsection, an offender is entitled to the following credits for educational achievement:

(a) For earning a general educational development certificate, 60 days.

(b) For earning a high school diploma, 90 days.

(c) For earning his or her first associate degree, 120 days.

3. The Director may, in his or her discretion, authorize an offender to receive a maximum of 90 days of credit for each additional degree of higher education earned by the offender.

4. The Director may allow not more than 10 days of credit each month for an offender who participates in a diligent and responsible manner in a center for the purpose of making restitution, program for reentry of offenders and parolees into the community, conservation camp, program of work release or another program conducted outside of the prison. An offender who earns credit pursuant to this subsection is eligible to earn the entire 30 days of credit each month that is allowed pursuant to subsections 1 and 2.

5. The Director may allow not more than 90 days of credit each year for an offender who engages in exceptional meritorious service.

6. The Board shall adopt regulations governing the award, forfeiture and restoration of credits pursuant to this section.

7. Except as otherwise provided in subsection 8, credits earned pursuant to this section:

(a) Must be deducted from the maximum term imposed by the sentence; and

(b) Apply to eligibility for parole unless the offender was sentenced pursuant to a statute which specifies a minimum sentence that must be served before a person becomes eligible for parole.

8. Credits earned pursuant to this section by an offender who has not been convicted of:

(a) Any crime that is punishable as a felony involving the use or threatened use of force or violence against the victim;

(b) A sexual offense that is punishable as a felony;

(c) A violation of NRS 484C.110, 484C.120, 484C.130 or 484C.430 that is punishable as a felony; ~~for~~

(d) *Being a habitual criminal pursuant to NRS 207.010, a habitual felon pursuant to NRS 207.012 or a habitually fraudulent felon pursuant to NRS 207.014; or*

(e) ~~is~~ Except as otherwise provided in subsection 9, a category A or B felony,

↪ apply to eligibility for parole and must be deducted from the minimum term imposed by the sentence until the offender becomes eligible for parole and must be deducted from the maximum term imposed by the sentence.

9. Credits earned by an offender who has been convicted of a category B felony apply to eligibility for parole, must be deducted from the minimum term imposed by the sentence until the offender becomes eligible for parole and must be deducted from the maximum term imposed by the sentence if the offender:

(a) Has not been convicted of an offense listed in paragraphs (a) to (d), inclusive, of subsection 8;

(b) Has not served three or more separate terms of imprisonment for three separate felony convictions in this State;

(c) Is not serving a sentence for which an additional penalty was imposed for the use of a firearm pursuant to NRS 193.165; and

(d) Is not serving a sentence for violating the provisions of NRS 202.360.

Sec. 2. For the purpose of calculating the credits earned by an offender pursuant to NRS 209.4465, the amendatory provisions of section 1 of this act must be applied:

1. Retroactively to January 1, 2005, to reduce the minimum term of imprisonment of an offender described in ~~subsection~~ **subsections 8 and 9** of NRS 209.4465, as amended by section 1 of this act, who was placed in the custody of the Department of Corrections before January 1, 2012, and who remains in such custody on January 1, 2012.

2. Retroactively to January 1, 2011, to reduce the maximum term of imprisonment of an offender who was placed on parole before January 1, 2012.

3. In the manner set forth in NRS 209.4465 for all offenders in the custody of the Department of Corrections commencing on January 1, 2012, and for all offenders who are on parole commencing on January 1, 2012.

Sec. 3. This act becomes effective on January 1, 2012.

Assemblyman Horne moved that the Assembly do not concur in the Senate Amendment No. 693 to Assembly Bill No. 136.

Remarks by Assemblyman Horne.
Motion carried.
Bill ordered transmitted to the Senate.

Assembly Bill No. 294.
The following Senate amendment was read:
Amendment No. 695.

SUMMARY—Revises various provisions ~~governing mobile~~ **relating to** gaming. (BDR 41-1042)

AN ACT relating to gaming; ~~clarifying that for purposes of regulation under the Nevada Gaming Control Act, the term “slot machine” does not include any item used for mobile gaming;~~ **revising certain definitions relating to gaming for the purposes of the Nevada Gaming Control Act; removing the authority of the Nevada Gaming Commission to regulate certain independent contractors; making it unlawful to distribute gaming devices, systems or related equipment under certain circumstances;** revising provisions relating to the location of a computer system associated with mobile gaming; **providing a penalty;** and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

~~Section 2 of this bill clarifies that for purposes of regulation under the Nevada Gaming Control Act, the term “slot machine” does not include any item used for mobile gaming.~~ **Existing law provides that mobile gaming may only be conducted in public areas of an establishment which holds a nonrestricted gaming license. (NRS 463.0176) Section 3.6 of this bill authorizes mobile gaming to be conducted in any area of such an establishment.**

Section 3.8 of this bill removes the authority of the Nevada Gaming Commission to regulate independent contractors which manufacture certain property related to gaming. Section 3.8 also makes it unlawful to knowingly distribute any gaming device, system or related equipment from Nevada to any other jurisdiction where the use of any such device, system or related equipment is illegal.

Section 4 of this bill clarifies that a computer system associated with mobile gaming may be located outside a licensed gaming establishment but must be located within this State.

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

- Section 1.** (Deleted by amendment.)
Sec. 2. **(Deleted by amendment.)**
Sec. 3. (Deleted by amendment.)

Sec. 3.2. NRS 463.0155 is hereby amended to read as follows:

463.0155 “Gaming device” means any object used remotely or directly in connection with gaming or any game which affects the result of a wager by determining win or loss and which does not otherwise constitute associated equipment. The term includes, without limitation:

1. A slot machine.
2. A collection of two or more of the following components:
 - (a) An assembled electronic circuit which cannot be reasonably demonstrated to have any use other than in a slot machine;
 - (b) A cabinet with electrical wiring and provisions for mounting a coin, token or currency acceptor and provisions for mounting a dispenser of coins, tokens or anything of value;
 - (c) ~~[(e)]~~ ~~A storage medium containing a control program;~~
 - ~~[(d)]~~ An assembled mechanical or electromechanical display unit intended for use in gambling; or
 - ~~[(e)]~~ **(d)** An assembled mechanical or electromechanical unit which cannot be demonstrated to have any use other than in a slot machine.
3. Any object which may be connected to or used with a slot machine to alter the normal criteria of random selection or affect the outcome of a game.
4. A system for the accounting or management of any game in which the result of the wager is determined electronically by using any combination of hardware or software for computers.
5. A control program.
6. Any combination of one of the components set forth in paragraphs (a) to ~~[(e)]~~ **(d)**, inclusive, of subsection 2 and any other component which the Commission determines by regulation to be a machine used directly or remotely in connection with gaming or any game which affects the results of a wager by determining a win or loss.
7. Any object that has been determined to be a gaming device pursuant to regulations adopted by the Commission.

↪ As used in this section, “control program” means any software, source language or executable code which affects the result of a wager by determining win or loss as determined pursuant to regulations adopted by the Commission.

Sec. 3.4. NRS 463.01715 is hereby amended to read as follows:

463.01715 1. “Manufacture” means:

(a) To manufacture, produce, program, design, control the design of ~~[(e)]~~ ~~maintain a copyright over]~~ or make modifications to a gaming device, cashless wagering system, mobile gaming system or interactive gaming system ~~[(e)]~~ **for use or play in Nevada;**

(b) To direct, control or assume responsibility for the methods and processes used to design, develop, program, assemble, produce, fabricate,

compose and combine the components and other tangible objects of any gaming device, cashless wagering system, mobile gaming system or interactive gaming system ~~for use or play in Nevada;~~ or

(c) To assemble, or control the assembly of, a gaming device, cashless wagering system, mobile gaming system or interactive gaming system ~~for use or play in Nevada.~~

2. As used in this section ~~“assume”~~:

(a) “Assume responsibility” means to ~~acquire~~:

(1) Acquire complete control over, or ownership of, the applicable gaming device, cashless wagering system, mobile gaming system or interactive gaming system ~~for~~; and

(2) Accept continuing legal responsibility for the gaming device, cashless wagering system, mobile gaming system or interactive gaming system, including, without limitation, any form of manufacture performed by an affiliate or independent contractor.

(b) “Independent contractor” means, with respect to a manufacturer, any person who:

(1) Is not an employee of the manufacturer; and

(2) Pursuant to an agreement with the manufacturer, designs, develops, programs, produces or composes a control program used in the manufacture of a gaming device. As used in this subparagraph, “control program” has the meaning ascribed to it in NRS 463.0155.

Sec. 3.6. NRS 463.0176 is hereby amended to read as follows:

463.0176 “Mobile gaming” means the conduct of gambling games through communications devices operated solely in ~~public areas of~~ an establishment which holds a nonrestricted gaming license and which operates at least 100 slot machines and at least one other game by the use of communications technology that allows a person to transmit information to a computer to assist in the placing of a bet or wager and corresponding information related to the display of the game, game outcomes or other similar information. For the purposes of this section ~~for~~

~~1. “Communications”~~, “communications technology” means any method used and the components employed by an establishment to facilitate the transmission of information, including, without limitation, transmission and reception by systems based on wireless network, wireless fidelity, wire, cable, radio, microwave, light, optics or computer data networks. The term does not include the Internet.

~~2. “Public areas” does not include rooms available for sleeping or living accommodations.~~

Sec. 3.8. NRS 463.650 is hereby amended to read as follows:

463.650 1. Except as otherwise provided in subsections 2 to 5, inclusive, it is unlawful for any person, either as owner, lessee or employee,

whether for hire or not, to operate, carry on, conduct or maintain any form of manufacture, selling or distribution of any gaming device, cashless wagering system, mobile gaming system or interactive gaming system for use or play in Nevada ~~for for distribution outside of Nevada~~ without first procuring and maintaining all required federal, state, county and municipal licenses.

2. A lessor who specifically acquires equipment for a capital lease is not required to be licensed under this section or NRS 463.660.

3. The holder of a state gaming license or the holding company of a corporation, partnership, limited partnership, limited-liability company or other business organization holding a license may, within 2 years after cessation of business or upon specific approval by the Board, dispose of by sale in a manner approved by the Board, any or all of its gaming devices, including slot machines, mobile gaming systems and cashless wagering systems, without a distributor's license. In cases of bankruptcy of a state gaming licensee or foreclosure of a lien by a bank or other person holding a security interest for which gaming devices are security in whole or in part for the lien, the Board may authorize the disposition of the gaming devices without requiring a distributor's license.

4. The Commission may, by regulation, authorize a person who owns:

- (a) Gaming devices for home use in accordance with NRS 463.160; or
- (b) Antique gaming devices,

↪ to sell such devices without procuring a license therefor to residents of jurisdictions wherein ownership of such devices is legal.

5. Upon approval by the Board, a gaming device owned by:

- (a) A law enforcement agency;
- (b) A court of law; or
- (c) A gaming device repair school licensed by the Commission on Postsecondary Education,

↪ may be disposed of by sale, in a manner approved by the Board, without a distributor's license. An application for approval must be submitted to the Board in the manner prescribed by the Chair.

6. Any person who the Commission determines is a suitable person to receive a license under the provisions of this section and NRS 463.660 may be issued a manufacturer's or distributor's license. The burden of proving his or her qualification to receive or hold a license under this section and NRS 463.660 is at all times on the applicant or licensee.

7. Every person who must be licensed pursuant to this section is subject to the provisions of NRS 463.482 to 463.645, inclusive, unless exempted from those provisions by the Commission.

8. The Commission may exempt, for any purpose, a manufacturer, seller or distributor from the provisions of NRS 463.482 to 463.645, inclusive, if

the Commission determines that the exemption is consistent with the purposes of this chapter.

9. ~~[[The Commission may provide by regulation for:~~

~~(a) The filing by a manufacturer of reports and information regarding:~~

~~(1) Any independent contractor; and~~

~~(2) The business arrangements between the manufacturer and an independent contractor.~~

~~(b) Registration of independent contractors.~~

~~(c) Procedures pursuant to which an independent contractor may be required to file an application for a finding of suitability.~~

~~(d) Such other regulatory oversight of independent contractors as the Commission determines is necessary and appropriate.]~~ Any person conducting business in Nevada who is not required to be licensed as a manufacturer, seller or distributor pursuant to subsection 1, but who otherwise must register with the Attorney General of the United States pursuant to Title 15 of U.S.C., must submit to the Board a copy of such registration within 10 days after submission to the Attorney General of the United States.

10. It is unlawful for any person, either as owner, lessee or employee, whether for hire or not, to knowingly distribute any gaming device, cashless wagering system, mobile gaming system, interactive gaming system or associated equipment from Nevada to any jurisdiction where the possession, ownership or use of any such device, system or equipment is illegal.

11. As used in this section:

(a) “Antique gaming device” means a gaming device that was manufactured before 1961.

(b) “Holding company” has the meaning ascribed to it in NRS 463.485.

~~[(c) “Independent contractor” means, with respect to a manufacturer, any person who:~~

~~(1) Is not an employee of the manufacturer; and~~

~~(2) Pursuant to an agreement with the manufacturer, designs, develops, programs, produces or composes a control program used in the manufacture of a gaming device. As used in this subparagraph, “control program” has the meaning ascribed to it in NRS 463.0155.]~~

Sec. 4. NRS 463.730 is hereby amended to read as follows:

463.730 1. Except as otherwise provided in subsection 2, the Commission may, with the advice and assistance of the Board, adopt regulations governing the operation of mobile gaming and the licensing of:

(a) An operator of a mobile gaming system;

(b) A manufacturer, seller or distributor of a mobile gaming system; and

(c) A manufacturer of equipment associated with mobile gaming.

2. The Commission may not adopt regulations pursuant to this section until the Commission first determines that:

(a) Mobile gaming systems are secure and reliable, and provide reasonable assurance that players will be of lawful age and communicating only from areas of licensed gaming establishments that have been approved by the Commission for that purpose; and

(b) Mobile gaming can be operated in a manner which complies with all applicable laws.

3. The regulations adopted by the Commission pursuant to this section must:

(a) Provide that gross revenue received by a licensed gaming establishment or the operator or the manufacturer of a mobile gaming system from the operation of mobile gaming is subject to the same license fee provisions of NRS 463.370 as the other games and gaming devices operated at the licensed gaming establishment.

(b) Provide that a mobile communications device which displays information relating to the game to a participant in the game as part of a mobile gaming system is subject to the same fees and taxes applicable to slot machines as set forth in NRS 463.375 and 463.385.

(c) Set forth standards for the ~~location and~~ security of the computer system *and its location, which may be outside a licensed gaming establishment but must be within this State*, and for approval of hardware and software used in connection with mobile gaming.

(d) Define "mobile gaming system," "operator of a mobile gaming system ~~["]~~" *and* "equipment associated with mobile gaming" ~~and "public area"]~~ as the terms are used in this chapter.

Assemblyman Horne moved that the Assembly concur in the Senate Amendment No. 695 to Assembly Bill No. 294.

Remarks by Assemblyman Horne.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 291.

The following Senate amendment was read:

Amendment No. 678.

AN ACT relating to estates; making certain agreements between an heir finder and an apparent heir relating to the recovery of property in an estate void and unenforceable under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill provides that an agreement between an heir finder and an apparent heir relating to the recovery of property in an estate for which the

public administrator petitioned for letters of administration is void and unenforceable if the agreement is entered into during the period beginning with the death of the person whose estate is in probate until ~~6 months~~ **90 days** thereafter.

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

Section 1. Chapter 139 of NRS is hereby amended by adding thereto a new section to read as follows:

*1. An agreement between an heir finder and an apparent heir, the primary purpose of which is to locate, recover or assist in the recovery of an estate for which the public administrator has petitioned for letters of administration, is void and unenforceable if the agreement is entered into during the period beginning with the death of the person whose estate is in probate until ~~6 months~~ **90 days** thereafter.*

2. As used in this section, "heir finder" means a person who, for payment of a fee, assignment of a portion of any interest in a decedent's estate or other consideration, provides information, assistance, forensic genealogy research or other efforts related to another person's right to or interest in a decedent's estate. The term does not include:

(a) A person acting in the capacity of a personal representative or guardian ad litem;

(b) A person appointed to perform services by a probate court in which a proceeding in connection with a decedent's estate is pending; or

(c) An attorney providing legal services to a decedent's family member if the attorney has not agreed to pay to any other person a portion of the fees received from the family member or the family member's interest in the decedent's estate.

Sec. 2. The provisions of this act apply to agreements described in section 1 of this act that are entered into on or after July 1, 2011.

Sec. 3. This act becomes effective on July 1, 2011.

Assemblyman Horne moved that the Assembly concur in the Senate Amendment No. 678 to Assembly Bill No. 291.

Remarks by Assemblyman Horne.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 388.

The following Senate amendment was read:

Amendment No. 696.

AN ACT relating to real property; revising provisions governing the exercise of the power of sale under a deed of trust concerning owner-

occupied real property; ~~providing civil remedies for failure to comply with certain provisions governing the exercise of the power of sale under a deed of trust concerning owner-occupied real property; providing civil penalties;~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the trustee under a deed of trust concerning owner-occupied housing has the power to sell the property to which the deed of trust applies, subject to certain restrictions. (NRS 107.080, 107.085, 107.086) ~~Sections 4-22 of this bill establish additional restrictions on the trustee's power of sale with respect to owner-occupied housing which are based on Senate Bill No. 729 of the current session of the California Legislature, as amended. Section 23 of this bill provides that these additional restrictions apply only to a notice of default and election to sell which is recorded on or after July 1, 2011.~~

~~Section 13 prohibits the recording of a notice of default and election to sell unless reasonable and good faith efforts have been made to evaluate the borrower for all available alternatives to the exercise of the trustee's power of sale. Section 14 prohibits the recording of a notice of default and election to sell until the trustee, beneficiary or authorized agent complies with certain requirements regarding contact with, or attempts to contact, the borrower. Under section 15, if an eligible borrower requests, either orally or in writing, a loan modification, a notice of default and election to sell may not be recorded unless the borrower's application has been reviewed in good faith and a decision has been rendered on that application. Sections 17 and 19 require a declaration of compliance to be recorded with the notice of default and election to sell and section 17 provides a form for that declaration. Section 18: (1) authorizes a borrower to bring a civil action to enjoin a trustee's sale, to void a trustee's sale and to recover a specified amount of damages and reasonable attorney's fee and costs under certain circumstances; (2) authorizes the Attorney General to obtain civil penalties for violations of the provisions of this bill; and (3) provides that a violation of the provisions of this bill by a person which is licensed in this State is deemed to be a violation of the law governing that license.~~

~~Additionally, section 19: (1) requires a life of loan accounting containing certain information to be included with the copy of the notice of default and election to sell which is mailed to the borrower; and (2) prohibits the recording of a notice of sale if the borrower has entered into a contract to sell the property which has been approved by the lender or the borrower has requested approval of such a contract but the lender has not yet approved or disapproved the sale.]~~ **One such restriction: (1) requires the trustee under the deed of trust to include a form to request mediation with the notice of default and election to sell which is mailed to the grantor of the deed**

of trust or the person who holds the title of record; and (2) authorizes the grantor of the deed of trust or the person who holds the title of record to request mediation under rules adopted by the Supreme Court. (NRS 107.086) Section 20.7 of this bill requires the notice of default and election to sell which is mailed to the grantor or the person who holds the title of record to include a notice provided by the entity designated to administer the Foreclosure Mediation Program which states that the grantor or the person who holds the title of record has a right to seek foreclosure mediation in the Foreclosure Mediation Program.

Under existing law, another restriction on the exercise of the trustee's power of sale prohibits the trustee from exercising the power of sale unless, not later than 60 days before the date of the sale, the trustee causes a notice to be served on the grantor or the person who holds the title of record which contains the telephone numbers of certain agencies which may provide assistance to the grantor or the person who holds the title of record. (NRS 107.085) Section 20.3 of this bill amends this notice to include: (1) a statement that the person receiving the notice may have a right to participate in the State of Nevada Foreclosure Mediation Program if the time to request mediation has not expired; (2) the telephone number of the State of Nevada Foreclosure Mediation Program; and (3) the telephone number of the Division of Mortgage Lending of the Department of Business and Industry.

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

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. [~~Chapter 107 of NRS is hereby amended by adding thereto the provisions set forth as sections 5 to 18, inclusive, of this act.~~] (Deleted by amendment.)

Sec. 5. [~~As used in sections 5 to 18, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 6 to 11, inclusive, of this act have the meanings ascribed to them in those sections.~~] (Deleted by amendment.)

Sec. 6. [~~“Authorized agent” means an agent designated by a trustee or beneficiary to act on behalf of the trustee or beneficiary.~~] (Deleted by amendment.)

Sec. 7. [~~“Beneficiary” means the beneficiary of a deed of trust which concerns owner occupied housing.~~] (Deleted by amendment.)

Sec. 8. ~~["Borrower" means the grantor of a deed of trust which concerns owner occupied housing or the person who holds the title of record.] (Deleted by amendment.)~~

Sec. 9. ~~["Mortgage servicer" means a person responsible for the day-to-day management of a mortgage loan account, including, without limitation, collecting and crediting periodic loan payments, handling any escrow account or enforcing mortgage loan terms either as the holder of the loan note or on behalf of the holder of the loan note.] (Deleted by amendment.)~~

Sec. 10. ~~["Owner occupied housing" has the meaning ascribed to it in NRS 107.086.] (Deleted by amendment.)~~

Sec. 11. ~~["Trustee" means the trustee under a deed of trust which concerns owner occupied housing.] (Deleted by amendment.)~~

Sec. 12. ~~[1. In addition to the requirements of NRS 107.085 and 107.086, 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 sections 5 to 18, inclusive, of this act.~~

~~2. The provisions of sections 5 to 18, inclusive, of this act apply only to a deed of trust under a trust agreement which concerns owner occupied housing.] (Deleted by amendment.)~~

Sec. 13. ~~[1. A trustee, beneficiary or authorized agent shall not record a notice of default and election to sell pursuant to subsection 3 of NRS 107.080 unless the trustee, beneficiary or authorized agent makes reasonable and good faith efforts to evaluate the borrower for all available loss mitigation options to avoid foreclosure.~~

~~2. This section must not be construed to require a trustee, beneficiary or authorized agent to act in a manner inconsistent with the terms of any applicable contract for the servicing of the loan at issue.] (Deleted by amendment.)~~

Sec. 14. ~~[1. Except as otherwise provided in this section, a trustee, beneficiary or authorized agent shall not record a notice of default and election to sell pursuant to subsection 3 of NRS 107.080 until:~~

~~(a) Thirty days after initial contact is made with the borrower as required by subsection 2 or 30 days after satisfying the requirements of subsection 5; and~~

~~(b) If applicable, the requirements of section 15 of this act have been satisfied.~~

~~2. Except as otherwise provided in subsection 6, a beneficiary or its authorized agent shall contact the borrower in person or by telephone to assess the borrower's financial situation and to explore options to avoid the exercise of the trustee's power of sale pursuant to NRS 107.080. During the initial contact, the beneficiary or its authorized agent shall advise the~~

~~borrower that he or she has the right to request a subsequent meeting and, if requested, the beneficiary or its authorized agent shall schedule the meeting to occur within 14 days. The assessment of the borrower's financial situation and the discussion of the options to avoid the exercise of the trustee's power of sale may occur during the initial contact or at the subsequent meeting scheduled for that purpose. In either case, the beneficiary or its authorized agent shall provide to the borrower the toll-free telephone number made available by the United States Department of Housing and Urban Development to find a housing counseling agency certified by that Department and, if the borrower may be eligible for a loan modification, a deadline for the borrower to submit an initial application for a loan modification which must not be earlier than 45 days after the initial contact.~~

~~3.—The loss mitigation personnel of the beneficiary or its authorized agent may participate by telephone during any contact required by this section.~~

~~4.—A borrower may designate, in writing, a housing counseling agency certified by the United States Department of Housing and Urban Development, an attorney or any other advisor to discuss with the beneficiary or its authorized agent, on the borrower's behalf, the borrower's financial situation and options for the borrower to avoid the exercise of the trustee's power of sale. Contact with a person or agency designated by a borrower pursuant to this subsection satisfies the requirements of subsection 2. A loan modification or workout plan offered to a person or agency designated by a borrower pursuant to this subsection is subject to approval by the borrower.~~

~~5.—Subject to the requirements of section 15 of this act and except as otherwise provided in subsection 6, even if the beneficiary or its authorized agent has not contacted the borrower as required by subsection 2, a notice of default may be recorded pursuant to subsection 3 of NRS 107.080 if the beneficiary or its authorized agent has taken all the following actions:~~

~~(a)—The beneficiary or its authorized agent has mailed by registered or certified mail, return receipt requested and with postage prepaid, to the borrower a letter which includes:~~

~~(1)—The toll free telephone number made available by the United States Department of Housing and Urban Development to find a housing counseling agency certified by that Department; and~~

~~(2)—If the borrower may be eligible for a loan modification, a deadline for the submission of an initial application for a loan modification which must not be earlier than 45 days after the date of the letter mailed pursuant to this paragraph or 45 days after the date on which the beneficiary or its~~

~~authorized agent made initial contact with the borrower pursuant to subsection 2, whichever is earlier.~~

~~(b) After mailing the letter required by paragraph (a), the beneficiary or its authorized agent has attempted to contact the borrower by telephone at least 3 times at different hours and on different days. Telephone calls made pursuant to this paragraph must be made to the primary telephone number of the borrower which is on file with the beneficiary. The beneficiary or its authorized agent satisfies the requirements of this paragraph if it determines, after attempting contact pursuant to this paragraph, that the primary telephone number of the borrower on file and any secondary telephone numbers on file have been disconnected.~~

~~(c) If the borrower does not respond within 2 weeks after the beneficiary or its authorized agent has satisfied the requirements of paragraph (b), the beneficiary or its authorized agent has mailed to the borrower, by registered or certified mail, return receipt requested and with postage prepaid, a letter which includes the information required by paragraph (a).~~

~~(d) The beneficiary or its authorized agent provides a means for the borrower to contact the beneficiary or its authorized agent in a timely manner, including, without limitation, a toll free telephone number that will provide access to a live representative during business hours.~~

~~(e) The beneficiary or its authorized agent posts a prominent link on its Internet website, if any, to the following information:~~

~~(1) Options that may be available to borrowers who are unable to afford their mortgage payments and who wish to avoid the exercise of the trustee's power of sale, and instructions to such borrowers advising them on steps to take to explore those options.~~

~~(2) A list of financial documents the borrower should collect and be prepared to present to the beneficiary or its authorized agent when discussing options for avoiding the exercise of the trustee's power of sale.~~

~~(3) A toll free telephone number for borrowers who wish to discuss with the beneficiary or its authorized agent options for avoiding the exercise of the trustee's power of sale.~~

~~(4) The toll free telephone number made available by the United States Department of Housing and Urban Development to find a housing counseling agency certified by that Department.~~

~~6. The requirements of subsections 1, 2 and 5 do not apply if the borrower:~~

~~(a) Has surrendered the property as evidenced by either a letter confirming the surrender or delivery of the keys to the property to the trustee, beneficiary or authorized agent;~~

~~(b) Has contracted with a person whose primary business is advising persons who have decided to leave their homes on how to extend the~~

~~foreclosure process and avoid their contractual obligations to beneficiaries; or~~

~~(e) Has filed a petition pursuant to Title 11 of the United States Code and the bankruptcy court has not entered an order closing or dismissing the petition or granting relief from a stay of the trustee's sale.] (Deleted by amendment.)~~

Sec. 15. ~~[1. Except as otherwise provided in this section, if an eligible borrower requests an application for a loan modification, either orally or in writing, not later than 90 days after the date on which the obligation became delinquent or not later than 45 days after the beneficiary or its authorized agent makes initial contact with the borrower pursuant to section 14 of this act, whichever is later, the trustee, beneficiary or authorized agent shall not record a notice of default and election to sell pursuant to subsection 3 of NRS 107.080 unless and until it has, in good faith, reviewed the application, rendered a decision on the application and sent the borrower a denial explanation letter as required by section 16 of this act.~~

~~2. If a borrower requests a loan modification, either orally or in writing, by the deadline described in subsection 1, but does not initially submit all the documentation or information the beneficiary or its authorized agent requires to consider the borrower for a loan modification, the beneficiary or its authorized agent shall provide the borrower with a written notice that:~~

~~(a) Lists any supplemental documentation or information required; and~~

~~(b) Includes the deadline for providing that documentation or information, which must not be earlier than 30 calendar days from the date on which the borrower receives the notice.~~

~~3. Except as otherwise provided in this subsection, if a borrower requests a loan modification, either orally or in writing, within 15 days after receiving a copy of the notice of default and election to sell as required by subsection 3 of NRS 107.080 and submits a completed application for a loan modification within 15 days after receiving application instructions from the mortgage servicer or any other application deadline communicated in writing by the mortgage servicer, whichever is later, the trustee, beneficiary or authorized agent shall not record a notice of sale pursuant to subsection 5 of NRS 107.080 until at least 10 business days after it has, in good faith, reviewed the application, rendered a decision on the application and sent the borrower a denial explanation letter in accordance with section 16 of this act. This subsection does not apply if a borrower applied for a loan modification before the notice of default and election to sell was recorded pursuant to subsection 3~~

~~of NRS 107.080 and the trustee, beneficiary or authorized agent satisfied the requirements of sections 16 and 17 of this act.~~

~~4.—If the mortgage servicer has signed a Making Home Affordable Servicer Participation Agreement with the Federal National Mortgage Association or is otherwise required to review the borrower's loan under the guidelines of the federal Making Home Affordable Modification Program, compliance with applicable rules of that program regarding deadlines and timeframes for the borrower to submit and complete an application for a loan modification satisfy the requirements of this section while that program remains in effect.~~

~~5.—The provisions of this section must not be construed:~~

~~(a) To require a mortgage servicer to perform services in a manner inconsistent with the terms of any applicable contract for the servicing of the loan at issue.~~

~~(b) To diminish in any way the obligations of a trustee, beneficiary or authorized agent that has signed a Making Home Affordable Servicer Participation Agreement with the Federal National Mortgage Association or is otherwise required to review a loan under the guidelines of the federal Making Home Affordable Modification Program.~~

~~6.—The requirements of this section do not apply if:~~

~~(a) The borrower has surrendered the property as evidenced by either a letter confirming the surrender or delivery of the keys to the property to the trustee, beneficiary or authorized agent; or~~

~~(b) The beneficiary or its authorized agent does not offer any loan modifications.] (Deleted by amendment.)~~

~~Sec. 16. [1.—If a borrower who requests a loan modification, either orally or in writing, is denied either a permanent loan modification or a trial period plan through the federal Making Home Affordable Modification Program, the beneficiary or its authorized agent shall mail to the borrower by certified mail, not later than 10 business days following the denial, a denial explanation letter that states the reason or reasons for the denial.~~

~~2.—If an application for a loan modification is denied because the borrower failed to provide all required documents or information by the applicable deadline set forth in subsection 2 of section 15 of this act, the denial explanation letter mailed pursuant to subsection 1 must:~~

~~(a) Indicate the deadline for the submission of the documents or information;~~

~~(b) List the documents or information that were not provided; and~~

~~(c) State that the application for a loan modification was denied for that reason.~~

~~3. If the borrower submits all required written application materials for a loan modification by the applicable deadline as set forth in subsection 2 or 3 of section 15 of this act and the application is denied, the denial explanation letter must include:~~

~~(a) The date on which the beneficiary or its authorized agent received the final materials required to complete its review of the borrower's application for a loan modification.~~

~~(b) The date on which the beneficiary or its authorized agent made the decision to deny the borrower's application for a loan modification.~~

~~(c) If the beneficiary or its authorized agent was required to consider the borrower for a loan modification under the guidelines of the federal Making Home Affordable Modification Program, the information required to be provided in the borrower notice described in the most current version of the Making Home Affordable Program Handbook for Servicers of Non-GSE Mortgages and any subsequent amendments thereto.~~

~~(d) The reason or reasons the borrower did not qualify for a loan modification, including, as applicable:~~

~~(1) If the denial is based on any investor guideline or restriction on loan modifications, a description of the guideline or restriction that resulted in the denial with a copy of the applicable provision in the pooling and servicing agreement or other controlling document evidencing that guideline or restriction;~~

~~(2) If the denial is based on the borrower's income or expenses, the income and expense figures used to determine the borrower's qualification for a loan modification, including, without limitation, the borrower's gross and net monthly income, property taxes and hazard insurance premiums;~~

~~(3) If the denial is based on a determination that the net present value of the income stream expected from the modified loan is not greater than the net present value of the income stream that is expected from the loan without modification, all the inputs, assumptions and calculations used to make that determination; and~~

~~(4) If applicable, a finding that the borrower was previously offered a loan modification but failed to successfully make payments under the terms of the loan modification.~~

~~(e) The name and contact information of the holder of the note for the borrower's loan.~~

~~(f) A description of alternatives to avoid the exercise of the trustee's sale other than a loan modification for which the borrower may be eligible, if any, including, without limitation, other loan modification programs, a short sale, a deed in lieu of a trustee's sale or a forbearance, and a list of the steps the borrower must take to be considered for those options. If the borrower has already been approved for another alternative to the exercise~~

~~of the trustee's sale, information necessary to participate in or complete the alternative should be included.~~

~~(g) Contact information which the borrower may use to reach the beneficiary or its authorized agent to discuss the reasons for the denial of the loan modification.~~

~~4.—If a borrower is denied a loan modification and the beneficiary or its authorized agent sends a denial explanation letter pursuant to this section, the trustee, beneficiary or authorized agent may record a notice of default and election to sell pursuant to subsection 3 of NRS 107.080 even if the borrower initiates a dispute relating to the denial and the dispute has not yet been resolved.] (Deleted by amendment.)~~

Sec. 17. ~~[1.—After satisfying the requirements of sections 15 and 16 of this act, as applicable, a mortgage servicer shall take the following action to initiate the process of exercising the trustee's power of sale pursuant to NRS 107.080:~~

~~(a) Compile in one place a record demonstrating that the initial contact required by subsection 2 of section 14 of this act has occurred or the requirements of subsection 5 of section 14 of this act have been satisfied. The record must:~~

~~(1) Include the dates and times of, and addresses and telephone numbers used for, the contact or attempted contacts with the borrower, as well as a record of the good faith efforts undertaken pursuant to sections 13 and 15 of this act; and~~

~~(2) After the recording of a notice of default and election to sell pursuant to subsection 3 of NRS 107.080, be made available to the borrower within 10 business days after a written request for the record by the borrower; and~~

~~(b) Transmit to the trustee or its authorized agent a declaration of compliance that is signed on behalf of the mortgage servicer by a natural person having personal knowledge of the facts stated in the declaration, or by a natural person with authority to bind the mortgage servicer, who certifies that the declaration is based on records which were made in the regular course of business at or near the time of the events recorded. The declaration of compliance must be included as part of, or attached to, every notice of default and election to sell which is recorded pursuant to subsection 3 of NRS 107.080. A notice of default and election to sell which does not include the declaration of compliance described in this paragraph is void.~~

~~2.—The declaration of compliance described in paragraph (b) of subsection 1 must be in substantially the following form:~~

~~DECLARATION OF COMPLIANCE~~

~~1.—BORROWER CONTACT~~

~~A. (→) This loan is not subject to section 14 of this act pursuant to subsection 6 of section 14 of this act.~~

~~If item (I)(A) is checked, no further information regarding borrower contact is required. If item (I)(A) is not checked, complete item (I)(B).~~

~~B. (→) This loan is subject to section 14 of this act, and the beneficiary or authorized agent has complied with the requirements of section 14 of this act by satisfying the applicable contact or due diligence requirements described in subsection 2 or 3 of section 14 of this act. If checked, insert the date that the applicable borrower contact requirements were completed here:~~

~~II. FORECLOSURE AVOIDANCE REVIEW~~

~~A. (→) This loan is not subject to section 15 of this act pursuant to (check all that apply):~~

~~(→) Paragraph (a) of subsection 6 of section 15 of this act.~~

~~(→) Paragraph (b) of subsection 6 of section 15 of this act.~~

~~(→) Section 12 of this act.~~

~~If item (II)(A) is checked, no further information regarding borrower solicitation efforts is required. If item (II)(A) is not checked, complete item (II)(B):~~

~~B. (→) This loan is subject to section 15 of this act (check only one):~~

~~(→) The borrower was evaluated for a loan modification, was not approved, and the beneficiary or authorized agent sent the borrower a denial explanation letter in compliance with the requirements of subsection 3 of section 16 of this act.~~

~~(→) The borrower did not submit all required written application materials by the applicable deadline, and the beneficiary or authorized agent sent the borrower a denial explanation letter in compliance with the requirements of subsection 2 of section 16 of this act.~~

~~(→) The borrower did not initiate an application for a loan modification by the applicable deadline.~~

~~(→) The borrower was offered a HAMP trial period plan, but did not accept the trial period plan or did not complete the plan.~~

~~(→) The borrower was offered a permanent loan modification, but the borrower did not accept the modification offered.~~

~~(→) The borrower was offered and accepted a permanent loan modification, but did not comply with the terms of the modification.~~

~~(→) The borrower communicated to the beneficiary or authorized agent that he or she does not intend to apply for loan modification.~~

~~III. PROOF OF OWNERSHIP~~

~~(→) Attached is a copy of the note and all assignments and endorsements of the note, along with a declaration attesting to the existence and possession of the original note as well as all the assignments and~~

~~endorsements, and certifying ownership of the mortgage and the right to foreclose.~~

~~(c) The trustee, beneficiary or any of their authorized agents are not reasonably able to obtain possession of the note and/or all assignments and endorsements thereof. Attached is a declaration of lost note that complies with the requirements of paragraph (b) of subsection 3 of NRS 107.080.]~~
(Deleted by amendment.)

Sec. 18. ~~[1.—If the trustee, beneficiary or authorized agent records a notice of sale pursuant to subsection 5 of NRS 107.080:~~

~~(a) Without completing an evaluation of a timely completed application for a loan modification;~~

~~(b) Before the borrower's deadline for requesting and applying for a loan modification; or~~

~~(c) Without sending a denial explanation letter that materially complies with section 16 of this act,~~

~~the borrower may seek an order in any court having jurisdiction to enjoin the exercise of the trustee's power of sale with respect to the property until any of these requirements not previously satisfied are satisfied.~~

~~2.—If:~~

~~(a) The trustee, beneficiary or authorized agent records a notice of default and election to sell pursuant to subsection 3 of NRS 107.080:~~

~~(1) Without completing its evaluation of the borrower's timely completed application for a loan modification;~~

~~(2) Before the borrower's deadline for requesting and applying for a loan modification; or~~

~~(3) Without sending a denial explanation letter that materially complies with section 16 of this act;~~

~~(b) The trustee, beneficiary or authorized agent causes the property at issue to be sold at a trustee's sale pursuant to NRS 107.080; and~~

~~(c) The property at issue is sold to a bona fide purchaser at a trustee's sale pursuant to NRS 107.080,~~

~~the borrower may recover in a civil action which must be commenced within 1 year following the trustee's sale the greater of treble actual damages or statutory damages in the amount of \$15,000, plus reasonable attorney's fees and costs.~~

~~3.—If:~~

~~(a) The trustee, beneficiary or authorized agent records a notice of default and election to sell pursuant to subsection 3 of NRS 107.080:~~

~~(1) Without completing its evaluation of the borrower's timely completed application for a loan modification;~~

~~(2) Before the borrower's deadline for requesting and applying for a loan modification; or~~

~~(3) Without sending a denial explanation letter that materially complies with section 16 of this act;~~

~~(b) The trustee, beneficiary or authorized agent causes the property at issue to be sold at a trustee's sale pursuant to NRS 107.080; and~~

~~(c) Before commencement of an action pursuant to this subsection, the property at issue is sold by the trustee, beneficiary or authorized agent to a bona fide purchaser after a trustee's sale at which the trustee, beneficiary or authorized agent acquired title to the property;~~

~~the borrower may recover in a civil action which must be commenced within 1 year following the trustee's sale the greater of treble actual damages or statutory damages in the amount of \$15,000, plus reasonable attorney's fees and costs. If the trustee, beneficiary or authorized agent had actual notice of the borrower's claim under this subsection before selling the property to a bona fide purchaser, the borrower is entitled to recover statutory damages in the amount of \$20,000 in addition to other damages recoverable under this subsection.~~

~~4. If the trustee, beneficiary or authorized agent:~~

~~(a) Records a notice of default and election to sell pursuant to subsection 3 of NRS 107.080;~~

~~(1) Without completing its evaluation of the borrower's timely completed application for a loan modification;~~

~~(2) Before the borrower's deadline for requesting and applying for a loan modification; or~~

~~(3) Without sending a denial explanation letter that materially complies with section 16 of this act;~~

~~(b) Causes the property at issue to be sold at a trustee's sale pursuant to NRS 107.080; and~~

~~(c) Acquired title to the property at the trustee's sale but has not sold the property to a bona fide purchaser;~~

~~the borrower may, within 1 year following the trustee's sale, bring an action to void the trustee's sale, to enjoin the recording of any further notice of sale until at least 30 days after any requirement of sections 5 to 18, inclusive, of this act not previously satisfied is satisfied and for reasonable attorney's fees and costs.~~

~~5. If the mortgage servicer fails to cause the declaration of compliance required by section 17 of this act to be included with, or attached to, a notice of default and election to sell which is recorded pursuant to subsection 3 of NRS 107.080, the borrower may recover from the mortgage servicer statutory damages of not less than \$1,500 but not more than \$10,000, plus reasonable attorney's fees and costs. If the mortgage servicer~~

~~records, or causes to be recorded, a materially false declaration of compliance, a borrower may recover from the mortgage servicer statutory damages of not less than \$10,000 but not more than \$25,000, plus attorney's fees and costs. For the purposes of this subsection, the declaration of compliance is not false if it lists any incorrect dates for the date that the requirements described in the declaration were completed, unless the mortgage servicer knowingly included the wrong date on the declaration.~~

~~6.—A beneficiary or mortgage servicer is not civilly liable under subsections 2, 3 and 4 if, before commencement of an action by the borrower and not later than 180 days after the date of the trustee's sale pursuant to NRS 107.080:~~

~~(a) The trustee, beneficiary or authorized agent:~~

~~(1) Voluntarily rescinds the trustee's sale before filing an unlawful detainer action against the borrower;~~

~~(2) Provides a written notice of that rescission to the borrower not later than 3 days after the rescission;~~

~~(3) Lists in the notice the steps the beneficiary or mortgage servicer will take before recording any further notice of sale;~~

~~(4) Materially complies with any requirements of sections 5 to 18, inclusive, of this act that were not previously satisfied not later than 30 days before recording any further notice of sale; and~~

~~(5) Sends the borrower a written communication stating that the beneficiary or mortgage servicer will not file an unlawful detainer action against the borrower before completing the steps set forth in the letter; or~~

~~(b) The trustee, beneficiary or authorized agent refrains from filing an unlawful detainer action against the borrower until at least 30 days after the beneficiary or mortgage servicer:~~

~~(1) Materially complies with all the applicable requirements of sections 5 to 18, inclusive, of this act that were not previously satisfied and sends the borrower a written communication informing the borrower of the actions taken and the outcome of those actions, including, without limitation, any reason for the denial of a loan modification, if applicable; and~~

~~(2) Sends the borrower a written communication stating the steps that were taken and the outcome, including, without limitation, any reason for the denial of a loan modification, if applicable. If the beneficiary or mortgage servicer determines that the borrower qualifies for a loan modification, it shall rescind the trustee's sale and offer the borrower the loan modification.~~

~~7.—A borrower shall not have any cause of action under this section for any failure or error that is technical or de minimis in nature.~~

~~8.—A mortgage servicer, trustee, beneficiary or authorized agent who violates a provision of sections 5 to 18, inclusive, of this act is liable, in addition to any other penalty or remedy that may be provided by law, to a civil penalty of not more than \$10,000 for each violation and not more than \$25,000 for each violation involving the recording of a false or fraudulent declaration of compliance pursuant to section 17 of this act, which may be recovered by civil action on complaint of the Attorney General. All money collected as civil penalties pursuant to this section must be deposited in the State General Fund.~~

~~9.—A trustee, beneficiary or authorized agent who is licensed by this State and who violates any provision of sections 5 to 18, inclusive, of this act shall be deemed to have violated the law governing that person's license and is subject to enforcement action by the licensing agency.~~ (Deleted by amendment.)

Sec. 19. [NRS 107.080 is hereby amended to read as follows:

~~107.080—1.—Except as otherwise provided in NRS 107.085 and 107.086, and sections 5 to 18, inclusive, 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) 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, 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;~~

~~(2) On or after July 1, 1957, 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 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 NRS 107.086, 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 days before the date of sale, failed to make good the deficiency in performance or payment;~~

~~(e) 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 the election to sell or cause to be sold the property to satisfy the obligation; and~~

~~(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, or the period provided in paragraph (b) 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 or, to the person who holds the title of record on the date the notice of default and election to sell is recorded, and, if the property is operated as a facility licensed under chapter 449 of NRS, to the State Board of Health, at their respective addresses, if known, otherwise to the address of the trust property. The notice of default and election to sell must:~~

~~(a) 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. [; and]~~

~~(b) *If the property is owner-occupied housing as defined in NRS 107.086, include, or have attached to it, the declaration of compliance required by section 16 of this act and proof of ownership of the note secured by the deed of trust. Proof of ownership of the note must include a copy of the note secured by the deed of trust, evidence of all assignments and endorsements of the deed of trust and the note secured by the deed of trust and a declaration which attests to the existence and possession of the note secured by the deed of trust and to all assignments and endorsements of that note and certifies ownership of the deed of trust and the right to exercise the trustee's power of sale. If this proof cannot be located, the trustee, beneficiary or authorized agent shall include with, or attach to, the notice of default and election to sell a declaration signed either by a natural person having personal knowledge of the facts stated within, or by a natural person with authority to bind the trustee, beneficiary or authorized agent, who certifies that the declaration is based upon records that were made in the regular course of business at or near the time of the events recorded, including the following:*~~

~~(1) Facts sufficient to show that the trustee, beneficiary or authorized agent has the right to enforce the note secured by the deed of trust;~~

~~(2) A statement that the person cannot reasonably obtain possession of the note and a description of the reasonable efforts made to obtain the note; and~~

~~(3) A description of the terms of the note and any riders attached thereto, including, without limitation:~~

~~(I) The date on which the note was executed;~~

~~(II) The parties to the note;~~

~~(III) The principal amount of the loan;~~

~~(IV) The amortization period of the loan;~~

~~(V) The initial interest rate of the loan and, if applicable, the initial date and the frequency of any adjustments to the interest rate, and the index and margin used to calculate the interest rate at the time of any scheduled adjustment; and~~

~~(VI) The expiration date of any interest-only period, if applicable.~~

~~➤ This paragraph must not be construed in derogation of the parties' rights established under NRS 104.3309 or any similar right established under the law of this State.~~

~~(c) If the property is a residential foreclosure, comply with the provisions of NRS 107.087.~~

~~4. If the property is owner occupied housing as defined in NRS 107.086, the copy of the notice of default and election to sell which is mailed to the grantor or the person who holds the title of record pursuant to subsection 3 must include:~~

~~(a) An accounting of all payments made on the obligation secured by the deed of trust from the close of escrow to the date on which the notice of default and election to sell is recorded pursuant to subsection 3 in the form of a spreadsheet showing all account activity;~~

~~(b) An itemization and description of all late fees, late charges, appraisal fees, property inspection fees, forced placed insurance charges, legal fees and recoverable advances charged on the obligation secured by the deed of trust and an explanation of the reason for such charges;~~

~~(c) A copy of all interest rate adjustment notices and the two most recent escrow analysis notices sent to the grantor or the person who holds the title of record; and~~

~~(d) A breakdown of the current escrow charges which indicates how the charges are calculated and the reason for any increase in the charges within the preceding 24 months, and any shortage or surplus in the escrow account in the past three years.~~

~~5. 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, any other person entitled to notice pursuant to this section and, if the property is operated as a facility licensed under chapter 449 of NRS, the State Board of Health, 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;~~

~~(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; and~~

~~(d) If the property is a residential foreclosure, complying with the provisions of NRS 107.087.~~

~~***A notice of sale may not be recorded pursuant to this subsection if the grantor or the person who holds the title of record has entered into a contract to sell the property and the beneficiary of the deed of trust has approved the sale or the grantor or the person who holds the title of record has requested the beneficiary's approval of the sale but the beneficiary has not yet approved or disapproved the sale.***~~

~~[5.] 6. 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 any 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 or any applicable provision of NRS 107.086 and 107.087 [;] ***and sections 5 to 18, inclusive, of this act;***~~

~~(b) Except as otherwise provided in subsection [6.] 7, 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.] 7. If proper notice is not provided pursuant to subsection 3 or paragraph (a) of subsection [4] 5 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] 6 within 120 days after the date on which the person received actual notice of the sale.~~

~~[7.] 8.—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.~~

~~[8.] 9.—After a sale of property is conducted pursuant to this section, the trustee shall:~~

~~(a) Within 30 days after the date of the sale, record the trustee's deed upon sale in the office of the county recorder of the county in which the property is located; or~~

~~(b) Within 20 days after the date of the sale, deliver the trustee's deed upon sale to the successful bidder. Within 10 days after the date of delivery of the deed by the trustee, the successful bidder shall record the trustee's deed upon sale in the office of the county recorder of the county in which the property is located.~~

~~[9.] 10.—If the successful bidder fails to record the trustee's deed upon sale pursuant to paragraph (b) of subsection [8.] 9, the successful bidder:~~

~~(a) Is liable in a civil action to any party that is a senior lienholder against the property that is the subject of the sale in a sum of up to \$500 and for reasonable attorney's fees and the costs of bringing the action; and~~

~~(b) Is liable in a civil action for any actual damages caused by the failure to comply with the provisions of subsection [8.] 9 and for reasonable attorney's fees and the costs of bringing the action.~~

~~[10.] 11.—The county recorder shall, in addition to any other fee, at the time of recording a notice of default and election to sell collect:~~

~~(a) A fee of \$150 for deposit in the State General Fund;~~

~~(b) A fee of \$50 for deposit in the Account for Foreclosure Mediation, which is hereby created in the State General Fund. The Account must be administered by the Court Administrator, and the money in the Account may be expended only for the purpose of supporting a program of foreclosure mediation established by Supreme Court Rule.~~

~~↪ The fees collected pursuant to this subsection must be paid over to the county treasurer by the county recorder on or before the fifth day of each month for the preceding calendar month, and, except as otherwise provided in this subsection, must be placed to the credit of the State General Fund or the Account as prescribed pursuant to this subsection. The county recorder may direct that 1.5 percent of the fees collected by the county recorder be transferred into a special account for use by the office of the county recorder. The county treasurer shall, on or before the 15th day of each month, remit the fees deposited by the county recorder pursuant to this subsection to the State~~

~~Controller for credit to the State General Fund or the Account as prescribed in this subsection.~~

~~[11.] 12. The beneficiary, the successor in interest of the beneficiary or the trustee who causes to be recorded the notice of default and election to sell shall not charge the grantor or the successor in interest of the grantor any portion of any fee required to be paid pursuant to subsection [10.~~

~~12.] 11.~~

~~13. As used in this section, "residential foreclosure" means the sale of a single family residence under a power of sale granted by this section. As used in this subsection, "single family residence":~~

~~(a) Means a structure that is comprised of not more than four units.~~

~~(b) Does not include any time share or other property regulated under chapter 119A of NRS.] (Deleted by amendment.)~~

~~Sec. 20. [NRS 107.084 is hereby amended to read as follows:~~

~~107.084 It is unlawful for a person to willfully remove or deface a notice posted pursuant to subsection [4] 5 of NRS 107.080, if done before the sale or, if the default is satisfied before the sale, before the satisfaction of the default. In addition to any other penalty, any person who violates this section is liable in the amount of \$500 to any person aggrieved by the removal or defacing of the notice.] (Deleted by amendment.)~~

~~Sec. 20.3. **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, 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),] **15 U.S.C. § 1602(bb)** and the regulations adopted by the Board of Governors of the Federal Reserve System pursuant thereto, including, without limitation, 12 C.F.R. § 226.32; or~~

~~(b) The trust agreement concerns owner-occupied housing as defined in NRS 107.086.~~

~~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 or 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 or 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 or the person who holds the title of record; or

(2) If the trust agreement concerns owner-occupied housing as defined in NRS 107.086:

(I) By personal service;

(II) If the grantor or the person who holds the title of record is absent from his or her place of residence or from his or her 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 or her 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, except as otherwise provided in subsection 4, a copy of the promissory note attached to the notice:

NOTICE

YOU ARE IN DANGER OF LOSING YOUR HOME!

YOU MAY HAVE A RIGHT TO PARTICIPATE IN THE STATE OF NEVADA FORECLOSURE MEDIATION PROGRAM IF THE TIME TO REQUEST MEDIATION HAS NOT EXPIRED!

Your home loan is being foreclosed. In not less than 60 days your home ~~will~~ **may** be sold and you ~~will~~ **may** be forced to move. For help, call:

State of Nevada Foreclosure Mediation Program

Consumer Credit Counseling _____

The Attorney General _____

The Division of Mortgage Lending

The Division of Financial Institutions _____

Legal Services _____

Your Lender _____

Nevada Fair Housing Center _____

4. The trustee shall cause all social security numbers to be redacted from the copy of the promissory note before it is attached to the notice pursuant to paragraph (b) of subsection 3.

5. This section does not prohibit a judicial foreclosure.

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

Sec. 20.7. NRS 107.086 is hereby amended to read as follows:

107.086 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 with the notice of default and election to sell which is mailed to the grantor or the person who holds the title of record as required by subsection 3 of NRS 107.080:

(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 notice provided by the Mediation Administrator indicating that the grantor or the person who holds the title of record has the right to seek mediation pursuant to this section; and**

(4) A form upon which the grantor or the person who holds the title of record may indicate an election to enter into mediation or to waive mediation **pursuant to this section** 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 or the person who holds the title of record shall, not later than 30 days after service of the notice in the manner required by NRS

107.080, complete the form required by subparagraph ~~(3)~~ (4) 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 form an 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 to enter into mediation and file 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 the grantor or the person who holds the title of record indicates on the form an election to waive mediation or fails to return the form 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 or the person who holds the title of record, or proof of service on the grantor or the person who holds the title of record of the notice required by subsection 2 of this section and subsection 3 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 a representative shall attend the mediation. The grantor or a representative shall attend the mediation if the grantor elected to enter into mediation, or the person who holds the title of record or a 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 the 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 Mediation Administrator a petition and recommendation concerning the imposition of

sanctions against the beneficiary of the deed of trust or the representative. The court may issue an order imposing such sanctions against the beneficiary of the deed of trust or the representative as the court determines appropriate, including, without limitation, requiring a loan modification in the manner determined proper by the court.

6. If the grantor or the person who holds the title of record elected to enter into mediation and 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 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 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 total fee of not more than \$400 that may be charged and collected by the Mediation Administrator for mediation services 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. 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 are 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 an owner as the owner’s primary residence. The term does not include any time share or other property regulated under chapter 119A of NRS.

Sec. 21. ~~[NRS 107.087 is hereby amended to read as follows:~~

~~107.087 1. In addition to the requirements of NRS 107.080, if the sale of property is a residential foreclosure, a copy of the notice of default and election to sell and the notice of sale must:~~

~~(a) Be posted in a conspicuous place on the property not later than 3 business days after the notice of default and election to sell or the notice of sale is recorded pursuant to NRS 107.080; and~~

~~(b) Include, without limitation:~~

~~(1) The physical address of the property; and~~

~~(2) The contact information of the trustee or the person conducting the foreclosure who is authorized to provide information relating to the foreclosure status of the property.~~

~~2. In addition to the requirements of NRS 107.084, the notices must not be defaced or removed until the transfer of title is recorded or the property becomes occupied after completion of the sale, whichever is earlier.~~

~~3. A separate notice must be posted in a conspicuous place on the property and mailed, with a certificate of mailing issued by the United States Postal Service or another mail delivery service, to any tenant or subtenant, if any, other than the grantor or the grantor’s successor in interest, in actual occupation of the premises not later than 3 business days after the notice of the sale is given pursuant to subsection [4] 5 of NRS 107.080. The separate notice must be in substantially the following form:~~

~~**NOTICE TO TENANTS OF THE PROPERTY**~~

~~Foreclosure proceedings against this property have started, and a notice of sale of the property to the highest bidder has been issued.~~

~~You may either: (1) terminate your lease or rental agreement and move out; or (2) remain and possibly be subject to eviction proceedings under chapter~~

~~40 of the Nevada Revised Statutes. Any subtenants may also be subject to eviction proceedings.~~

~~Between now and the date of the sale, you may be evicted if you fail to pay rent or live up to your other obligations to the landlord.~~

~~After the date of the sale, you may be evicted if you fail to pay rent or live up to your other obligations to the successful bidder, in accordance with chapter 118A of the Nevada Revised Statutes.~~

~~Under the Nevada Revised Statutes eviction proceedings may begin against you after you have been given a notice to quit.~~

~~If the property is sold and you pay rent by the week or another period of time that is shorter than 1 month, you should generally receive notice after not less than the number of days in that period of time.~~

~~If the property is sold and you pay rent by the month or any other period of time that is 1 month or longer, you should generally receive notice at least 60 days in advance.~~

~~Under Nevada Revised Statutes 40.280, notice must generally be served on you pursuant to chapter 40 of the Nevada Revised Statutes and may be served by:~~

~~(1) Delivering a copy to you personally in the presence of a witness;~~

~~(2) If you are absent from your place of residence or usual place of business, leaving a copy with a person of suitable age and discretion at either place and mailing a copy to you at your place of residence or business; or~~

~~(3) If your place of residence or business cannot be ascertained, or a person of suitable age or discretion cannot be found there, posting a copy in a conspicuous place on the leased property, delivering a copy to a person residing there, if a person can be found, and mailing a copy to you at the place where the leased property is.~~

~~If the property is sold and a landlord, successful bidder or subsequent purchaser files an eviction action against you in court, you will be served with a summons and complaint and have the opportunity to respond. Eviction actions may result in temporary evictions, permanent evictions, the awarding of damages pursuant to Nevada Revised Statutes 40.360 or some combination of those results.~~

~~Under the Justice Court Rules of Civil Procedure:~~

~~(1) You will be given at least 10 days to answer a summons and complaint;~~

~~(2) If you do not file an answer, an order evicting you by default may be obtained against you;~~

~~(3) A hearing regarding a temporary eviction may be called as soon as 11 days after you are served with the summons and complaint; and~~

~~(4) A hearing regarding a permanent eviction may be called as soon as 20 days after you are served with the summons and complaint.~~

~~4.—As used in this section, “residential foreclosure” has the meaning ascribed to it in NRS 107.080.] (Deleted by amendment.)~~

~~Sec. 22. [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 or her security interest in property pursuant to NRS 40.430 to 40.450, inclusive, or 107.080 to 107.110, inclusive, **and sections 5 to 18, inclusive, 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.]~~

(Deleted by amendment.)

~~Sec. 23. The amendatory provisions of [sections 4 to 22, inclusive, of] this act apply only with respect to trust agreements [which concern owner-occupied housing, as defined in NRS 107.086,] for which a notice of default is recorded on or after July 1, 2011.~~

~~Sec. 24. This act becomes effective on July 1, 2011.~~

Assemblyman Horne moved that the Assembly concur in the Senate Amendment No. 696 to Assembly Bill No. 388.

Remarks by Assemblyman Horne.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 240.

The following Senate amendment was read:

Amendment No. 764.

AN ACT relating to public agencies; revising the restrictions on contracts with or employment of former or current state employees by a state agency; **providing certain exceptions**; requiring state agencies to report all contracts for services as part of the budget process; requiring that a contractor with a state agency be in active and good standing with the Secretary of State; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law restricts the employment of consultants by public agencies and requires the approval of certain contracts with consultants by the Interim Finance Committee. (NRS 284.1729) **Section 1** of this bill expands those restrictions to apply to all contracts to provide services to state agencies, revises the exceptions to the restrictions and requires approval of the State Board of Examiners rather than the Interim Finance Committee of contracts subject to the restrictions. **Section 1** also prohibits a state agency from entering into a contract with a person for services without ensuring that the person is in active and good standing with the Secretary of State. **Section 1 also provides that certain provisions governing state purchasing apply to such contracts.** **Section 2** of this bill requires state agencies to report all contracts for services as part of the budget process instead of only reporting contracts with consultants and temporary employment services. **Section 3** moves the reporting requirements for school districts regarding consultants to the chapter which specifically governs school districts.

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

Section 1. NRS 284.1729 is hereby amended to read as follows:

284.1729 1. Except as otherwise provided in this section, a department, division or other agency of this State shall not ~~employ, by~~ **enter into a** contract ~~for otherwise,~~ **with** a person to provide services ~~as a consultant~~ for the agency if:

- (a) The person is a current employee of an agency of this State;
- (b) The person is a former employee of an agency of this State and less than ~~1 year has~~ **2 years have** expired since the termination of the person's employment with the State;
- (c) Except as otherwise provided in paragraph (d), the term of the contract is for more than 2 years, or is amended or otherwise extended beyond 2 years; or
- (d) The person is employed by the Department of Transportation for a transportation project that is ~~federally~~ **entirely** funded **by federal money** and the term of the contract is for more than 4 years, ~~or is amended or otherwise extended beyond 4 years.~~

↪ unless, before the ~~{person is employed}~~ *contract is executed* by the agency, the ~~{Interim Finance Committee}~~ *State Board of Examiners* approves the employment of the person. *The requirements of this subsection apply to any person employed by a business or other entity that enters into a contract to provide services for a department, division or agency of this State if the person will be performing or producing the services for which the business or entity is employed.*

2. The provisions of paragraph (b) of subsection 1 apply to employment through a temporary employment service. A temporary employment service providing employees for a state agency shall provide the agency with the names of the employees to be provided to the agency. The ~~{Interim Finance Committee}~~ *State Board of Examiners* shall not approve ~~{the employment of a consultant}~~ *a contract* pursuant to paragraph (b) of subsection 1 unless the ~~{Interim Finance Committee}~~ *Board* determines that one or more of the following circumstances exist:

(a) The person provides services that are not provided by any other employee of the agency or for which a critical labor shortage exists; or

(b) A short-term need or unusual economic circumstance exists for the agency to ~~{employ}~~ *contract with* the person. ~~{as a consultant.}~~

3. A department, division or other agency of this State may ~~{employ}~~ *contract with* a person pursuant to paragraph (a) or (b) of subsection 1 without obtaining the approval of the ~~{Interim Finance Committee}~~ *State Board of Examiners* if the term of ~~{employment}~~ *the contract* is for less than 4 months and the executive head of the department, division or agency determines that an emergency exists which necessitates the ~~{employment.}~~ *contract*. If a department, division or agency ~~{employs}~~ *contracts with* a person pursuant to this subsection, the department, division or agency shall ~~{include in the report to the}~~ ~~{Interim Finance Committee}~~ ~~{State Board of Examiners pursuant to subsection 4}~~ submit a copy of the contract and a description of the emergency ~~{,}~~ to the State Board of Examiners, which shall review the contract and the description of the emergency and notify the department, division or agency whether the State Board of Examiners would have approved the contract if it had not been entered into pursuant to this subsection.

4. Except as otherwise provided in subsection ~~{7,}~~ ~~{8,}~~ 9, a department, division or other agency of this State shall , not later than 10 days after the end of each fiscal quarter, report to the Interim Finance Committee ~~{whenever it}~~ ~~{employs, by contract or otherwise,}~~ concerning all contracts ~~{with a person}~~ to provide services ~~{as a consultant}~~ for the agency *that were entered into by the agency during the fiscal quarter with a person* who is a current or former employee of a department, division or other agency of this State.

5. Except as otherwise provided in subsection ~~[7.]~~ ~~[8.]~~ 9. a department, division or other agency of this State shall not contract with a temporary employment service unless the contracting process is controlled by rules of open competitive bidding.

6. Each board or commission of this State ~~[, each school district in this State]~~ and each institution of the Nevada System of Higher Education that employs a consultant shall, at least once every 6 months, submit to the Interim Finance Committee a report setting forth:

(a) The number of consultants employed by the board, commission ~~[, school district]~~ or institution;

(b) The purpose for which the board, commission ~~[, school district]~~ or institution employs each consultant;

(c) The amount of money or other remuneration received by each consultant from the board, commission ~~[, school district]~~ or institution; and

(d) The length of time each consultant has been employed by the board, commission ~~[, school district]~~ or institution.

7. *A department, division or other agency of this State, including a board or commission of this State and each institution of the Nevada System of Higher Education, shall not enter into a contract with a person to provide services without ensuring that the person is in active and good standing with the Secretary of State.*

8. *The provisions of chapter 333 of NRS that are not in conflict or otherwise inconsistent with this section apply to a contract entered into pursuant to this section.*

9. The provisions of subsections 1 to 5, inclusive, do not apply to : ~~[the:]~~

(a) *The Nevada System of Higher Education or a board or commission of this State.*

(b) ~~[Employment]~~ *The employment* of professional engineers by the Department of Transportation if those engineers are employed for a transportation project that is ~~[federally funded].~~

8. ~~For the purposes of this section, "consultant" includes any person employed by a business or other entity that is providing consulting services if the person will be performing or producing the work for which the business or entity is employed.]~~ *entirely funded by federal money.*

(c) *Contracts in the amount of \$1 million or more entered into:*

(1) *Pursuant to the State Plan for Medicaid established pursuant to NRS 422.271.*

(2) *For financial services.*

(3) *Pursuant to the Public Employees' Benefits Program.*

(d) The employment of a person by a business or entity which is a provider of services under the State Plan for Medicaid and which provides such services on a fee-for-service basis or through managed care.

Sec. 2. NRS 353.210 is hereby amended to read as follows:

353.210 1. Except as otherwise provided in subsection 6, on or before September 1 of each even-numbered year, all departments, institutions and other agencies of the Executive Department of the State Government, and all agencies of the Executive Department of the State Government receiving state money, fees or other money under the authority of the State, including those operating on money designated for specific purposes by the Nevada Constitution or otherwise, shall prepare, on blanks furnished them by the Chief, and submit to the Chief:

(a) The number of positions within the department, institution or agency that have been vacant for at least 12 months, the number of months each such position has been vacant and the reasons for each such vacancy;

(b) Any existing contracts *for services* the department, institution or agency has with ~~consultants or~~ temporary employment services ~~or other persons~~, the proposed expenditures for such contracts in the next 2 fiscal years and the reasons for the use of such ~~consultants or~~ services; and

(c) Estimates of their expenditure requirements, together with all anticipated income from fees and all other sources, for the next 2 fiscal years compared with the corresponding figures of the last completed fiscal year and the estimated figures for the current fiscal year.

2. The Chief shall direct that one copy of the forms submitted pursuant to subsection 1, accompanied by every supporting schedule and any other related material, be delivered directly to the Fiscal Analysis Division of the Legislative Counsel Bureau on or before September 1 of each even-numbered year.

3. The Budget Division of the Department of Administration shall give advance notice to the Fiscal Analysis Division of the Legislative Counsel Bureau of any conference between the Budget Division of the Department of Administration and personnel of other state agencies regarding budget estimates. A Fiscal Analyst of the Legislative Counsel Bureau or his or her designated representative may attend any such conference.

4. The estimates of expenditure requirements submitted pursuant to subsection 1 must be classified to set forth the data of funds, organizational units, and the character and objects of expenditures, and must include a mission statement and measurement indicators for each program. The organizational units may be subclassified by functions and activities, or in any other manner at the discretion of the Chief.

5. If any department, institution or other agency of the Executive Department of the State Government, whether its money is derived from state money or from other money collected under the authority of the State, fails or neglects to submit estimates of its expenditure requirements as provided in this section, the Chief may, from any data at hand in the Chief's office or

which the Chief may examine or obtain elsewhere, make and enter a proposed budget for the department, institution or agency in accordance with the data.

6. Agencies, bureaus, commissions and officers of the Legislative Department, the Public Employees' Retirement System and the Judicial Department of the State Government shall submit to the Chief for his or her information in preparing the proposed executive budget the budgets which they propose to submit to the Legislature.

Sec. 3. Chapter 391 of NRS is hereby amended by adding thereto a new section to read as follows:

Each school district in this State that employs a consultant shall, at least once every 6 months, submit to the Interim Finance Committee a report setting forth:

- 1. The number of consultants employed by the school district;***
- 2. The purpose for which the school district employs each consultant;***
- 3. The amount of money or other remuneration received by each consultant from the school district; and***
- 4. The length of time each consultant has been employed by the school district.***

Sec. 4. This act becomes effective on July 1, 2011.

Assemblywoman Kirkpatrick moved that the Assembly do not concur in the Senate Amendment No. 764 to Assembly Bill No. 240.

Remarks by Assemblywoman Kirkpatrick.

Motion carried.

Bill ordered transmitted to the Senate.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Legislative Operations and Elections:

Assembly Bill No. 575—AN ACT relating to Legislature; making various changes relating to the Legislature and the Legislative Counsel Bureau; authorizing the Legislative Commission to adopt reasonable regulations governing vehicle and pedestrian traffic on certain property within the supervision and control of the Legislature; providing that a violation of such regulations is a misdemeanor; providing penalties; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By the Committee on Legislative Operations and Elections:

Assembly Bill No. 576—AN ACT relating to government; revising provisions relating to the Legislative Department of the State Government; providing penalties; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By the Committee on Legislative Operations and Elections:

Assembly Bill No. 577—AN ACT relating to the Legislature; establishing deadlines by which sufficient detail must be submitted concerning bill draft requests submitted by Legislators and legislative committees; providing that bill draft requests submitted by Legislators who will not be returning to the Legislature count against limitations on requests for Legislators or standing committees that become primary sponsors of the requests; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By the Committee on Legislative Operations and Elections:

Assembly Bill No. 578—AN ACT relating to the Legislature; providing for the establishment of Joint Interim Standing Committees of the Legislature; specifying the powers and duties of the Joint Interim Standing Committees; repealing various statutory committees; assigning certain powers and duties of repealed statutory committees to the Joint Interim Standing Committees; making various other changes relating to interim legislative activity; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

Senate Bill No. 421.

Assemblyman Conklin moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Conklin moved that Assembly Bill No. 449 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 179, 198, 238, 283, 289, 304, 309, 393, 398, 419, 501, 545; Senate Bills Nos. 59, 89, 96, 111, 134, 142, 225, 322, 337, and 436.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Dondero Loop, the privilege of the floor of the Assembly Chamber for this day was extended to Mistia Zuckerman, Henry Michael Zuckerman, and Harmon Zuckerman.

On request of Assemblyman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to the following students and chaperones from Martha P. King Elementary School: Bryanna Daugherty, Arleene Castillomacias, Kyle Ressler, Mackenzie Saulsbury, Greg McCambly, Sabrina Somers, Cason Segundo, Nick Ariotti, Bailey Willis, Jennifer Willis, Tami Pratt, Alondra Cordova, Amelia Root, Clairese Murray, Robert Murray, Heather Patterson, Steve Patterson, Julia Ward, Jennifer Ward, Ryan Hirsbrunner, Dustin Hirsbrunner, Amy Loving, Craig Loving, Haley Loving, Karson Bailey, Kurt Bailey, Millie Belcourt, Donovan Brooks, Noah Calvert, Brigid Calvert, Anthony Clary, Magdalene Clary, Kenon Cowley, Daryl Cowley, James Dunagan, Maryanna Dunagan, Tanner Graham, Brianna Graydon, Roxanne Pickens, Geneva Jeffreys, Leaf Kaboli, Kaitlin Larkin, June Ballestrazze, Maile Lunden, Kaitlyn Miller, Hailey Powell, Heather Powell, Ryann Reese, Douglas Kadell, Nathan Campbell, Joshua Newkirk, Terry Willis, Megan Wardell, Anthony Gelsone, and Anthony Somers.

On request of Assemblyman Livermore, the privilege of the floor of the Assembly Chamber for this day was extended to Kaden Walt and Chloe Walt.

Assemblyman Conklin moved that the Assembly adjourn until Wednesday, June 1, 2011, at 11 a.m., and that it do so in memory of Madeleine J. Goicoechea, with thoughts and prayers for the Goicoechea family.

Motion carried.

Assembly adjourned at 4:35 p.m.

Approved:

JOHN OCEGUERA
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly