

NEVADA LEGISLATURE

SIXTY-FIFTH SESSION

1989

SUMMARY OF LEGISLATION



PREPARED BY

RESEARCH DIVISION

LEGISLATIVE COUNSEL BUREAU

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I N T R O D U C T I O N

The 1989 Nevada legislature considered 1,790 legislative measures. Of this total, 891 bills were enacted, and 201 resolutions were adopted. Two bills were vetoed by the governor. The veto was not sustained in one instance (Assembly Bill 820), and the other vetoed bill (Senate Bill 543) will be returned to the 1991 legislative session.

This Summary of Legislation contains summaries of all of the bills passed by the 1989 legislature, including the vetoed bills. Certain measures which may have widespread interest have been given detailed treatment. The descriptions of bills in this document do not constitute legal analyses and are not intended for use by the legal community in place of the actual statutes. Also summarized are all of the concurrent and joint resolutions that were adopted. Thorough coverage of appropriations acts is available in the document entitled Legislative Appropriations Report, prepared by the fiscal analysis division of the legislative counsel bureau.

Please consult the "Table of Contents" and the "Subject Index" for references to summaries of the legislation enacted within specific topical areas.

Research Division
Legislative Counsel Bureau
1989

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SUMMARIES OF BILLS AND RESOLUTIONS BY MAJOR SUBJECT AREAS

APPROPRIATIONS

The bills categorized under the heading of "Appropriations" have the major objective of transferring money for specified uses. Other measures summarized elsewhere within this document may also contain appropriations in conjunction with their primary substantive purposes.

S.B. 1 (chapter 1)

Senate Bill 1 appropriates \$2,500,000 to the legislative fund to provide finances for the 1989 legislative session.

S.B. 13 (chapter 194)

Senate Bill 13 terminates the appropriation of \$50,000 to the division of water resources of the state department of conservation and natural resources for the financing of the nonfederal costs for the Gleason Creek flood control project.

S.B. 95 (chapter 703)

Senate Bill 95 appropriates \$10,000 from the state general fund to Nevada Child Seekers, a chapter of the National Child Safety Council, to help locate missing and abducted children.

S.B. 104 (chapter 234)

Senate Bill 104 makes a supplemental appropriation of \$24,452 to the department of commerce for the replacement of the van used by the state fire marshal for investigations involving arson.

S.B. 107 (chapter 88)

Senate Bill 107 makes a supplemental appropriation of \$232,838 to the state department of education to be allocated as follows:

1. For the actual cost of personnel for state educational services for fiscal year 1988-1989, the sum of \$12,182; and
2. For projected expenses for residential and educational needs for handicapped children, the sum of \$220,656.

S.B. 108 (chapter 23)

Senate Bill 108 makes a supplemental appropriation of \$98,000 to the health division of the department of human resources for the support of vital statistics and tuberculosis control. The act is made effective upon passage and approval.

APPROPRIATIONS (continued)

S.B. 109 (chapter 139)

Senate Bill 109 makes a supplemental appropriation of \$26,094 from the state general fund to the state department of conservation and natural resources to be allocated as specified to the divisions of conservation districts, state lands and state parks for additional rent and utilities expenses.

S.B. 110 (chapter 74)

Senate Bill 110 makes a supplemental appropriation of \$13,353 to the division of mental hygiene and mental retardation in the department of human resources for state claims related to salaries at the southern Nevada adult mental health services.

S.B. 128 (chapter 514)

Senate Bill 128 appropriates \$5,986,381 from the state general fund to the contingency fund to restore the balance in the fund to \$8 million.

S.B. 129 (chapter 134)

Senate Bill 129 appropriates \$87,500 from the state general fund to the budget division of the department of administration for reimbursement of the legal division of the legislative counsel bureau for the expenses of preparing legislation requested by executive branch agencies.

S.B. 133 (chapter 236)

Senate Bill 133 appropriates \$26,101 to the state department of education for contract services and the validation of competency tests for the initial licensing of prospective teachers, administrators and other licensed personnel.

S.B. 137 (chapter 822)

Senate Bill 137 appropriates \$482,600 from the reserve fund for the supplemental city-county relief tax to Clark County to rehabilitate the sewage disposal facilities serving the residents of the Blue Diamond area.

S.B. 139 (chapter 823)

Senate Bill 139 makes appropriations to the buildings and grounds division of the department of general services for repair and renovation of state-owned buildings and facilities. It also provides funds for relocation and space rental or lease for the tenants of the Nye Building.

For repair and renovation of state-owned buildings and facilities, \$560,998 is appropriated from the state general fund, and \$315,137 from the state highway fund. The buildings and grounds division is to receive \$50,000 from the state general fund for expenses relating to the relocation

APPROPRIATIONS (continued)

of the tenants of the Nye Building. A further appropriation of \$273,156 is made from the state general fund to the contingency fund for the rental or lease of office buildings that are not state-owned for the Nye Building tenants.

S.B. 145 (chapter 196)

Senate Bill 145 appropriates \$59,329 from the state general fund to the youth services division of the department of human resources for various improvements to the Nevada youth training center.

S.B. 151 (chapter 291)

Senate Bill 151 appropriates \$1,080,590 from the state general fund to the state public works board for expenses related to the renovation and improvement of roofs at state-owned buildings and facilities.

S.B. 152 (chapter 210)

Senate Bill 152 appropriates from the state general fund to the rehabilitation division of the department of human resources \$30,000 to replace work stations in the Las Vegas office; \$15,000 to purchase and install a door at the Reno office; and \$183,384 to complete the statewide computer-assisted service delivery system.

S.B. 156 (chapter 355)

Senate Bill 156 appropriates \$107,000 from the state general fund to the Nevada state railroad museum, in Carson City, of the department of museums and history for expenses related to facility improvements.

S.B. 157 (chapter 354)

Senate Bill 157 appropriates \$7,700 from the state general fund to the Nevada racing commission for certain operating expenses.

S.B. 158 (chapter 732)

Senate Bill 158 appropriates \$494,464 from the state general fund to the mental hygiene and mental retardation division of the department of human resources for expenses related to Phase I of the acquisition and installation of an advanced institutional management system.

S.B. 159 (chapter 47)

Senate Bill 159 appropriates \$2,500,000 to the legislative fund for financing of the legislative session.

S.B. 160 (chapter 135)

Senate Bill 160 appropriates \$45,000 from the state general fund to the legislative counsel bureau for the cost of reproducing older volumes of Nevada Reports.

APPROPRIATIONS (continued)

S.B. 162 (chapter 197)

Senate Bill 162 appropriates \$50,000 from the state general fund to the youth services division of the department of human resources for mobile classrooms for the Nevada girls training center.

S.B. 163 (chapter 183)

Senate Bill 163 makes supplemental appropriations from the state general fund to the department of museums and history in the amounts of \$20,000 for the Nevada museum and historical society in Las Vegas and \$27,000 for the Nevada state museum in Carson City to replace shortfalls in admissions receipts.

S.B. 170 (chapter 441)

Senate Bill 170 appropriates \$112,000 to the division of archives and records of the state library and archives for certain relocation and moving expenses.

S.B. 200 (chapter 793)

Senate Bill 200 appropriates \$50,000 from the state general fund to Nevada Special Olympics for administrative expenses of branch offices within the state.

S.B. 214 (chapter 238)

Senate Bill 214 appropriates \$14,350 from the reserve fund for the supplemental city-county relief tax to Lincoln County for the payment of the expenses of long-term medical care for two indigent patients.

S.B. 227 (chapter 686)

Senate Bill 227 appropriates \$35,000 from the state general fund to an account of the supreme court of Nevada for the planning and sponsoring of the Conference of Chief Justices and Conference of State Court Administrators to be held from July 30 through August 4, 1989.

S.B. 331 (chapter 710)

Senate Bill 331 appropriates \$20,000 from the state general fund to the School of Medicine of the University of Nevada System to provide primary medical care for emancipated children from foster homes in Nevada.

S.B. 380 (chapter 830)

Senate Bill 380 appropriates \$20,000 from the state general fund to Douglas County for the restoration of the original Douglas County High School.

S.B. 418 (chapter 655)

Senate Bill 418 appropriates \$93,279 and \$203,698 from the state general fund to the Nevada commissioner for veteran

affairs to complete the development of land for a veterans' cemetery in northern and southern Nevada, respectively. The bill also allows any remaining balance of the appropriations made for this purpose by the 1987 legislative session to be expended through fiscal year 1991.

S.B. 435 (chapter 274)

Senate Bill 435 makes supplemental appropriations from the state general fund to the department of human resources in the amounts of \$15,000 for the out-of-state placement of youthful chronic offenders and \$16,571 for an additional cottage for the Nevada Girls Training Camp in Caliente.

S.B. 491 (chapter 821)

Senate Bill 491 appropriates \$5,000 from the state general fund to the department of museums and history to transfer the title of the East Ely railroad depot to the state. An additional \$139,200 is appropriated for renovating the depot, to be committed only after the title is transferred to the state.

The bill authorizes the director of the department of museums and history to request that the interim finance committee allocate money from the contingency fund to operate the depot for fiscal year 1990-1991.

S.B. 495 (chapter 832)

Senate Bill 495 appropriates \$10,000 from the state general fund to the Safe Key Program in Clark County for carrying out the purposes of the program. Money may not be expended from this appropriation unless at least \$10,000 is committed to the program from a source other than the State of Nevada.

S.B. 523 (chapter 734)

Senate Bill 523 appropriates \$155,000 to the division of state lands in the state department of conservation and natural resources for the purchase of 38.72 acres of land at the site of the former Stewart Indian School near Carson City, Nevada.

A.B. 14 (chapter 764)

Assembly Bill 14 appropriates \$20,000 to the mental hygiene and mental retardation division of the department of human resources for conducting presurveys to estimate the cost of complying with the accreditation requirements of the Joint Commission on Accreditation of Health Care Organizations or another nationally recognized organization approved by the division for child and adolescent and mental retardation services in northern and southern Nevada.

APPROPRIATIONS (continued)

The division shall report the results of the presurveys to the 66th session of the Nevada legislature.

A.B. 42 (chapter 588)

Assembly Bill 42 appropriates \$243,958 in the first year and \$240,319 in the second year of the biennium to the state department of conservation and natural resources for support of the division of water planning.

A.B. 75 (chapter 782)

Assembly Bill 75 appropriates \$10,000 from the state general fund to the Nevada Humanities Committee for the costs of maintaining offices and staff in Las Vegas and Reno.

A.B. 107 (chapter 859)

Assembly Bill 107 appropriates \$250,000 from the reserve fund for the supplemental city-county relief tax to the City of North Las Vegas. The money is to be used to pay the direct costs of relocating certain residents of the Windsor Park subdivision whose homes are sinking as a result of localized earth subsidence. The City of North Las Vegas is required to allocate this money based upon the severity of the need of the residents who must be relocated. The state controller must not transfer money from this appropriation unless an equal amount is committed from a source other than the State of Nevada to support the relocation.

A.B. 163 (chapter 767)

Assembly Bill 163 appropriates \$250,000 to Douglas County for the expansion of China Springs Youth Camp.

A.B. 174 (chapter 56)

Assembly Bill 174 appropriates \$992,015 to the motor pool fund to purchase an additional 33 vehicles and to replace 83 existing vehicles in the motor pool fleet.

A.B. 175 (chapter 189)

Assembly Bill 175 makes a supplemental appropriation of \$1,018,307 from the state general fund to the division of mental hygiene and mental retardation in the department of human resources to be allocated to various facilities. The bill specifies the amounts allocated to the community training center, the Nevada mental health institute, the facility for mental offenders, the southern Nevada child and adolescent services, and the rural clinics.

A.B. 176 (chapter 79)

Assembly Bill 176 makes a supplemental appropriation of \$223,382 to the youth services division of the department of human resources to be used as follows:

APPROPRIATIONS (continued)

1. For contractual residential placements of paroled youth, the sum of \$85,630;
2. For the operation of a fifth cottage at the Nevada girls training center, the sum of \$107,753; and
3. For salaries and additional security positions at the Nevada youth training center, the sum of \$29,999.

A.B. 185 (chapter 67)

Assembly Bill 185 makes a supplemental appropriation of \$172,764 to the department of prisons for costs relating to the maximum security prison in Ely. Included in the appropriation are \$56,764 to hire a transition team, \$16,000 to pay moving expenses incurred by the transition team and \$100,000 to pay for utilities.

A.B. 191 (chapter 42)

Assembly Bill 191 authorizes the use of money in the emergency fund for emergency repairs of state buildings. The measure also appropriates \$201,249 to the state board of examiners for the emergency fund to restore the fund's balance and increase that balance to \$400,000.

A.B. 192 (chapter 62)

Assembly Bill 192 makes a supplemental appropriation of \$182,000 from the state highway fund to the department of motor vehicles and public safety for additional postage expenses. The bill also appropriates a total of \$113,794 from the state highway fund to the contingency fund to repay previous allocations made by the interim finance committee.

A.B. 193 (chapter 41)

Assembly Bill 193 appropriates \$1,844,862 to the state board of examiners to be allocated as follows:

1. To the state claims account the sum of \$894,390 to restore and increase the balance of the fund to \$900,000; and
2. To the reserve for statutory contingency fund the sum of \$950,472 to restore the balance of the fund to \$1 million.

The act was made effective upon passage and approval.

A.B. 210 (chapter 61)

Assembly Bill 210 makes a supplemental appropriation of \$32,800 to the state's department of the military to cover a portion of the costs for persons in the National Guard to attend college in Nevada.

APPROPRIATIONS (continued)

A.B. 230 (chapter 215)

Assembly Bill 230 appropriates \$174,143 to the mental hygiene and mental retardation division of the department of human resources for expenses related to the improvement of the Nevada Mental Health Institute.

A.B. 231 (chapter 585)

Assembly Bill 231 appropriates \$99,892 to the Clear Creek Youth Center of the department of administration for the improvement and rehabilitation of facilities.

A.B. 233 (chapter 46)

Assembly Bill 233 appropriates \$1,226,100 to the division of state lands in the state department of conservation and natural resources for the acquisition of the Donald Andersen property in Carson City as part of the master plan for expansion of the Capitol Complex. The act is made effective upon passage and approval.

A.B. 241 (chapter 584)

Assembly Bill 241 appropriates \$39,989 to the division of financial institutions of the department of commerce for the enhancement of existing data processing capabilities.

A.B. 254 (chapter 85)

Assembly Bill 254 appropriates to the Nevada museum and historical society in Las Vegas the sum of \$24,900 for the payment of expenses related to the installation of electrical track lighting and to purchase equipment.

A.B. 255 (chapter 607)

Assembly Bill 255 appropriates \$2,850,105 to the department of prisons for expenses related to the improvement and acquisition of specified facilities and equipment.

A.B. 256 (chapter 77)

Assembly Bill 256 appropriates \$271,110 to the Nevada historical society in the department of museums and history for the purchase and installation of compact shelves.

A.B. 257 (chapter 269)

Assembly Bill 257 appropriates \$14,500 to the division of emergency management of the department of the military to update the state's disaster preparedness plan.

A.B. 258 (chapter 649)

Assembly Bill 258 appropriates \$404,869 to the division of forestry of the state department of conservation and natural resources for expenses related to general equipment, communications system upgrade, expansion of the Indian Springs Conservation Camp and the installation and retrofitting of

APPROPRIATIONS (continued)

fuel tanks for the Central Desert and Tonopah Conservation Camps.

A.B. 259 (chapter 270)

Assembly Bill 259 appropriates \$193,634 to the division of archives and records of the state library and archives for expenses related to the scheduling of records for state agencies.

A.B. 267 (chapter 76)

Assembly Bill 267 appropriates \$33,867 from the state general fund to the youth services division in the department of human resources for payment of expenses relating to carpeting for the southern Nevada children's home.

A.B. 278 (chapter 771)

Assembly Bill 278 appropriates \$250,000 for each year in the biennium from the reserve fund for the supplemental city-county relief tax to the Clark County Conservation District for the off-farm construction of irrigation pipes to reduce the salt content of the Colorado River.

This money is not to be transferred by the state controller unless the Clark County Conservation District provides the director of the department of taxation with evidence of written commitments for specified sums of money and schedules for their receipt from Clark County, the Federal Government, the Muddy Valley Irrigation Company, other local entities and grants.

A.B. 283 (chapter 267)

Assembly Bill 283 appropriates \$98,000 to the department of the military for expenses related to the roofing and pavement repair projects at certain armories.

A.B. 294 (chapter 512)

Assembly Bill 294 appropriates \$25,000 each to the Clark County Bar Association and the Washoe County Bar Association for costs related to their respective programs to provide pro bono legal services.

A.B. 309 (chapter 59)

Assembly Bill 309 makes a supplemental appropriation of \$46,340 to the southern Nevada mental retardation services to continue the lease and pay utilities and maintenance costs for the Horizon Recovery Center for the months of February through May of 1989.

A.B. 318 (chapter 268)

Assembly Bill 318 appropriates to the health division of the department of human resources \$193,300 for the acquisition

of replacement equipment and \$10,000 for the painting of interior walls at the state health laboratory.

A.B. 323 (chapter 96)

Assembly Bill 323 appropriates \$915.41 to the department of taxation for the payment of expenses related to the travel and operating costs of the governor's commission to study fiscal affairs of state and local government in Nevada.

A.B. 325 (chapter 265)

Assembly Bill 325 appropriates \$163,000 to the Tahoe Regional Planning Agency for payment of expenses related to certain projects. These projects include the development of community plans, threshold evaluations, flood plain/stream environment zone mapping and completion of the Tahoe Environmental Geographic Information System.

A.B. 351 (chapter 577)

Assembly Bill 351 appropriates \$35,000 to the contingency fund for hazardous materials for the costs of cleaning and decontaminating an area affected by a spill or accident involving hazardous material. Beginning July 1, 1990, this appropriation must be repaid to the state treasurer in annual installments equal to \$5,000.

A.B. 371 (chapter 511)

Assembly Bill 371 appropriates \$12,000 to the division of state lands of the state department of conservation and natural resources for appraisals of two parcels of school grant land known as the Bradley Building Complex and the Las Vegas Mental Health Complex.

A.B. 378 (chapter 120)

Assembly Bill 378 appropriates \$471,051 from the state general fund to the legislative fund for new equipment and software for data processing for the legislative counsel bureau.

A.B. 379 (chapter 774)

Assembly Bill 379 makes appropriations from the reserve fund for the supplemental city-county relief tax to rehabilitate, repair and operate water systems in and around two small communities. The sum of \$110,000 is appropriated to Pershing County for the water system in Imlay and \$300,000 is appropriated to Clark County for the water system in the Blue Diamond area.

A.B. 385 (chapter 92)

Assembly Bill 385 appropriates \$630,089 to the state public works board, including \$174,729 for roof repairs and

APPROPRIATIONS (continued)

\$455,360 for asbestos abatement at the Nevada girls training center.

A.B. 387 (chapter 303)

Assembly Bill 387 appropriates \$19,037,800 from the state general fund to the state public works board for the second phase of construction of the maximum security prison facility near Ely, Nevada. The state public works board is required to let a single contract for the project. The contract is exempt from the competitive bidding requirements of state law to allow retention of the contractor who completed the phase one construction.

A.B. 388 (chapter 576)

Assembly Bill 388 appropriates \$5,339,000 to the University of Nevada System for the acquisition of instructional equipment and furnishings for institutions and agencies within the system.

A.B. 535 (chapter 240)

Assembly Bill 535 makes a supplemental appropriation of \$36,500 to the senior citizens' property tax assistance program of the department of taxation for payment of increased claims.

A.B. 539 (chapter 799)

Assembly Bill 539 appropriates \$20,000 from the state general fund to Yerington Grammar School No. 9 Restoration, Inc., for the restoration of Yerington Grammar School No. 9.

A.B. 540 (chapter 800)

Assembly Bill 540 appropriates from the state general fund to Storey County \$10,000 for the establishment of a Comstock mining museum and \$10,000 for restoration of the Fourth Ward School.

A.B. 550 (chapter 119)

Assembly Bill 550 makes a supplemental appropriation of \$567,154 from the state general fund to the department of prisons for salaries, operating expenses, maintenance stock items and training of personnel at the maximum security prison in Ely.

A.B. 570 (chapter 801)

Assembly Bill 570 appropriates \$50,000 from the state general fund to the state department of education for distribution to public broadcasting stations. The bill defines "public broadcasting station" and provides a formula for distributing the appropriation.

A.B. 579 (chapter 802)

Assembly Bill 579 appropriates \$500,000 from the reserve fund for the supplemental city-county relief tax to Clark County to rehabilitate the water system serving the residents of the Searchlight area.

A.B. 705 (chapter 398)

Assembly Bill 705 makes a supplemental appropriation of \$17,440 from the state general fund to the department of commerce for anticipated legal costs through the end of fiscal year 1988-1989.

A.B. 773 (chapter 402)

Assembly Bill 773 appropriates \$184,000 from the state general fund to the department of prisons for the relocation of employees for the prison at Ely.

A.B. 904 (chapter 808)

Assembly Bill 904 appropriates \$450,000 from the state general fund to the legislature's interim finance committee for computer equipment, computer software, consulting services, training and any other materials or services necessary to accomplish redistricting and reapportionment in preparation for that task by the 1991 session of the Nevada legislature. All contracts for materials or services to be paid out of the appropriation must be approved by the interim finance committee.

A.B. 933 (chapter 644)

Assembly Bill 933 appropriates \$481,258 from the state highway fund to the department of motor vehicles and public safety for the improvement of facilities and the acquisition of equipment in specified divisions. It also appropriates \$73,463 from the state general fund to the DMV&PS for the improvement of facilities for the investigation division.

A.B. 952 (chapter 645)

Assembly Bill 952 appropriates \$2,080,000 from the state general fund to the legislative fund to finance a portion of the cost of the 1989 legislative session.

A.B. 959 (chapter 611)

Assembly Bill 959 is the general appropriations act. This act appropriates approximately \$936 million from the state general fund for the operation of state government in fiscal years 1989-1990 and 1990-1991. The act also makes an appropriation from the state highway fund for the operation of various agencies.

A.B. 961 (chapter 613)

Assembly Bill 961 appropriates \$43,053,582 from the state general fund to the state public works board to support its efforts in carrying out Nevada's program of capital improvements. Projects identified in the bill include asbestos abatement in state-owned buildings, prison facilities and campus improvements for the University of Nevada System.

The measure appropriates an additional \$760,094 from the state general fund for specific projects, including a forensic facility in southern Nevada and the speech pathology and audiology building at the University of Nevada-Reno. The legislation also authorizes the issuance of general obligation bonds in an amount not to exceed \$115,763,000. The two largest projects to be funded from this money include a new supreme court building and garage (\$26 million) and a new state library building (\$20 million).

The bill provides schedules of repayment for certain state agencies and levies an additional property tax statewide to support the consolidated bond interest and redemption fund.

A.B. 965 (chapter 818)

Assembly Bill 965 appropriates \$9 million from the state general fund to the University of Nevada System for the acquisition and maintenance of data processing equipment and software; the implementation of related administrative programs; and costs related to instructional labs and equipment, intercampus computer links and an intracampus computer network.

COMMERCE

Bill summaries within the topic of "Commerce" are categorized under the following subheadings:

1. Corporations, Partnerships and Other Business Associations;
2. Professional Licensing; and
3. Other Bills Generally Related to Commerce.

Corporations, Partnerships and Other Business Associations

S.B. 389 (chapter 440)

Senate Bill 389 adds a new chapter to the statutes providing for the formation of close corporations. A close corporation is one which has not more than 30 stockholders, does not offer its stock to the public, and imposes restrictions on the transfer of its stock.

The bill provides a procedure by which corporations which have already been organized under the provisions of chapter 78 of NRS may convert to close corporations. It also describes the circumstances under which a close corporation may lose or voluntarily relinquish its special status. In addition, the bill provides that a close corporation may operate without a board of directors.

This measure also contains provisions requiring private corporations, foreign corporations and municipal corporations to file the certificate of acceptance of its resident agent contemporaneously with its articles of incorporation or any resolution changing its resident agent.

S.B. 409 (chapter 254)

Senate Bill 409 amends the laws relating to eminent domain. The bill extends to partnerships, including limited partnerships, the right to acquire land required for public use through eminent domain. Previously, this right was extended only to corporate entities.

A.B. 47 (chapter 15)

Assembly Bill 47 revises the provision which prohibits a corporation not qualified to do business in Nevada from commencing an action in the courts of this state.

The bill allows a corporation not qualified to do business in Nevada to commence an action or proceeding if an extraordinary remedy available pursuant to chapter 31 of NRS is all or part of the relief sought by the corporation. The corporation must qualify to do business within 45 days of commencing an action or proceeding. If the corporation fails to qualify within the 45-day period, the court must dismiss the action or proceeding without prejudice.

A.B. 532 (chapter 164)

Assembly Bill 532 acknowledges a change in the name of the organization which represents the chiropractors in the state. The statutory references are changed from the Chiropractic Association of Nevada to the Nevada State Chiropractic Association to reflect the name change.

A.B. 659 (chapter 410)

Assembly Bill 659 amends the laws relating to corporations. The bill provides that the effective date of a merger or consolidation must be within 90 days after the agreement prescribing the terms of the action is filed with the secretary of state. Previously, the action was effective on the date the agreement was filed. The bill also provides that a stockholder who objects to a merger or consolidation need not be compensated until the action becomes effective. Previously, these stockholders were entitled to compensation within 30 days of demand.

In addition, this measure provides that preferences, rights and restrictions on stock may be made dependent upon facts ascertained outside the articles of incorporation or the resolution providing for the issuance of the stock. The manner in which these facts may operate must be stated in the articles of incorporation or the resolution.

Companies are allowed to provide in their articles of incorporation that no action may be undertaken by the written consent of the stockholders. The bill also specifies the conditions under which a written consent is valid.

The measure also makes various changes regarding the acquisition of a controlling interest and allows corporations to impose stricter requirements than those presently in the statutes. These requirements may be imposed in the articles of incorporation, the bylaws or a resolution adopted by the directors.

Finally, the bill allows companies to provide, in their articles of incorporation or bylaws, for the classification of their directors according to their term of office or

their election by one or more authorized classes or series of shares.

A.B. 686 (chapter 461)

Assembly Bill 686 increases various fees which must be paid by corporations, cooperative associations, and other persons when they file certain documents with the secretary of state.

The measure also deletes the requirement that a resident agent of a corporation must be the person in charge of its principal office in Nevada.

Provisions regarding voting trusts are amended. The duration of a voting trust is limited to 10 years. Previously, the limit was 15 years. At any time during the 2 years preceding the expiration of the trust, it may be extended for an additional 10 years. The bill makes similar provisions for other agreements between stockholders regarding the exercise of voting rights.

Corporations which wish to amend their articles of incorporation are required to file, with the secretary of state, a resolution or a prescribed form setting forth the changes.

The law regarding foreign corporations is amended to provide that making sales through independent contractors, soliciting or receiving orders outside the state, or engaging in isolated transactions do not constitute doing business in this state. Certain provisions regarding the documents which a foreign corporation must file with the secretary of state before doing business in Nevada are also revised.

The secretary of state is authorized to establish a trust account for advance fees in which fees which are paid in advance for services rendered by that office may be deposited. Various other changes are made in procedures followed by the secretary of state in depositing and accounting for fee revenue.

Finally, a provision prohibiting employees of the secretary of state from engaging in other businesses or holding other offices is amended to apply only to the deputies.

A.B. 768 (chapter 296)

Assembly Bill 768 makes it clear that a foreign corporation which does not maintain an office in this state and does not solicit or accept deposits in Nevada, except pursuant to the Interstate Banking Among Western States Act (NRS 666.225 to NRS 666.385), may carry on one or more of the activities

listed in NRS 80.240 without qualifying as a foreign corporation authorized to do business in Nevada. Actions which constitute soliciting deposits in this state are defined in detail.

The bill also provides that a foreign corporation which does only limited business in Nevada must still register its name with the secretary of state. If the corporation's name is the same or deceptively similar to that of another business already on file, the corporation must modify the name under which it will be known in this state.

Professional Licensing

S.B. 45 (chapter 838)

Senate Bill 45 amends the laws relating to cosmetology. The bill exempts persons employed in rendering cosmetological services in connection with the production of a motion picture, television program, commercial or advertisement from the licensing requirements for cosmetologists. To qualify for the exemption, a person must have entered into his contract for employment outside Nevada and must be licensed to practice cosmetology in another state. He may render services only to persons who will appear in the production.

The bill also exempts photographers who render incidental cosmetological services in connection with photographic services from the licensing requirement.

The measure also authorizes the maintenance of aquariums in cosmetological establishments.

S.B. 51 (chapter 315)

Senate Bill 51 revises the procedure for disciplining a physician or physician's assistant. The bill requires that a written complaint be filed with the board of medical examiners to institute a disciplinary procedure against a physician's assistant. The complaint may be filed by the board, a member of the board or any other person who is aware of the act or circumstance which is the grounds for the disciplinary action. If the complaint is filed by the supervising physician of a physician's assistant, the board must provide that assistant with a copy. If the complaint is filed by another person and the complaint is found to be false, the board may provide the physician's assistant with a copy of the complaint, including the name of the person who filed it.

The bill also provides that if a disciplinary proceeding is instituted against a physician as a result of a complaint, the board may provide the physician with a copy of the complaint, including the name of the person who filed it.

This bill provides an exception to previous law which required complaints to be kept confidential in most circumstances.

S.B. 58 (chapter 26)

Senate Bill 58 allows dental hygienists who serve on the board of dental examiners of Nevada to vote on all matters before the board except matters involving the discipline of dentists. As was the case before, the dental hygienists on the board are not allowed to participate in licensing examinations for dentists.

Under previous law, dental hygienists could vote only on matters relating to the practice of dental hygiene.

S.B. 85 (chapter 840)

Senate Bill 85 requires the certification of nursing assistants by the state board of nursing. The measure establishes minimum qualifications and training requirements for nursing assistants; provides for their regulation; and requires cooperation among state agencies which regulate facilities that employ nursing assistants.

The bill creates an advisory committee consisting of 10 representatives of certain types of facilities, state agencies, organizations and professions appointed by the governor to advise the state board of nursing on matters concerning nursing assistants. The measure requires the certification of all nursing assistants working under the direction of a registered nurse in a medical facility. Criteria for certification is also established. Medical facilities are required to obtain validation from the board that a prospective employee holds or is in the process of obtaining a current certificate.

The state board of nursing is directed to adopt regulations as necessary to carry out the certification process. Training programs leading to certification must consist of 75 hours of instruction. The programs are to be approved by the state board of nursing and administered through the University of Nevada System, state board of occupational education, the public schools or a nationally recognized accrediting body. Certification examinations are to be approved by the board. Certain nursing assistants with advanced training are allowed to perform specified services

in acute care facilities that are beyond basic nursing assistant duties.

The bill also sets requirements for the biennial renewal of certificates and establishes a disciplinary procedure and penalties for unprofessional conduct or negligence. The state board of nursing is required to set fees for applications and certificates for nursing assistants.

The provision which deals with certification of nursing assistants becomes effective on January 1, 1990. The remaining sections of the measure became effective upon passage and approval.

S.B. 169 (chapter 373)

Senate Bill 169 makes various amendments to the statutes governing professional engineers and land surveyors.

The occupational title of registered land surveyors is changed to "professional land surveyors." The bill also changes the qualifications for certification of engineers-in-training, professional engineers and professional land surveyors.

The measure increases the salary of members of the state board of professional engineers and land surveyors from \$60 per day to \$80 per day. It also provides that board members are entitled to reimbursement for actual expenses incurred in the performance of their duties. The bill further specifies that all expenses of the board and salaries and expenses of its members and employees must be paid from fees received, rather than from the general fund. The title of the executive officer of the board is also changed from "secretary" to "executive director."

The bill specifies that a business may engage in land surveying only if the persons directly responsible for the work are registered as professional land surveyors. Each such business must have a professional land surveyor in residence in each of its offices.

In addition, the bill increases several of the fees which the board is allowed to charge.

S.B. 183 (chapter 891)

Senate Bill 183 amends the law relating to the licensure of social workers. The bill prohibits the independent and clinical practice of social work without a license. It also provides that a person licensed as an associate in social work may be licensed as a social worker if he has completed

a bachelor's or master's degree or equivalent course work in a field related to social work, has completed 3,000 hours of employment in Nevada as an associate in social work, and passes an examination prescribed by the board. The bill also provides that an individual who is granted a license in social work may supervise another person engaged in social work.

In addition, S.B. 183 extends the period of time within which a public agency may employ as a social worker a person who is not yet licensed. Previously, an agency could do so only until July 1, 1990. This bill extends that time until December 31, 1991.

S.B. 192 (chapter 145)

Senate Bill 192 declares the practice of pharmacy to be a learned profession which affects the public health and welfare and is, therefore, subject to state regulation. Similar provisions are already found in several licensing statutes for other professions.

S.B. 209 (chapter 251)

Senate Bill 209 provides for the licensing of euthanasia technicians by the Nevada state board of veterinary medical examiners. Such persons must be trained to administer sodium pentobarbital to euthanize homeless, injured, sick or unwanted domestic pets and other animals. An applicant for licensing must be of good moral character, be a citizen of the United States, pay a fee set by the board not to exceed \$200, pass a written examination and be employed by a law enforcement agency, an animal control agency or by a society for the prevention of cruelty to animals.

The measure also changes the renewal of licenses to practice veterinary medicine from a biennial to an annual basis and increases the maximum renewal fee from \$200 for a 2-year period to \$200 annually.

In addition, the bill authorizes euthanasia technicians who are registered with the state board of pharmacy to possess and administer sodium pentobarbital within the scope of their license but not for use by a human being.

S.B. 293 (chapter 239)

Senate Bill 293 amends the law relating to collection agencies to remove the requirement that an applicant for a license must be a resident of this state. Under previous law, an applicant must have resided in Nevada for at least 6 months before applying for a license.

S.B. 295 (chapter 246)

Senate Bill 295 provides for the collection of certain fees by the commissioner of insurance from motor club agents and representatives in industrial insurance hearings. Motor club agents are required to pay a fee of \$15 for the recovery fund, a fee of \$78 for an application and license and for the triennial renewal of each license, and a fee of \$5 for appointment by each motor club.

Representatives in industrial insurance hearings are required to pay a fee of \$78 for an application and license and the same fee for the triennial renewal of each license.

S.B. 315 (chapter 245)

Senate Bill 315 amends the law relating to contractors. The bill declares that it is the intent of the legislature that the provisions of chapter 624 of NRS regarding the discipline of contractors are to promote public confidence and trust in the competence of licensed contractors and to protect the health, safety and welfare of the public.

S.B. 318 (chapter 424)

Senate Bill 318 amends the laws relating to dispensing opticians. The requirements for licensing are revised. The bill also increases several fees which the board of dispensing opticians collects and authorizes it to collect a fee for issuing a duplicate license and late renewal of the license of an apprentice dispensing optician.

The grounds for disciplining a licensee are expanded to include engaging in a fraudulent or deceptive practice. The administrative fine which may be imposed by the board is increased from \$2,500 to \$10,000. The bill also increases the salary paid to members of the board of dispensing opticians from \$60 to \$80 per day.

S.B. 340 (chapter 847)

Senate Bill 340 amends the laws relating to the state board of pharmacy. The bill increases the number of members of the board from six to seven. The additional member is to be a registered pharmacist. Previously, the board consisted of five pharmacists and one representative of the general public.

The measure also eliminates the requirement that not more than two members of the board may be from the same county and provides that the public member may not be a close family relation of a registered pharmacist.

After the initial appointment, board members serve terms of 3 years. No member may serve more than three consecutive terms. If a member of the board resigns, the governor may appoint someone to fill the remainder of the member's term. The governor may remove a member of the board for neglect of duty or other just cause.

In addition, the bill increases the number of members required to form a quorum from three to four, and increases the board members' salary from not more than \$60 to a maximum of \$80 per day.

S.B. 358 (chapter 392)

Senate Bill 358 provides for the licensing and regulation of real estate appraisers and makes it illegal to engage in the business of appraising real property without a license. The measure creates the commission of appraisers of real estate, consisting of five members appointed by the governor with certain specified geographical representation and qualifications. The board is to adopt regulations, approve continuing education courses, conduct disciplinary hearings and hear appeals in licensing cases.

The real estate division of the department of commerce is charged with the responsibility for administering the bill. The division's duties include accepting license applications, administering license examinations, conducting investigations of applicants and licensees, collecting fees specified in the bill and issuing licenses or registration cards.

The measure provides for two types of licenses: one for residential appraisers and another for general appraisers. A residential appraiser may appraise only parcels of real estate suitable for between 1 and 12 residential dwellings. A general appraiser may appraise any type of real property. The bill also provides for registration cards to be issued to interns who assist a licensed appraiser in the communication or preparation of an appraisal. Temporary permits, valid for periods of up to 3 months, may be issued to persons who are licensed in other jurisdictions.

Senate Bill 358 also establishes educational and experience qualifications for the licensing of appraisers, lists reasons for the denial of a license, provides for the discipline of appraisers guilty of unprofessional conduct and defines the amount of continuing education required for the renewal of a license.

Those parts of the bill which provide for the appointment and organization of the board and the drafting of appropriate regulations become effective on July 1, 1989. The provisions requiring that appraisers and interns be licensed become effective July 1, 1991.

The bill appropriates \$55,404 in fiscal year 1989-1990 and \$47,946 in fiscal year 1990-1991 for the implementation of the licensing program.

S.B. 369 (chapter 646)

Senate Bill 369 amends the law relating to osteopathic medicine to allow applicants for licensure to complete a 3-year program of approved graduate residency training or an approved postgraduate training program as an alternative to a hospital internship. The bill also allows the state board of osteopathic medicine to issue a special license to persons enrolled in graduate or postgraduate training.

S.B. 405 (chapter 852)

Senate Bill 405 amends the laws relating to records of health care. The bill provides that the records of patients in mental health facilities, medical facilities, facilities for dependent care, and facilities for the treatment of alcohol and drug abuse may be released to the patient or his representative or to state licensing boards conducting lawful investigations.

The measure also makes various changes concerning the practice of nursing. A definition of the practice of nursing is provided and previous provisions regarding the applicability of the statute regulating nursing are repealed. Provisions relating to the licensing and discipline of nurses are revised, and changes are made in the fees which may be collected by the state board of nursing.

The bill further requires each county school district with enrollment less than 35,000 pupils to submit by January 31, 1990, to the state board of nursing, for approval, a copy of its procedures and protocol for delivering nursing services to its pupils.

S.B. 443 (chapter 694)

Senate Bill 443 prohibits public accountants from paying a fee to obtain clients or accepting a commission for the referral of a client to another business. This prohibition does not apply to payments for the purchase of an accounting practice or for the retirement of a person formerly engaged in public accounting.

The measure also revises several of the statutes governing the authorities and procedures of the state board of accountancy relative to licensing of accountants.

S.B. 457 (chapter 831)

Senate Bill 457 requires that the state contractors' board adopt a separate licensing classification for persons who repair or improve community antenna television systems. Those engaged solely in altering or repairing the antennae used by these systems are not required to be licensed. The bill also provides transition rules governing those persons who are already licensed to perform this type of work.

S.B. 496 (chapter 747)

Senate Bill 496 amends the statutes relating to the private investigator's licensing board. The bill establishes a procedure for issuing an administrative notice of violation. The failure of a licensee or applicant to comply with a notice of violation is grounds for suspension, revocation or denial of a license. A procedure for hearing appeals of a notice of violation is also established. The board is required to establish by regulation criteria for levying fines contained in notices of violation based upon certain factors.

The bill also allows the board to prescribe a fee of up to \$500 for issuance or renewal of a license. Previously, the fee was set at \$250. The board may also prescribe a fee of up to \$100 for the renewal of a license held in abeyance. This fee was previously set at \$50.

S.B. 504 (chapter 698)

Senate Bill 504 amends the law relating to real estate brokers and salesmen. The bill requires that, when a real estate broker-salesman or a salesman terminates his relationship with a real estate broker or owner-developer, the broker or owner-developer must return the broker-salesman's or salesman's license to the real estate division in the department of commerce within 10 days. Previous law did not specify the time within which this action must be taken.

The measure specifies that continuing education required for the renewal or reinstatement of a real estate license include at least 3 hours of instruction devoted to the disclosure of agency relationships. The real estate commission in the department of commerce is also authorized to discipline licensees who violate an order of the commission or an agreement with the real estate division, as well as those who violate the statutes or regulations.

In addition, the bill removes a provision for a fee to be assessed for the failure of a license applicant to file within 90 days of notification.

The continuing education provisions take effect on January 1, 1990, while the remainder of the bill becomes effective on October 1, 1989.

S.B. 545 (chapter 743)

Senate Bill 545 requires an applicant for a license to practice dentistry or dental hygiene to submit his fingerprints with his application. The bill also prohibits dentists from administering or supervising the administration of conscious sedation or deep sedation unless they have an authorizing permit from the board of dental examiners. In addition, the measure requires applicants for reinstatement of a license to practice dentistry or dental hygiene to comply with regulations issued by the board of dental examiners and revises the fee for reinstatement.

A.B. 7 (chapter 5)

Assembly Bill 7 authorizes the private investigator's licensing board to obtain records of criminal history from agencies of criminal justice. The measure enables the private investigator's licensing board to access the record of criminal history of an applicant for a private investigator's license during the board's investigation of the applicant.

A.B. 13 (chapter 326)

Assembly Bill 13 changes the requirement concerning the certification of psychiatrists employed by the mental hygiene and mental retardation division of the department of human resources. The bill provides that any psychiatrist employed by the division must be certified by the American Board of Psychiatry and Neurology within 5 years after his first date of employment with the division and shall have his employment terminated if he fails to receive such certification. Previous law required this certification within 3 years of employment.

A.B. 40 (chapter 598)

Assembly Bill 40 requires licensing of people who engage in projects for the control of asbestos. Nevada's department of industrial relations is directed to administer the licensing program which applies to consultants, contractors, inspectors, management planners, project designers, supervisors and workers. The bill does not apply to a person working in his own residence or to a person employed by a

public utility which supplies electricity when he is performing emergency activities under the direction of a person authorized through federal regulation to conduct these activities.

The measure specifies requirements for contractor insurance, examination, license renewal and training. It defines penalties and provides for reciprocity among licensing states. The bill also requires that public buildings be surveyed for asbestos before their renovation or demolition. Effective dates are staggered to allow time for training and licensing.

A.B. 345 (chapter 191)

Assembly Bill 345 amends the law relating to the licensure of physicians. The bill allows the board of county commissioners for any county to petition Nevada's board of medical examiners to waive the requirements for residency or fellowship training generally required before a physician may be licensed. The requirements may be waived for a physician who will practice in an underserved area of the state, and the physician may be granted a restricted license. Under previous law, only the board of county commissioners for a county with population less than 18,000 could apply for such a waiver.

To be eligible for a waiver, the physician must have had at least 5 years of practical medical experience in the United States or Canada in addition to meeting other requirements specified in law. The bill also allows a physician who holds a restricted license to apply, after 3 years, for an unrestricted license.

A.B. 511 (chapter 384)

Assembly Bill 511 changes the composition of the state board of oriental medicine. The bill requires the board to consist of three members who are licensed to practice traditional oriental medicine and two members who represent the general public. Previous law did not specify qualifications for the members of the board.

The bill also requires the terms of all current members of the board to expire on October 1, 1989, and it establishes a schedule to provide staggered terms for the new appointees.

In addition, the measure authorizes practitioners of traditional oriental medicine to refer to themselves as "physicians of traditional oriental medicine."

A.B. 569 (chapter 415)

Assembly Bill 569 provides that the state board of pharmacy may refuse to accept the practical pharmaceutical experience completed by an applicant for licensure if the applicant has not completed educational requirements established by the board. The bill also revises the schedule of fees charged and collected by the board.

A.B. 617 (chapter 566)

Assembly Bill 617 repeals a provision which authorized the board of examiners for marriage and family therapists to license a person without requiring him to take an examination. The repealed provision allowed the board to take this action if it determined that the person was licensed in another state which has requirements which are at least equivalent to those in effect in Nevada.

The bill also requires the board to accept a passing grade on the national examination sponsored by the American Association for Marriage and Family Therapy in lieu of requiring applicants to take its own written examination. However, the board still may require these applicants to take an oral examination.

A.B. 618 (chapter 565)

Assembly Bill 618 authorizes the board of examiners for marriage and family therapists to order a licensed therapist to undergo an examination to determine his competence. The examination may be of any type designated by the board, including a test of the therapist's mental or physical condition. The bill also authorizes the board to require applicants for a license to undergo these examinations. In most circumstances, the refusal of a therapist to undergo an examination required by the board is considered an admission of the charges against him. The therapist may be required to pay the cost of the examination.

The bill also authorizes the board to place a therapist's license on inactive status. An inactive licensee may resume the practice of marriage and family therapy by applying to the board to reactivate his license, paying the license renewal fee, and if required by the board, demonstrating his competence to practice. A license that is on inactive status for a period of more than 3 years is considered to have lapsed or been revoked.

In addition, the bill revises the fees which may be charged and collected by the board.

A.B. 634 (chapter 676)

Assembly Bill 634 provides that records and information obtained by the board of examiners for marriage and family therapists in the course of an investigation are confidential until the investigation is completed. At that time, the records become public if disciplinary action is imposed by the board, or the person who was investigated submits a written request that the records be made public.

The bill authorizes the board to adopt regulations specifying the courses of study which meet the requirements for licensing. It also provides that licenses are to expire annually on January 1.

The measure also exempts ministers in good standing from the laws governing marriage and family therapists, providing they do not offer their services to the public under a title or description which is likely to be confused with that of a licensee.

In addition, the bill repeals a provision allowing nonresident consultants to practice marriage and family therapy in Nevada under certain conditions.

A.B. 667 (chapter 375)

Assembly Bill 667 increases the license fee for administrators of nursing care facilities from \$100 to \$250. The bill also changes the date on which these licenses expire from December 31 of the year following the year in which the license was issued to 2 years after the last day of the month in which it was issued.

A.B. 699 (chapter 606)

Assembly Bill 699 authorizes the state board of cosmetology to issue a provisional license as an instructor to a person who is accumulating the number of hours of training required for an instructor's license. A holder of a provisional license may act as an instructor for compensation. The provisional license expires when the person accumulates the number of hours required for licensure. To qualify for a provisional license, the applicant must have completed 12th grade in school, and practiced as a full-time licensed cosmetologist, aesthetician, or manicurist for at least 1 year. The fee for a provisional license may be set by the board at between \$25 and \$40.

The bill also increases the number of members on the board from five to seven. The board must include four cosmetologists, one manicurist, one aesthetician and one member representing customers of cosmetology. The bill does not

affect existing board members until their terms expire. The bill specifies the order in which new members representing various interests are to be appointed.

A.B. 713 (chapter 679)

Assembly Bill 713 provides that records and information obtained by the state board of physical therapy examiners in the course of an investigation are confidential until the investigation is completed. At that time, the records become public if disciplinary action is taken by the board, or the person who was investigated submits a written request that the records be made public. The proceedings of the board when investigating a complaint concerning a licensee or deliberating on a licensing matter are exempted from the open meeting law.

The bill also provides that physical therapists are to be licensed rather than registered. Provision is made for the supervision of physical therapy assistants. The application for a license as a physical therapy assistant must be signed by the applicant's supervising physical therapist and is valid only as long as the assistant is employed by that supervisor. Licenses for physical therapists and physical therapy assistants expire on July 31 of each year.

In addition, the maximum administrative fine which the board may impose on a licensee is increased from \$500 to \$5,000.

A.B. 748 (chapter 552)

Assembly Bill 748 amends the law relating to chiropractors to provide definitions for the terms "manipulation," "chiropractic adjustment," and "subluxation complex." The bill also provides that the issuance of an injunction to prevent an unlicensed person from practicing chiropractics does not relieve that person from criminal prosecution.

A.B. 778 (chapter 401)

Assembly Bill 778 requires that a surety give notice to a contractor before cancelling the bond which the contractor is required to maintain in order to be licensed. Previously, the surety was required to give notice only to the state contractors' board.

A.B. 799 (chapter 668)

Assembly Bill 799 provides for the licensure of psychologists. Previously, psychologists were subject to certification requirements. The measure specifies that all psychologists are eligible for licensure. The structure and powers of the board of psychological examiners are also revised to reflect the new responsibility.

The bill also increases the amount of experience required for licensure, specifies the conditions under which an applicant may be licensed without taking a written examination and authorizes the board to issue temporary licenses under certain conditions.

In addition, the measure repeals a provision which allowed a person with a doctorate in sociology from the University of Nevada System to refer to himself as a social psychologist, as well as a provision that allowed members of other licensed professions to use psychological techniques and tests. The bill also repeals a provision regarding the administration of controlled substances and dangerous drugs, and the practice of medicine or optometry by psychologists.

A.B. 813 (chapter 547)

Assembly Bill 813 authorizes the commission on professional standards in education to adopt regulations for the issuance of conditional licenses to teachers and other educational personnel before they complete the requirements for a Nevada license. In addition, the commission is allowed to adopt regulations for the reciprocal licensure of educational personnel from other states.

The bill requires that a person granted a conditional license complete all of the requirements for a regular Nevada license within 3 years after the conditional license is issued.

Other Bills Generally Related to Commerce

S.B. 17 (chapter 83)

Senate Bill 17 relates to the rights of artists. The bill creates a cause of action for an artist whose work is displayed or published in a defaced, mutilated or altered form without his consent.

The measure also defines residual ownership rights after the transfer of a work of art or the transfer of the right to reproduce a work of art. When ownership of a work of art is transferred from the artist or his heirs, the right of reproduction remains with the artist or his heirs until it passes into the public domain by action of law or is expressly transferred in writing. When a right of reproduction is transferred, ownership of the physical work of art remains unchanged unless it is transferred in writing with the right of reproduction.

S.B. 69 (chapter 281)

Senate Bill 69 reduces the period of time for which escrow agencies and agents must maintain records of all escrow transactions. The bill requires these records to be maintained for at least 5 years. Previous law placed no limit on the time period for retention of these records. The measure also provides that the record of an escrow transaction must be maintained in the county in which the property is located if the escrow agency or agent has a place of business in that county. Otherwise, the record must be maintained in the agency's or agent's principal place of business.

In addition, the bill reduces from 15 to 5 years the period of time for which a title insurer must maintain a record of its search and examination and determination of insurability of a title.

S.B. 146 (chapter 292)

Senate Bill 146 prohibits a short-term lessor from refusing to lease a motor vehicle to a member of the United States Armed Forces and to discriminate against such a person in the terms, conditions or privileges of the rental of a vehicle because of that person's membership in the Armed Forces. A willful violation of this provision is classified as a misdemeanor.

S.B. 168 (chapter 142)

Senate Bill 168 broadens the duties of Nevada's attorney general to institute remedial proceedings for unfair trade practices. The bill requires the attorney general to institute proceedings as *parens patriae* for residents of Nevada. *Parens patriae* refers to the sovereign power of guardianship over citizens.

S.B. 252 (chapter 843)

Senate Bill 252 allows for the collection of annual fees by the department of motor vehicles and public safety for the licensure of automobile body shops and salvage pools. These licenses are to expire on December 31 of each year and may be renewed upon submission of a completed application form and payment of the renewal fee which is set at \$300. The act became effective upon passage and approval and applies retroactively to the renewal of all licenses in effect on December 31, 1988.

S.B. 276 (chapter 167)

Senate Bill 276 amends the law relating to unclaimed property. The bill creates an exception to a provision which prevents the administrator of the division of

unclaimed property in the department of commerce from commencing actions against holders of abandoned property more than 10 years after the property was presumed to be abandoned. The measure provides that this statute of limitations does not apply to actions against federal or state agencies.

The administrator is authorized to waive the right to payment of interest owed to the division if the person obliged to make the payment files a verified statement showing that the failure to report or make payment was not willful or negligent but occurred because of circumstances beyond his control.

The act becomes effective upon passage and approval and applies to all unclaimed property held on or after the effective date, regardless of the date on which the property was presumed to be abandoned.

S.B. 303 (chapter 192)

Senate Bill 303 excludes gaming chips or tokens which are not redeemed at a gaming establishment from the provisions of the law regulating the disposition of unclaimed property.

S.B. 323 (chapter 846)

Senate Bill 323 relates to collection agencies and their procedures. The measure creates the collection agency advisory board consisting of three members appointed by the governor for terms of 4 years. The board may make recommendations to the legislature regarding legislation relating to collection agencies.

The bill also requires that an agreement between a collection agency and a customer must be clear and unambiguous and must govern in any dispute between the two parties. Money collected on a claim, after court costs are recovered, must be first credited toward the principal amount of the claim, unless the written agreement between the parties provides otherwise, and interest which is collected must be allocated between the agency and its customers in accordance with their agreement. An agency may not accept less than full payment in the settlement of an assigned claim without the consent of its customer. The agency must give its customer a full account of all money collected in connection with each claim. Unless the contract provides otherwise, a customer may withdraw an assigned claim within 6 months of the time it was assigned if the claim is not in the process of being collected and the customer gives the agency at least 60 days notice.

In addition, the bill requires the commissioner of the division of financial institutions in the department of commerce to examine collection agencies annually, rather than once every 3 years. The commissioner may conduct more frequent examinations under certain circumstances.

S.B. 339 (chapter 532)

Senate Bill 339 amends the laws relating to the dispensing of drugs. The measure imposes on other health care practitioners who dispense drugs many of the same procedures and requirements which now apply only to pharmacists. The bill also makes it a misdemeanor for a person who dispenses dangerous drugs to fail to keep accurate records of drugs purchased and those sold on prescription.

S.B. 341 (chapter 848)

Senate Bill 341 establishes trade practices for certain clubs. The bill applies to clubs which require their members to pay membership fees or dues 3 months or more in advance, or require an initiation or membership fee of \$75 or more. Most nonprofit organizations and businesses already licensed by the state are exempt.

Clubs covered by the measure are required to register with the consumer affairs division in the department of commerce and to post a bond or other security for the protection of their members. The amount of security required ranges from \$10,000 to \$50,000, depending upon the number of members in the club. Clubs which sell memberships before the facilities and services mentioned in the membership contract or sales presentation are available must post security of \$100,000. A club which has been operating for 4 years or more and has not changed ownership is not required to post security.

The bill specifies the contents of the membership agreement and provides that a person who purchases a membership may cancel his purchase within 3 business days and obtain a refund. In addition, if a buyer becomes disabled and is unable to use the services or facilities of the club, he is entitled to a full or partial refund. If a club closes for more than 1 month, transfers its obligations to another club which offers fewer goods or services, or moves to a location which is more than 20 miles further from the member's residence, it may also be obliged to provide members with refunds.

S.B. 349 (chapter 889)

Senate Bill 349 regulates deceptive advertising involving the awarding of prizes. The measure provides that

advertisements or oral solicitations may not state that a person has won a prize unless the name and address of the advertiser are clearly indicated and no more than 10 percent of the names considered have been selected to receive prizes. Prizes must be awarded with no obligation to the recipient and must be delivered within 30 days. The advertisement must clearly indicate that it is a sales promotion and may not say that the person receiving it has previously been contacted by telephone or other means if no such contact has occurred. The brand name and value of the prize must be disclosed. If the prize is a vacation trip, the advertisement must indicate the name and location of the accommodations and whether transportation to and from the site is included. The advertiser may not offer a vacation trip for which a fee or deposit is required. Merchandise may not be offered as a substitute for a vacation trip. The advertisement must also indicate the chances of receiving each prize, and the date and manner in which the prize will be awarded.

An advertiser may not say that a person has a chance to win a prize without indicating on whose behalf the sales promotion is being conducted, the number and value of the prizes to be awarded, and the odds of winning each prize.

The bill also makes it illegal to represent that a person has been specially selected in connection with a sales solicitation unless the selection process has been designed to select a particular type of person and fewer than 10 percent of the persons considered have been selected.

The measure does not apply to contests of skill that do not involve the sale or lease of property or to persons licensed as telephone solicitors. The bill also does not apply to book and record clubs and similar organizations or to solicitations, promotions, or offers to extend credit made by regulated financial institutions.

A violation of these provisions constitutes a deceptive trade practice.

S.B. 378 (chapter 850)

Senate Bill 378 makes various changes relating to automobile body shops and creates the advisory board on automotive affairs within the insurance division of the department of commerce.

The board consists of seven members, appointed by the governor, to include a representative from the insurance division, the department of motor vehicles and public safety,

licensed body shop operators, licensed automobile wreckers, motor vehicle insurers, automobile manufacturers, and the general public. The members are appointed for 4-year, staggered terms, and the board is required to meet regularly at least twice each year.

The bill requires the advisory board to review and comment on proposed regulations by the commissioner of insurance and the DMV&PS relating to the operation of body shops or auto wreckers. The commissioner and the department must jointly adopt, and the board may propose, regulations concerning the use of motor vehicle repair parts, the survey methodology that may be used by an insurer to ascertain prevailing charges for the repair of a motor vehicle, and the preferred use by an insurer of a motor vehicle repair business.

The commissioner of insurance is required to conduct an annual survey of licensed body shops in the state to determine auto repair rates and parts charges. The report of this survey is a public record.

In addition, the bill authorizes licensed body shop operators to move certain vehicles upon the highways without registration only to the licensee's place of business or to another business with which he has contracted to perform specialized repairs. The operator must obtain license plates, upon payment of the required fee, for these movements.

S.B. 421 (chapter 406)

Senate Bill 421 allows a new or used car dealer or a rebuilder to purchase a motor vehicle from a salvage pool. Previous law only authorized a licensed automobile wrecker to bid to purchase a vehicle from a salvage pool. The same registration and inspection certification procedures which apply to wreckers are made applicable to dealers and rebuilders.

S.B. 459 (chapter 596)

Senate Bill 459 increases the fees charged by shorthand reporters from \$2 per page to \$2.25 per page and from \$110 per day to \$120 per day.

S.B. 479 (chapter 750)

Senate Bill 479 amends the laws relating to obligations secured by real estate and the single action rule. The bill exempts assessment liens, mechanics liens and judgment liens from the rule.

The measure also provides that a creditor who commences an action in violation of the single action rule does not forfeit his rights to any collateral if the judicial proceeding is stayed or dismissed before a final judgment or is converted into a proceeding which does not violate the rule. In addition, if the single action rule is interposed as a defense in a judicial proceeding, the judge must dismiss the proceeding without prejudice or grant a continuance so that the pleadings can be amended to convert the proceeding into an action which does not violate the rule. If the rule is not interposed before a final judgment is entered, it cannot be used as a defense in that proceeding.

Finally, the bill amends the single action rule itself to provide that it is to be liberally construed and to provide that certain specified types of actions do not violate the rule.

S.B. 481 (chapter 695)

Senate Bill 481 amends the law relating to repairs by garages. The measure expands the types of vehicles covered by the law to include mini motor homes, motor homes and recreational vehicles. The bill also expands the class of motortrucks covered by the law to include those vehicles with a gross weight not exceeding 10,000 pounds. Previously, only motortrucks with a gross weight of 6,000 pounds or less were covered.

S.B. 502 (chapter 697)

Senate Bill 502 recognizes a right of publicity in the identity of a person. The bill requires that the consent of an individual or his successor in interest be obtained before making commercial use of the person's name, voice, signature, photograph or likeness. This requirement does not apply to uses in commercial materials in which the use is not directly connected with commercial sponsorship. The bill also does not apply to live performances which attempt to portray or imitate the person; news, sports or public affairs programs or publications; portrayals in plays, books, articles, musical compositions, films or radio and television programs which are not directly connected with commercial sponsorship; or portrayals in original works of art.

The right of publicity recognized by this bill may be transferred to another person. The bill provides a procedure for the registration of the rights of a successor in interest to the right of publicity of a deceased person.

Finally, the bill provides remedies for the infringement of the right which include injunctive relief to restrain the unauthorized use and actions to recover damages. In an action of this sort, the plaintiff may recover actual damages of not less than \$750.

A.B. 6 (chapter 58)

Assembly Bill 6 repeals the prospective expiration of the Uniform Securities Act. The measure also expands the exemption from registration and filing requirements for certain securities and makes several technical amendments to the securities statutes.

A.B. 28 (chapter 45)

Assembly Bill 28 prohibits the use of an automatic dialing system which dials numbers and plays a recorded message to solicit a person to purchase goods or services or to request information that will be directly used in such a solicitation. The bill does not prohibit the use of an automatic dialing system to contact persons with whom the caller has a preexisting business relationship.

A.B. 142 (chapter 615)

Assembly Bill 142 provides for the regulation of telephone solicitation. The bill creates the state board of telephone sales communications. The board consists of five members appointed by the governor: one representing a law enforcement agency in Clark County, one representing a law enforcement agency in Washoe County, one representing an agency of local government responsible for regulating telephone solicitation and two representing the general public. With the approval of the board, the commissioner of the consumer affairs division in the department of commerce may adopt regulations to carry out the provisions of this bill.

The bill makes it unlawful to conduct a business for telephone solicitation, or to be employed as a salesman by such a business, without obtaining a license from the consumer affairs division. A person who violates this provision may be punished by imprisonment in the state prison for 1 to 6 years and a fine of up to \$25,000. A salesman who solicits a purchaser on behalf of an unlicensed seller is guilty of a misdemeanor.

The applicant for a seller's license must provide a complete list of the telephone numbers and addresses of the people who will be called and a copy of the script or presentation and any literature to be used. If the seller is offering a

gift or prize, he must disclose specified information regarding the item and how it will be awarded.

The licensing application must be accompanied by an application fee of \$5,000 and a bond or other security in the amount of \$50,000. If the seller intends to do business under an assumed or fictitious name, he must pay an additional application fee of \$5,000 and provide additional security of \$50,000.

The applicant for a license to work as a salesman must disclose specified information regarding his background and previous sales activities. He must pay an application fee of \$100.

In making a sales presentation, a salesman must identify himself and his employer. A purchaser may obtain a refund if the goods purchased are defective or have been misrepresented. He must return the goods within 30 days. Purchasers must be informed of this right.

The bill appropriates \$105,000 from the state general fund to establish the program, but the ongoing costs of implementing the measure are to be paid from application fees and other revenues collected.

Several categories of persons and organizations are exempted from the provisions of this bill. These include, among others, nonprofit organizations, licensed dealers in securities or commodities, licensed real estate brokers and salesmen, licensed sellers of time shares or campground memberships, licensed insurance brokers and salesmen, newspapers and magazines, financial institutions, cable television systems, mail order houses which publish catalogues, and vendors of agricultural products or livestock.

A.B. 181 (chapter 768)

Assembly Bill 181 authorizes the public service commission of Nevada to adopt regulations which provide simplified procedures for obtaining certificates of public convenience and necessity and changing rates for those utilities which supply only liquefied petroleum gas.

The bill provides that dealers who lease tanks for liquefied petroleum gas must remove the tanks at the customer's request and at no charge to the customer. When the tank is removed, the dealer must, within 15 days, refund an amount equal to the rent for the unused portion of the lease and the value of the gas which remains in the tank when it is removed.

The measure also makes several changes in the law related to the board for the regulation of liquefied petroleum gas. Compensation for members of the board is set at \$60 per day. Board members previously were not compensated. The board is directed to adopt regulations which provide for members to act as hearing officers and which require licensees to disclose information that should be disseminated to customers.

The bill authorizes the board to take disciplinary actions, such as the imposition of fines, which are short of suspending or revoking a license. In addition to the report to the governor, the measure directs the board to report to the legislature, and it specifies that these reports are to include any complaints received by the board.

A.B. 195 (chapter 629)

Assembly Bill 195 amends the law relating to collection agencies to limit the prohibition against operating a collection agency in conjunction with a debt counseling service. The bill allows agencies which deal exclusively with the collection of commercial debt to engage in debt counseling. The prohibition still applies to agencies engaged in the collection of debt incurred for family, household or personal purposes.

A.B. 275 (chapter 307)

Assembly Bill 275 provides that it is a deceptive trade practice to assert a scientific, clinical or quantifiable fact in an advertisement unless the person making the assertion has objective evidence to substantiate it. The bill also makes it a deceptive trade practice to fail to produce such evidence within 6 working days when required to do so by the commissioner of the consumer affairs division in the department of commerce. The measure does not apply to general assertions of opinion regarding the quality, value or condition of a product if these assertions are made without the intent to mislead.

A.B. 287 (chapter 661)

Assembly Bill 287 prohibits the sale of cigarettes by a retailer or wholesaler at below wholesale cost with the intent to injure competitors or lessen competition. The bill provides that contracts made in violation of its provisions are void. Any person injured may sue in court for damages or injunctive relief. Nevada's department of taxation may suspend or revoke the license of a wholesaler who violates the provisions of the bill.

A.B. 297 (chapter 166)

Assembly Bill 297 adopts Article 2A of the Uniform Commercial Code concerning leases. The bill applies to all transactions which create a lease of personal property. Topics covered by the bill include the formation and construction of the lease contract, the effect of the contract and the rights and remedies available to the lessor and the lessee in the event of a default.

The bill applies to transactions entered into on or after January 1, 1990.

A.B. 320 (chapter 411)

Assembly Bill 320 amends the laws relating to real property to specify the manner in which the proceeds of a foreclosure sale are to be distributed. The bill provides an order of priority for the distribution of the proceeds to various creditors. In addition, the type of proof which a junior lien holder must provide to claim his share of the proceeds is specified.

A.B. 370 (chapter 93)

Assembly Bill 370 amends the statutes relating to franchises for the sale of motor vehicles. The bill protects the rights of a dealer of motor vehicles in legal actions against a distributor, factory branch or manufacturer. The specific rights protected include trial by jury and a convenient legal forum in Nevada for resolving a dispute.

The measure accomplishes this purpose by making it an unfair trade practice to require a dealer to agree to submit a dispute to a particular court or jurisdiction. It is also an unfair trade practice to prohibit a dealer from bringing a legal action in any forum allowed by Nevada law and to require a dealer to waive a trial by jury.

A.B. 381 (chapter 707)

Assembly Bill 381 amends the law relating to contractors. Currently, a person who constructs a home for his own use need not obtain a contractors license. This measure amends the exemption to create a rebuttable presumption that a person who constructs a home and sells or offers it for sale within 1 year of its completion, built the home with the intent of selling it rather than using it as his own residence.

A.B. 429 (chapter 121)

Assembly Bill 429 prohibits the sale of a metal beverage container which is constructed to open with the use of a detachable metal ring or tab. A person who violates this

provision shall be punished by a fine of not more than \$500 for each violation, with each day of violation constituting a separate offense.

The measure provides exceptions for a beverage container which is sealed with foil, laminated tape or other soft material that is detachable, and for a beverage container which contains milk-based, soy-based or similar products that require heat and pressure in the canning process.

The act becomes effective on January 1, 1990.

A.B. 471 (chapter 436)

Assembly Bill 471 exempts debt adjusters from the provisions regulating credit service organizations. The bill also provides a schedule for determining the amount of security which must be maintained by debt adjusters. This amount is based on the average monthly balance in the debt adjuster's trust account.

A.B. 475 (chapter 386)

Assembly Bill 475 amends the statutes relating to the sale of real property. The bill provides that before the initial purchaser of a residence signs a sales agreement, the seller must disclose the zoning designations for adjoining parcels of land. The disclosure must be made in writing. The buyer must sign a disclosure document acknowledging that he has received the required information, and the seller must retain a copy of this document.

Zoning information included in the disclosure must be updated at least once every 6 months. The purchaser must be advised that the master plan and zoning ordinances are subject to change and must be told how he can obtain more current information.

A.B. 557 (chapter 470)

Assembly Bill 557 amends the laws relating to obligations secured by liens on real property, such as mortgages and deeds of trust. The bill creates an exception to the "single action rule," which provides that there may be only one action for the recovery of a debt. Under the provisions of this bill, a guarantor or surety who has promised to pay if the primary debtor fails to meet his obligations may waive the "single action rule," in certain circumstances. If the rule is waived, the creditor may maintain an action against the guarantor or surety independent of any action against the primary debtor.

The "single action rule" may not be waived if the debt is under \$500,000, the mortgage or lien secures a loan for the purchase of the property, or the property is used as a farm or a single-family residence for the owner.

A.B. 583 (chapter 434)

Assembly Bill 583 revises the law by granting preference to certain Nevada contractors in awarding bids for public works projects. The bill grants a preference to contractors who have been found, by the public body undertaking the project, to be responsible contractors who have paid state and local taxes in Nevada for 5 successive years. These contractors are deemed to have submitted a better bid than a competing contractor, unless the competing contractor submits a bid that is at least 5 percent lower, providing the bid submitted by the domestic contractor does not exceed the budget for the project or the engineer's estimate of the cost of the work, whichever is less.

The provisions of this measure replace previous law relative to comparisons between domestic and out-of-state contractors on bids for the award of contracts for public works.

A.B. 588 (chapter 569)

Assembly Bill 588 amends the law relating to debt adjusters. The fee which may be charged for each check issued by the adjuster in payment of debt is increased from \$1.50 to \$3. The bill also provides that the acceptance by a creditor of three consecutive payments, in accordance with the terms of the adjustment contract, constitutes the consent of that creditor as long as a notice to this effect is included with each such payment.

A.B. 612 (chapter 702)

Assembly Bill 612 regulates various practices concerning the short-term lease of a passenger car. The measure clarifies the rights and obligations of rental car companies and lessees. The act addresses four major issues:

1. The circumstances under which a lessee can be billed for damages to a rental vehicle;
2. The computation of damages;
3. The advertising, pricing and sale of collision damage waivers; and
4. The inclusion of "mandatory charges" in the base advertised rate, and the description of optional charges in advertising.

A.B. 647 (chapter 509)

Assembly Bill 647 increases the deposits required for columbariums, grave spaces, lawn crypts, mausoleums and mausoleum crypts in endowment care cemeteries. The bill also establishes a deposit of 12 cents per square inch of top surface face for a memorial lawn niche marker, memorial marker and foundation for an upright monument.

A.B. 669 (chapter 347)

Assembly Bill 669 amends the laws relating to the lease of a vehicle. The act clarifies the conditions under which a lessee must be informed of his maximum total liability under a lease.

A.B. 678 (chapter 502)

Assembly Bill 678 prohibits a title agent, title insurer, escrow agent or escrow agency from charging a fee for any statement or tax return regarding payments of interest that the federal law requires them to furnish or file.

A.B. 684 (chapter 417)

Assembly Bill 684 amends the laws regarding mechanics' and materialmen's liens on real property. The bill requires the owner of the property to furnish the general contractor with a copy of a notice of completion when the notice has been recorded with the office of the county recorder.

A.B. 744 (chapter 298)

Assembly Bill 744 establishes that certain facts are not material to the transaction in any sale of real property. These facts include that the property is or has been:

1. The site of a homicide, suicide or any crime punishable as a felony; or
2. Occupied by a person exposed to the human immunodeficiency virus, suffering from acquired immune deficiency syndrome or any other disease that is not known to be transmitted through occupancy of the property.

The bill provides the seller with immunity from liability for failing to disclose these facts.

A.B. 754 (chapter 453)

Assembly Bill 754 amends the law relating to mortgage companies. The measure authorizes the commissioner of the division of financial institutions in the department of commerce to grant exemptions from provisions governing the making of loans. The commissioner may grant an exemption if he finds that the loan would not be detrimental to the

borrower, the lender or the person providing the money for the loan; that these persons have established a reputation for sound integrity and management; that the loan will increase capital available to a sector of the state's economy; and that the loan is in the public interest. The commissioner is also authorized to revoke the exemption.

The bill further exempts employee benefit plans from the provisions of the laws regulating mortgage companies.

Finally, the measure allows mortgage companies to advance payments to an investor pursuant to a contract for collection or servicing of a loan that is governed by requirements established by the Government National Mortgage Association, the Federal National Mortgage Association or the Federal Home Loan Bank Board.

A.B. 767 (chapter 297)

Assembly Bill 767 clarifies that a notice of pendency of the action to foreclose a mechanics' or materialmen's lien must be filed in the county in which the property is located.

A.B. 769 (chapter 295)

Assembly Bill 769 revises the requirements for identifying parties to a conveyance of real property. If the notary public, or other person authorized to take acknowledgments, does not personally know the person acknowledging a document to convey real property, the notary must require proof of the person's identity, rather than requiring that person to swear or affirm that he is who he purports to be.

The bill also revises the form of acknowledgment for attorneys in fact (persons who have been granted the authority to sign on behalf of another). Rather than an attorney in fact signing the name of the person and then signing his own name underneath, the form requires only the signature of the attorney in fact.

The measure further repeals the law relating to the form of a certificate of acknowledgment made within the state when the grantor was unknown to the person taking the acknowledgment.

A.B. 779 (chapter 400)

Assembly Bill 779 amends the law relating to pawnbrokers. The bill increases the rate of interest which a pawnbroker may charge from 5 percent to 6 percent per month. The bill also increases from \$3 to \$5 the initial charge for a loan made by a pawnbroker and decreases the period of time for

which personal property must be held for redemption from 150 days to 120 days.

A.B. 828 (chapter 505)

Assembly Bill 828 extends the provisions concerning unlawful detainer and rental agreements to tenants of recreational vehicles located in a recreational vehicle park and in a mobile home park where a portion of land is designated within the park as a recreational vehicle lot.

Previous law did not expressly apply to recreational vehicles. Since recreational vehicles are sometimes used for residential purposes, this measure extends the unlawful detainer statutes to specifically apply to these vehicles.

A.B. 837 (chapter 719)

Assembly Bill 837 authorizes the director of the department of commerce to promote the establishment of privately financed venture capital funds. The funds must be designed to encourage the diversification and growth of Nevada's economy, and correct a shortage of venture capital for new enterprises. The state must not have a financial interest in the venture capital funds or assume any liability in connection with them.

A.B. 841 (chapter 348)

Assembly Bill 841 changes the effective date of chapter 166, Statutes of Nevada, 1989 (Assembly Bill 297) from October 1, 1989, to January 1, 1990. Assembly Bill 297 enacted Article 2A of the Uniform Commercial Code.

The measure also amends section 56 of that act, which deals with actions for default under a contract of lease. It provides that this provision does not affect causes of action which accrue before January 1, 1990. Previously, the provision covered causes of action accruing after October 1, 1989.

A.B. 863 (chapter 484)

Assembly Bill 863 makes permanent a law prohibiting a landlord from denying a tenant access to cable television.

A.B. 938 (chapter 713)

Assembly Bill 938 requires that an instrument conveying real property contain the mailing address of the grantee and the assessor's parcel number of the property, if assigned, before the conveyance is recorded by the county recorder.

CORRECTIONS, CRIMES, PUNISHMENTS AND VICTIMS OF CRIME

Summaries within the topic of "Corrections, Crimes, Punishments And Victims Of Crime" are categorized under the following subheadings:

1. Correctional Procedures;
2. Definition of Crimes;
3. Modifications of Penalties;
4. Parole and Probation; and
5. Victims of Crime.

Bills summarized elsewhere in this document may also define crimes or punishments in conjunction with their primary substantive purposes.

Correctional Procedures

S.B. 98 (chapter 780)

Senate Bill 98 requires the director of the department of prisons, with the approval of the board of state prison commissioners, to establish and administer a program of regimental discipline for certain male felons who have not been convicted of a violent crime. These offenders also must be at least 18 years of age and never have been incarcerated in jail or prison as an adult for more than 6 months. The program must not be used as an alternative to probation, but instead as an alternative to incarceration.

Offenders ordered by the court to complete a program of regimental discipline initially undergo a 30-day evaluation period. The department of prisons uses this period to determine an inmate's ability to participate in the remaining 120-day program. The actual program of regimental discipline includes incarceration in a secure facility, segregation from prisoners not in the program, strenuous physical exercise and hard labor, military drills and instruction. This instruction must include sessions in recognizing and preventing alcohol and drug abuse, managing stress, building character, learning rational behavior and preparing for and obtaining employment.

The measure specifies the process to be used by the department and the courts for persons who either successfully

complete or fail to complete the program. Time spent in the program must be deducted from any sentence which may be imposed.

The act also appropriates \$155,000 from the state general fund to the state public works board to expand the multi-purpose building at the Indian Springs Conservation Camp. The program of regimental discipline will be located at this facility. An additional appropriation of \$358,244 is made from the state general fund to the department of prisons to carry out the program.

S.B. 270 (chapter 283)

Senate Bill 270 allows a district attorney to create within his office a program for restitution for persons referred to him by a law enforcement officer who has probable cause to believe the person violated a state law pertaining to the issuance of a check without sufficient money or credit or obtaining money, property, rent or labor under false pretenses.

The program may be conducted by the district attorney in conjunction with law enforcement or by a private entity under contract with the district attorney. The district attorney may adopt standards for the law enforcement agency which indicate the minimum requirements of investigation by the agency for its referral of a person. In determining whether the person is appropriate for acceptance in the program, the district attorney may consider certain factors listed in the bill.

The measure also authorizes district attorneys to collect fees for collecting and processing checks or drafts drawn or passed without sufficient money to pay them in full.

S.B. 288 (chapter 148)

Senate Bill 288 reduces the frequency of certain reports from quarterly to semiannually that the department of prisons is required to submit to the department of administration. These reports relate to projections of the number of persons who will be in a prison facility in the next 2 years and the level of security to accommodate them based on suggested and imposed sentences for felonies.

A.B. 84 (chapter 18)

Assembly Bill 84 expands the authority of law enforcement officers to take and retain the fingerprints of juveniles 14 years of age or older.

The bill provides that the fingerprints of a child 14 years of age or older who is charged with an act that would be a felony if committed by an adult may be taken and retained by law enforcement officers. Under previous law, these fingerprints could only be taken if the child was referred to court, and the court had to find the child guilty of the relevant act before the fingerprints could be retained. The measure also clarifies that the local file in which the fingerprints may be kept includes a local system for the automatic retrieval of fingerprints.

A.B. 186 (chapter 174)

Assembly Bill 186 requires that offenders committed to the custody of the department of prisons be tested for exposure to the human immunodeficiency virus at the time of commitment and after involvement in any incident that entails a significant risk of exposure to the virus. It also provides that the offenders must receive counseling regarding the virus.

If an offender tests positive for exposure to the human immunodeficiency virus, he must submit to a supplemental test. If the results of any supplemental test are positive, the name of the offender must be disclosed to the director, certain administrative officers and other employees of the department whose normal duties involve contact with the offender or with his blood or bodily fluids. An offender who tests positive to any supplemental test and engages in behavior that increases the risk of transmitting the virus must be segregated from every other inmate whose test results are negative.

The measure also requires the director of the department of prisons to establish an educational program regarding the virus for inmates and employees of the department. The curriculum for the program is to be provided by the health division of the department of human resources, and the instructors must be certified by the health division.

The virus testing procedures must be approved by regulation of the state board of health. In addition, the director of the department of prisons is authorized to adopt any necessary regulations to implement the provisions of this law.

This measure further entitles inmates to certain credits against their sentences for completing specified levels of educational achievement.

A.B. 872 (chapter 442)

Assembly Bill 872 requires the director of the department of prisons to notify certain legislative committees of any negotiations entered into to resolve existing or potential litigation which could have a fiscal effect that exceeds the amount budgeted by the legislature or of any plans regarding the location of any prison facility or institution. During a legislative session, notice must be given to the senate committee on finance and the assembly committee on ways and means. If the legislature is not in session, the director must notify the interim finance committee.

A.B. 902 (chapter 871)

Assembly Bill 902 authorizes the director of the department of prisons, with the consent of the legislature or interim finance committee, to terminate or renegotiate the terms of any contract concerning the sale or donation by prisoners of blood or blood plasma. The bill specifies that a contract contain certain terms and requires that the profit from such a program be deposited into a fund for destitute prisoners. Money can only be withdrawn from the fund by an act of the legislature.

Definition of Crimes

S.B. 23 (chapter 33)

Senate Bill 23 prohibits termination of employment of a person who, as the parent, guardian or custodian of a child, appears with or on behalf of the child in court. The bill also provides for a civil action by the person who is illegally discharged and specifies the relief which may be obtained.

No criminal or civil action may be brought against an employer unless he was given notice by the employee of the court appearance. In the case of the initial detention hearing, the employee must give oral notice and immediately upon return to employment provide the employer with a certificate of attendance from the court. In the case of any other hearing, the employee must provide the employer with a copy of the notice sent by the court.

S.B. 196 (chapter 626)

Senate Bill 196 raises the monetary threshold for the classification of crimes from \$100 to \$250.

S.B. 215 (chapter 759)

Senate Bill 215 creates the presumption that the use of force by a person lawfully residing at home or in transient

lodging which causes injuries to or the death of a person was justifiable if used against a person committing burglary or invasion of the home. An action to recover damages for personal injuries to or the wrongful death of the person who committed burglary or invasion of the home may not be maintained against the person who used such force unless the presumption is overcome by clear and convincing evidence to the contrary.

S.B. 236 (chapter 313)

Senate Bill 236 clarifies the definition of marihuana in the statutory provisions concerning trafficking in controlled substances. The measure defines marihuana to include all parts of the cannabis plant, whether growing or not. The bill also states that the weight of marihuana will be its weight upon seizure, or as soon thereafter as is practical.

A.B. 26 (chapter 16)

Assembly Bill 26 adds insurance fraud and securities fraud to the list of crimes related to racketeering. The measure thus permits the attorney general or district attorney, as the case may be, to prosecute for racketeering those persons who commit insurance fraud and securities fraud, using the insurance fraud violation or securities fraud violation as the predicate act under the racketeering statute.

A.B. 72 (chapter 357)

Assembly Bill 72 makes it a misdemeanor crime to fail to pay an administrative fine levied for a violation of air pollution control laws or regulations within 30 days after the fine is imposed. No penalty was specified under previous law for failing to pay such a fine.

A.B. 238 (chapter 38)

Assembly Bill 238 adds NRS 205.327 as an exception to the requirement that the personal goods or property of another which are stolen, taken or otherwise carried away must have a value of \$100 or more in order to constitute the crime of grand larceny.

Thus, the bill makes it clear that a person who uses an automatic teller card to intentionally obtain any amount of money to which he knows he is not entitled is guilty of grand larceny, a felony.

A.B. 277 (chapter 129)

Assembly Bill 277 prohibits a wholesale dealer from extending credit to a retail dealer for cigarettes or other tobacco products. The measure requires the department of taxation to investigate an alleged violation, give notice to

the alleged violator and conduct a hearing, if warranted. The bill also authorizes the department to assess a penalty for a violation of this provision, and specifies the penalty for first and subsequent violations.

A.B. 591 (chapter 466)

Assembly Bill 591 clarifies the distinction between burglary and trespass by stating that where the circumstances surrounding the criminal act do not amount to a burglary, a trespass is committed.

A.B. 592 (chapter 568)

Assembly Bill 592 expands the crime of burglary to include entry with the intent to commit assault or battery. A person convicted of burglary who possessed a deadly weapon during the commission of the crime shall be punished by imprisonment in the state prison for not less than 2 years nor more than 10 years, and may be further punished by a fine of not more than \$10,000.

A.B. 593 (chapter 631)

Assembly Bill 593 defines and establishes the crime of invasion of the home. A person who forcibly enters an inhabited dwelling place without the permission of the owner, resident or lawful occupant is guilty of invasion of the home. When the crime occurs in a vehicle or conveyance used as a residence, and the county in which the crime took place cannot be determined, the person accused of the crime shall be tried in any county through which the vehicle or conveyance travelled.

The offense is punishable by imprisonment in the state prison for 1 to 10 years and by a fine of up to \$10,000. For those convicted of possessing a deadly weapon during the invasion of the home, the minimum prison sentence is increased to 2 years.

A.B. 594 (chapter 567)

Assembly Bill 594 adopts a comprehensive theft statute. The measure defines which actions are considered theft and maintains that such actions constitute a single offense embracing the separate offenses known as larceny, receiving or possessing stolen property, embezzlement, obtaining property by false pretenses, issuing a check without sufficient money or credit, and other similar offenses.

Unless a greater penalty is established by a specific statute, the penalty for theft depends on the value of the property or services obtained. If the value is less than

\$250, the convicted person is guilty of a misdemeanor. If the value is greater than or equal to \$250, the person is guilty of a felony.

A.B. 616 (chapter 205)

Assembly Bill 616 repeals the prohibition against the sale of cigarettes containing cloves.

A.B. 629 (chapter 416)

Assembly Bill 629 defines and prohibits harassment. Harassment is said to occur when an individual threatens to cause another person bodily harm, to confine or restrain the person, or to damage his or her property. The person threatened must also be in reasonable fear that a threat may be carried out. Although those found guilty of the harassment are subject to misdemeanor or gross misdemeanor penalties, the person threatened may seek additional remedies. The court may prohibit a person charged or convicted with harassment from contacting the victim of the alleged offense, and may order him to stay away from the victim's home, place of employment or school.

The measure further prohibits the damage or defacing of cemeteries, educational facilities or places of worship. Damage to the grounds or to personal property within these facilities is also prohibited. Unless a greater penalty is provided by law, a person convicted of this offense is guilty of a gross misdemeanor.

A.B. 696 (chapter 558)

Assembly Bill 696 prohibits involuntary servitude and the sale or purchase of a person. Violation of this act is punishable by life imprisonment or for a definite term not less than 5 years. An additional fine of up to \$50,000 may be imposed. The bill further allows for the forfeiture of any money or property used or gained in the transaction. The measure also provides for the termination of parental rights of a person who sells or attempts to sell his or her own child.

A.B. 771 (chapter 452)

Assembly Bill 771 expands the crime of arson in the third degree to include the burning of any unoccupied personal property owned by the defendant in which another person has a legal interest. It also authorizes the imposition of court costs, the costs of providing fire and police services related to the crime of arson, and the costs of the investigation and prosecution of the crime.

A.B. 782 (chapter 408)

Assembly Bill 782 provides that the killing of a child by abuse is considered first degree murder.

In addition, when used in the context of child abuse or neglect, the term "substantial mental harm" is defined to mean an injury to the intellectual or psychological capacity or to the emotional condition of a child as evidenced by his or her inability to function normally.

The measure also revises the procedure concerning the certification of a juvenile as an adult for the purpose of trying the juvenile for murder. Further, any crime committed by a juvenile that arises out of the same facts as a murder or attempted murder is removed from the jurisdiction of the juvenile courts.

Modifications of Penalties

S.B. 24 (chapter 8)

Senate Bill 24 requires the imposition of a \$10 administrative assessment (in addition to the fine) for minor traffic offenses committed by juveniles. Offenses related to metered parking, however, are exempted. The money collected for administrative assessments is to be credited to a special account for use of the county's juvenile court or for services to juvenile offenders.

S.B. 333 (chapter 787)

Senate Bill 333 increases the penalty for instigating fights between animals or birds in an exhibition, or for amusement or gain, from a misdemeanor to a gross misdemeanor. If a dog is used in such a fight, the person must be punished by a prison term of between 1 and 6 years and may be further punished by a fine of not more than \$5,000. If the violator is an association, corporation or other organization, it may be punished by a fine of not more than \$10,000. A person witnessing any such fight is guilty of a misdemeanor.

The bill specifically does not prohibit the use of dogs for hunting or the management of livestock.

A.B. 30 (chapter 857)

Assembly Bill 30 establishes an additional penalty for any person who procures or solicits a minor as an agent to commit certain crimes related to controlled substances.

A.B. 31 (chapter 858)

Assembly Bill 31 establishes an additional penalty for a felony committed on a school bus and for certain crimes relating to controlled substances committed on or near the grounds of a school bus stop, school playground, public swimming pool, youth recreation center, video arcade or a campus of the University of Nevada System.

A.B. 92 (chapter 49)

Assembly Bill 92 provides mandatory penalties when a person violates an order for protection against domestic violence and the violation is accompanied by a violent physical act. In this instance, the court is required to:

1. Impose a fine of \$1,000 or require a minimum of 100 hours of community service;
2. Sentence the violator to imprisonment in the county jail for not less than 5 days nor more than 6 months;
3. Order the violator to reimburse the victim for costs and attorney's fees incurred by the victim in seeking to enforce the court's order and for all medical expenses incurred as a result of the violent physical act; and
4. Order him to participate in and complete a program of professional counseling, at his own expense, if such counseling is available.

The bill also provides that the order for reimbursement of the victim must be paid before the fine.

A.B. 112 (chapter 99)

Assembly Bill 112 creates the "serious or chronic offender" status in juvenile law. The court may determine that a child is a serious or chronic offender if the child:

1. Is at least 16 years of age and has been adjudicated on at least three separate occasions of having committed delinquent acts that would constitute felonies if committed by an adult; or
2. Has committed a delinquent act that would constitute manslaughter, battery causing substantial bodily harm, assault with a deadly weapon, sexual assault, armed robbery or kidnaping if committed by an adult.

The court is authorized to impose certain penalties, including electronic supervision and fines, on children within the purview of these provisions. The measure further

allows additional penalties for serious and chronic offenders and a minimum penalty for status offenders. The bill also prohibits a probation officer from acting as a master unless the proceeding concerns only a minor traffic offense.

A.B. 223 (chapter 78)

Assembly Bill 223 provides procedures for termination of employment or removal from office of an employee or officer of the state or any of its political subdivisions upon his conviction for sale of a controlled substance.

The employer is directed to terminate any employee who is so convicted. If an officer of a county, city or township is convicted of such an offense, the court is directed to remove him from office as part of his penalty. In the case of an elected or appointed officer of the state who is so convicted, the bill mandates that the judgment roll be filed with the secretary of state who is directed to lay it before the assembly at its next legislative session for the preparation of articles of impeachment.

The bill specifies that the prescribed penalties and procedures apply to employees or officers who are convicted on or after October 1, 1989. It also exempts justices and judges of the court system from its provisions because procedures for judicial discipline are provided in the constitution of the State of Nevada.

A.B. 339 (chapter 578)

Assembly Bill 339 clarifies that real property is subject to forfeiture if used by a tenant to facilitate certain crimes involving controlled substances. The measure also requires that the owner of the property be notified in such cases, and it expands unlawful detainer to include a tenant's violation of certain criminal statutes involving controlled substances on the leased property.

Whenever a person is arrested or convicted for violating criminal provisions concerning controlled substances, except for the unlawful possession of a controlled substance not for purpose of sale, and real property or a mobile home occupied by him as a tenant has been used to facilitate the violation, the prosecuting attorney is required to deliver a notice of the arrest or conviction to the owner of the property or mobile home. The notice must:

1. Be written in easily understood language;

2. Be sent by certified or registered mail, return receipt requested, to the owner at his last known address;
3. Be sent within 15 days after the arrest or judgment of conviction;
4. Identify the tenant and his offense; and
5. Advise the owner that:
 - a. The property or mobile home is subject to forfeiture pursuant to law, unless the tenant, if convicted, is evicted;
 - b. Any similar violation by the same tenant in the future may also result in the forfeiture of the property unless the tenant is evicted;
 - c. In any forfeiture proceeding based upon such a violation, it will be presumed that he will, by reason of the notice, have known of and consented to the unlawful use of the property or mobile home; and
 - d. Certain laws governing unlawful detainer authorize the supplemental remedy of summary eviction to allow him to recover his property or mobile home upon such a violation and provide for him to recover any reasonable attorney's fees incurred in doing so.

These provisions are not to preclude the commencement of a forfeiture proceeding or the forfeiture of the property or mobile home, whether or not the required notices are given as required, if otherwise authorized under existing forfeiture laws. A landlord also may pursue other actions for unlawful detainer should the court refuse to grant relief under the provisions of this bill.

The bill defines tenant as any person entitled under a written or oral rental agreement to occupy real property or a mobile home to the exclusion of others.

All real property and mobile homes used or intended to be used by any owner or tenant to facilitate a violation of criminal provisions relating to controlled substances, except for unlawful possession not for purpose of sale, including a dwelling unit of low-rent housing programs operated by a public housing authority, are subject to forfeiture under this act. The owner is disputably presumed to have known of and consented to that use if the required

notice has been given for another such violation. An exception to this presumption is made if, within 90 days after receiving the required notice of a conviction, the owner has given the tenant notice to surrender the premises or shows the court good cause for not evicting him. A holder of a lien or encumbrance on the property or mobile home is disputably presumed to have acquired the property without knowledge or consent of any illegal activity.

The measure further provides that a tenant for a term less than life is guilty of an unlawful detainer when he violates any of those laws relating to controlled substances. If the tenant is found guilty of this offense, the landlord may be awarded any reasonable attorney's fees incurred as a result of a hearing where the tenant contested the eviction.

A.B. 451 (chapter 778)

Assembly Bill 451 amends a provision which prescribes additional penalties for crimes against persons who are 65 years of age or older. The bill adds the crimes of embezzling or obtaining by false pretenses money or property worth \$250 or more to the list of crimes covered by this provision. This list already included the crimes of assault, battery, kidnapping, robbery, sexual assault and taking money or property from the person of another. When these crimes are committed against an elderly person, the term of imprisonment is double that which would be imposed if the crime were committed against another person.

A.B. 455 (chapter 273)

Assembly Bill 455 relates to Indian burial sites. The bill provides criminal and civil penalties for vandalism or destruction of an Indian burial site. It also provides penalties for the unauthorized possession of artifacts or human remains taken from an Indian burial on or after October 1, 1989, as well as public display or sale of human remains taken from an Indian grave.

In addition, the bill requires that the division of historic preservation and archeology of the state department of conservation and natural resources be notified of the discovery of an Indian burial site. It also establishes procedures for treatment of the site, including reinterment of the remains.

A.B. 576 (chapter 381)

Assembly Bill 576 amends the law which prohibits the publication of the name or race of a juvenile offender. The act allows the publication of this information if there has been a prior adjudication that a child has committed an offense

resulting in death or serious injury which would be a felony if committed by an adult.

A.B. 823 (chapter 390)

Assembly Bill 823 increases the penalty, from a misdemeanor to a gross misdemeanor, for willfully aiming a firearm at a person or discharging a firearm in a public place without injuring another person.

A.B. 836 (chapter 574)

Assembly Bill 836 requires the eviction of tenants living in public housing when they or someone residing with them is convicted of the possession, distribution or use of a controlled substance. Eviction is also required if a juvenile court determines that a minor residing with the tenant has committed:

1. A second violation of a law regulating the possession, distribution or use of a controlled substance; or
2. A single violation of such a law if he fails to enter and participate in an available rehabilitation program.

The measure specifies the procedures associated with notification of the tenant, contest of the directive to vacate the property, eviction, and appeal of the eviction.

Parole and Probation

S.B. 22 (chapter 6)

Senate Bill 22 limits the situations in which a juvenile probation officer has the powers of a peace officer to those situations when he is performing his duties pursuant to the Juvenile Courts Act, the Public Services For Children Act and sections 231.220 through 231.290 of the Pardons and Paroles Act of the NRS.

S.B. 514 (chapter 438)

Senate Bill 514 requires the court, when entering a judgment of conviction in a criminal case, to include a reference to the statute under which the defendant is sentenced and, if necessary to determine eligibility for parole, the applicable provision of the statute.

S.B. 546 (chapter 790)

Senate Bill 546 allows certain inmates to earn credits against a term of imprisonment for completing a vocational education program. In addition, it requires the adoption

of objective standards to be used in granting or revoking parole and probation.

The measure provides that an offender with no record of a serious infraction of prison regulations or state law is entitled to a deduction of 30 days from his remaining sentence for the completion of a vocational education and training program. The director of the department of prisons may authorize an additional 60 days of credit if the inmate completes the program with meritorious or exceptional achievement.

Under this bill, no offender has a right to be admitted to a program of education, vocational education and training, or offender rehabilitation. Moreover, the establishment of such programs or the failure to do so is not intended to create a basis for any cause of action against the state or its agents.

This act also requires the state board of parole commissioners to adopt, by regulation, objective standards for its decisions concerning granting or revoking parole. Similarly, the chief parole and probation officer must adopt such standards for his recommendations regarding the granting of probation or the revocation of parole or probation. The bill specifies criteria for establishing these standards.

The board and the chief are directed to report to each legislature on the number and percentage of their decisions or recommendations which conflicted with the standards and on any recommendations regarding the standards.

The bill declares that no person has a right to parole or probation and that the establishment of related standards do not create a basis for any cause of action against the state or its agents.

District courts are required to consider the standards adopted by the chief parole and probation officer and his recommendation, if any, in determining whether to grant, continue or revoke probation.

The initial parole and probation standards adopted under this act become effective on January 1, 1990, or 10 days after they are adopted, whichever is later. The board and the chief must adopt the standards before January 1, 1990, or as soon thereafter as practicable.

A.B. 887 (chapter 794)

Assembly Bill 887 requires the state board of parole commissioners to consider the parole of a prisoner whose death is imminent if the prisoner is statutorily eligible for parole. The physician providing medical attention to the prisoner must find and certify that the prisoner is ill and expected to die within 6 months, and the finding must be confirmed through examination by two physicians in private practice who are not associated with the department of prisons. If eligible, the prisoner may be paroled but only under intensive supervision.

For the purposes of this act, a prisoner is statutorily eligible for parole if he is not sentenced to death; is not sentenced to imprisonment without the possibility of parole; and has served one-third of his sentence, less good time credits, or 1 year, whichever is longer.

A.B. 946 (chapter 819)

Assembly Bill 946 allows certain persons who have been granted an honorable discharge from probation to apply to the department of parole and probation to request a petition to the court for restoration of his civil rights. If the department refuses, the applicant may petition the court directly. He must be informed of this privilege in his probation papers.

A person with an honorable discharge from probation, who has had his civil rights restored by the court, is exempt from registering with the sheriff or police department, except in the case of sex offenders; must disclose the conviction if required in an application for employment, license or permit with a gaming establishment or the state; and may have the prior conviction used for purposes of impeachment.

Victims of Crime

S.B. 436 (chapter 659)

Senate Bill 436 provides for the confidentiality of information obtained by a compensation officer in the investigation of a claim by a crime victim for compensation and requires compensation officers to receive instruction in the methods of interviewing victims of crime. The measure also authorizes compensation payment to a specified member of the victim's household for psychological counseling needed as a result of the crime of murder.

In addition, the bill makes several changes which concern minor victims of abuse. It allows a minor victim of sexual

abuse to apply for compensation until the victim attains 21 (rather than 18) years of age. The measure prohibits anyone--minor or adult--from abusing or neglecting a child and defines "substantial mental harm" to a child. The bill also makes various changes concerning the punishment and eligibility for parole or probation of a person convicted of attempting to engage a minor in acts which would constitute the infamous crime against nature.

A.B. 69 (chapter 21)

Assembly Bill 69 relates to domestic violence. It requires a peace officer to attempt to determine which person was the primary physical aggressor in cases where the peace officer has probable cause to believe that a mutual battery took place. If the peace officer determines that one of the persons was the primary physical aggressor, he is not required to arrest any other person.

The bill specifies criteria to be used by the peace officer in determining whether a person is a primary physical aggressor. It also requires that he include in the report of the case his reasons for determining that one of the persons involved in a mutual battery was the primary physical aggressor.

A.B. 70 (chapter 35)

Assembly Bill 70 requires a peace officer, when investigating an act of domestic violence, to make a good faith effort to explain the circumstances under which he must make an arrest, prepare a report and compile statistics concerning allegations of domestic violence pursuant to NRS 171.137. He also is directed to advise the victims of all reasonable means to prevent further abuse, including the availability of shelter and other community services.

In addition, the bill directs the peace officer to provide a person suspected of being the victim of domestic violence with a written informational statement, and it specifies the format and content of the statement. The measure provides, however, that the failure of a peace officer to give an explanation or a written statement is not a defense in a criminal prosecution, nor may such an omission be considered as negligence or as causation in any civil action against the peace officer or his employer.

A.B. 389 (chapter 322)

Assembly Bill 389 amends the laws relating to the payment of restitution to victims of crime. The act requires that, when a court sentences a person to a term of imprisonment, it must set the amount of restitution due to each victim of

the crime, if restitution is appropriate. Previously, the amount of restitution was set by the director of the department of prisons.

The act also requires that when an offender is placed on parole, the state board of parole commissioners must provide for the assignment of the parolee's wages for the payment of restitution, unless it finds that restitution is impracticable.

A.B. 411 (chapter 740)

Assembly Bill 411 clarifies the state's right of subrogation with regard to awards under the program for compensation of victims of crime. A person who has received an award through this program, and obtains a recovery from another source, is required to report the amount of the award, less attorney fees and related costs, to the department of administration. The person receiving the additional award must repay the State of Nevada either the amount awarded through the victims of crime program or the amount recovered, less attorney fees and costs, whichever amount is lower.

A.B. 412 (chapter 109)

Assembly Bill 412 addresses the program of compensation for victims of crime. The bill requires that compensation officers be employed in the state classified service.

The measure provides that these compensation officers are to be located in the hearings division of the department of administration. They are responsible for conducting investigations to determine applicants' eligibility to receive awards as victims of crime.

A.B. 426 (chapter 105)

Assembly Bill 426 eliminates a restriction from the law relating to the fund for the compensation of victims of crime. The restriction provided that money deposited in the fund from the civil penalty imposed on persons convicted of driving under the influence of alcohol or controlled substances and the interest and income earned on that money be accounted for separately from the rest of the fund and used for compensation of victims who are physically injured or killed as a result of a crime committed by a defendant while driving under the influence.

A.B. 514 (chapter 413)

Assembly Bill 514 increases the basic allocation of grant money to counties for assistance of victims of domestic violence. The basic allocation is increased from \$5,000 to \$7,000 in a county whose population is less than 100,000;

and from \$25,000 to \$35,000 for counties whose population is 100,000 or more. These allocations must be increased or decreased for each fiscal year after June 30, 1990, by the same percentage that the amount deposited in the account for aid for victims of domestic violence during the preceding fiscal year is greater or less than \$791,000.

A.B. 746 (chapter 623)

Assembly Bill 746 allows a victim to appear personally or by counsel at the sentencing of a defendant to reasonably express any views concerning the crime, the person responsible, the impact of the crime on the victim and the need for restitution. The prosecutor shall notify the victim of the sentence hearing. Any defect in notice or failure of the victim to appear are not grounds for an appeal or the granting of a writ of habeas corpus or petition for post-conviction relief.

COURTS AND PROCEDURES

Summaries within the topic of "Courts And Procedures" are categorized under the following subheadings:

1. General Procedures for Courts; and
2. Structure of Court System.

General Procedures for Courts

S.B. 29 (chapter 225)

Senate Bill 29 increases the threshold for mandatory arbitration from \$3,000 to \$15,000 in civil actions for damages for personal injury, death or property damage arising out of the ownership, maintenance or use of a motor vehicle.

The bill also eliminates the requirement that the mutual consent of the parties be obtained before such actions are submitted to arbitration in justice court.

S.B. 68 (chapter 44)

Senate Bill 68 permits the affidavit of an expert to be used in lieu of his testimony in an administrative or criminal proceeding to establish the quantity of a controlled substance. Existing law, however, provides instances in which the defendant may demand that the expert testify rather than allowing submittal of his affidavit.

Senate Bill 29 increases the threshold for mandatory arbitration from \$3,000 to \$15,000 in civil actions for damages for personal injury, death or property damage arising out of the ownership, maintenance or use of a motor vehicle.

The bill also eliminates the requirement that the mutual consent of the parties be obtained before such actions are submitted to arbitration in justice court.

S.B. 233 (chapter 328)

Senate Bill 233 provides for the acceptance of a subpoena by an oral promise to appear. The person who accepts the oral promise must identify himself to the witness by name and occupation, note the date on which the promise was made and identifying information given by the witness, and must execute a certificate of service.

S.B. 304 (chapter 310)

Senate Bill 304 exempts persons employed to monitor persons sentenced to terms of residential confinement from the provisions of the private investigator's licensure law.

S.B. 343 (chapter 849)

Senate Bill 343 directs public utilities, other than those furnishing telephone service, to provide a list of the names and addresses of their customers for use in selecting jurors when so requested by a district judge or jury commissioner. The measure applies in all Nevada counties except Clark, and it requires reimbursement for the reasonable costs of compiling the lists.

S.B. 515 (chapter 627)

Senate Bill 515 extends the limit on the period in which a person may be prosecuted for the sexual abuse of a child from until the victim attains 18 years of age to when the child reaches 21 years of age.

A.B. 100 (chapter 765)

Assembly Bill 100 addresses where and for how long children alleged to be in need of supervision or delinquent may be detained by law enforcement agencies. It provides that children under the age of 18 years who are not alleged to be in need of supervision or delinquent must not be detained in a juvenile secure facility or an adult jail. Only children alleged to be delinquent may be detained in an adult facility, but only if there is no alternative facility available and they are separated by sight and sound from adult offenders.

The measure provides for informal supervision by a probation officer of a child alleged to be delinquent or in need of supervision if the child voluntarily admits his participation in the act for which he was referred to the probation officer. If the act for which the child was referred would constitute a gross misdemeanor or a felony, the district attorney must consent to informal supervision. The period of informal supervision must not exceed 180 days. The child and his parent, guardian or custodian may refuse informal supervision and may terminate the agreement at any time and request the filing of a petition for formal adjudication. An agreement for informal supervision may require a child to perform public service or make restitution to the victim.

Additionally, the bill requires that a petition alleging that a child is in need of supervision contain a list of local programs to which he or she was referred, and efforts taken in the community to modify the child's behavior. A

youngster may not be judged to be in need of supervision unless the court finds that reasonable efforts were taken in the community to assist the child in ceasing the offensive behavior.

Detention hearings must be granted, upon written request, within 24 hours. In counties whose population is less than 100,000, the hearing must be given within 24 hours of the detention; in counties with more than 100,000, the hearing must be held within 6 hours of the detention. Procedures are established to expedite the release of alleged delinquents unless the detention hearing establishes that the child should remain in custody.

Counties whose population exceeds 20,000 may establish alternatives to placing a child in a detention home. The state board of education is required to approve courses of instruction and adopt regulations governing children held in alternative programs.

The measure also amends Senate Bill 55 (chapter 669) of the 1989 session. The amendments specify the method of counting handicapped minors enrolled in special education programs for the purpose of calculating basic support funds for school districts.

A.B. 165 (chapter 168)

Assembly Bill 165 requires persons convicted of sex offenses to submit to a blood and saliva test. The results of these tests are to be submitted to the central repository for Nevada records of criminal history within the Nevada highway patrol division of the department of motor vehicles and public safety.

The bill also authorizes courts to order the testing of blood and saliva whenever it is relevant in a civil or criminal action to determine the parentage or identity of any person or corpse.

A.B. 167 (chapter 208)

Assembly Bill 167 relates to civil procedures associated with attachment of personal property. The measure requires the sheriff, if so directed by the plaintiff, to transport by means of specified operators and carriers the attached property for storage in a warehouse or storage yard that is insured or bonded in an amount not less than the full value of the property. The stored property must be segregated from other property and marked to indicate that it is in the custody of the sheriff.

A.B. 272 (chapter 89)

Assembly Bill 272 permits public attorneys to represent indigent persons if:

1. The attorney first receives the permission of his supervisor;
2. The interests of the indigent person do not conflict with the interests of the state or the attorney's employer;
3. The representation is provided through or is in association with the organization that provides free legal assistance to indigent persons; and
4. The attorney receives no compensation for the representation.

The bill also allows indigent persons to obtain reporting, recording or transcription of a civil case at the expense of the county, at a reduced rate as set by the county, if the court determines that this action would be helpful to the adjudication or appellate review of the case.

A.B. 291 (chapter 60)

Assembly Bill 291 clarifies the authority of the attorney general to prosecute certain criminal actions and deletes the requirement that the attorney general obtain leave of the court before instituting criminal proceedings.

This bill also allows the attorney general to prosecute persons who act in concert with, whether as a principal or accessory, a person who commits a crime while confined in or committed to an institution or facility of the department of prisons. Existing law grants the attorney general jurisdiction to prosecute a crime committed by the inmate.

A.B. 307 (chapter 218)

Assembly Bill 307 provides that, to collect punitive damages in a civil case, the plaintiff must prove by clear and convincing evidence that the defendant has been guilty of oppression, fraud or malice. The bill also limits the amount of punitive damages to \$300,000 or three times the amount of compensatory damages awarded, whichever is greater.

The limitation on the amount of punitive damages does not apply to actions against the following:

1. A manufacturer, seller or distributor of a defective product;
2. An insurer who acts in bad faith regarding its obligations to provide insurance coverage;
3. A person violating federal or state law regarding discriminatory housing practices, if the law provides for damages in excess of the limits;
4. A person for damages or an injury caused by the emission, disposal or spilling of a hazardous material; or
5. A person for defamation.

The bill does not apply to actions against a person guilty of driving under the influence of alcohol or drugs.

The act is effective upon passage and approval but does not apply to punitive damages awarded before that date (May 30, 1989).

A.B. 343 (chapter 157)

Assembly Bill 343 requires a material witness who has been detained to be brought before a judge or magistrate within 72 hours after the beginning of his detention. The judge or magistrate shall determine if the amount of bail required should be modified and if detention should continue, and shall set a schedule for periodic review of these actions.

A.B. 382 (chapter 233)

Assembly Bill 382 provides for the use of a simplified procedure in a civil action in which the amount in controversy, excluding attorney's fees, interest and costs of suit, is between \$2,500 and \$15,000. The parties to the action may stipulate, pending acceptance by the court, that the matter be dealt with as a summary proceeding. The bill establishes the procedure to be followed for the summary proceeding.

No party may conduct discovery, and the judgment of the court is not subject to appeal. The measure specifies the established court rules and procedures that apply to any summary proceeding. In addition, the supreme court or each district court is required to adopt rules for setting summary proceeding trials and other necessary rules for this procedure.

A.B. 432 (chapter 340)

Assembly Bill 432 expands the list of fees and expenses that a successful litigant may recover for a civil action. These costs include fees of a court bailiff required to work overtime; reasonable costs for long distance telephone calls, photocopies, postage, telecopies, travel and lodging; and other necessary expenses related to the action.

The measure also increases the maximum fee allowed to be paid to each expert witness from \$750 to \$1,500. The court may allow a fee in excess of \$1,500, but the measure deletes the requirement for a separate hearing to determine if the larger fee is warranted.

A.B. 467 (chapter 220)

Assembly Bill 467 requires the court to consider whether an applicant for a name change has been convicted of a felony. Among other things, the court must rescind its order granting a name change if an applicant falsely denied having been convicted of a felony. The court clerk, in this situation, must transmit a certified copy of the order rescinding the previous order to the state registrar of vital statistics and the central repository for Nevada records of criminal history for inclusion in the applicant's records.

A.B. 509 (chapter 156)

Assembly Bill 509 limits the executor of an estate to contracting with an agent or broker for a commission on the sale of real property only. It eliminates the restriction on the maximum commission that an executor or administrator may pay for the sale of personal property of the estate.

A.B. 523 (chapter 158)

Assembly Bill 523 requires that retirement benefits claims of supreme court justices, district court judges, and their surviving spouses, along with travel claims of district judges, be submitted to the court administrator instead of the clerk of the supreme court.

A.B. 553 (chapter 223)

Assembly Bill 553 adds new provisions to Nevada law regarding the sentence of death. The measure requires the court in which the sentence was obtained to issue a new warrant of execution following the denial of an appeal to the supreme court. If no legal reason exists prohibiting the execution of the judgment, the court must make and enter an order requiring the director of the department of prisons to execute the judgment during a specified week.

The bill also clarifies that the entry of a stay of issuance of a remittitur in the supreme court does not prohibit the issuance of a warrant of execution by the district court in which the conviction was obtained. To stay the execution of a sentence of death following the denial of an appeal to the supreme court, the person must apply for and obtain a stay in the federal court or by post-conviction relief under state law in NRS 176.487.

A.B. 554 (chapter 204)

Assembly Bill 554 requires an applicant for post-conviction relief to answer certain questions by relating specific facts and limiting the response to five handwritten or typewritten pages in length.

An applicant may petition the district court for post-conviction relief and, if the application is denied, may appeal to the supreme court within 30 days after the date of service of the notice of the entry of the order or judgment.

The State of Nevada is made an interested party in proceedings for post-conviction relief. If the district court grants such relief and orders the discharge or a change in custody of the petitioner, then the state, through the district court or the attorney general, or both, may appeal to the supreme court from the order of the district court within 30 days after service by the court of the notice of entry of the order. The clerk of the district court must certify and transmit to the supreme court the record on appeal, including a transcript of any evidentiary proceedings, if either the appellant or respondent demands it. The district court must require its court reporter to expedite the preparation of the transcript in preference to any request for a transcript in any civil matter.

The petitioner has the burden of pleading and proving specific facts that demonstrate good cause for the petitioner's failure to present the claim or for presenting the claim again and actual prejudice to the petitioner. The petitioner must include in the petition all prior proceedings in which the same conviction or sentence was challenged. The court may dismiss a petition that fails to include any prior proceedings.

A.B. 555 (chapter 176)

Assembly Bill 555 clarifies the period of time during which the death penalty must be executed. The district court is required to designate the week within which the execution is to take place, the first day of the week being Monday and the last day Sunday. The director of the department of

prisons is to execute the sentence within that week, unless the execution is stayed by a court of appropriate jurisdiction.

A.B. 663 (chapter 677)

Assembly Bill 663 requires that certain information be set forth in a petition for the compromise of a claim of a minor, including: the name, age and residence of the minor; the facts which bring the minor within the purview of the compromise claim section of state law; the names and residences of the parents or legal guardians of the minor; the name and residence of the person having physical custody or control of the minor; whether the petitioner believes the acceptance of the compromise is in the best interest of the minor; and the total amount of the proceeds of the proposed compromise and the apportionment of those proceeds.

If the claim involves a personal injury suffered by the minor, the petitioner must submit all relevant medical and health care records to the court at the compromise hearing.

If the court approves the compromise, the parent or guardian to whom the proceeds of the compromise are ordered to be paid must establish a blocked trust account with the proceeds of the compromise, and within 30 days after receiving the proceeds, file with the court proof that the blocked trust account has been established. If the account balance exceeds \$10,000, annual reports concerning the activities of the account must be filed with the court by the person responsible. The court may require periodic reports concerning the activities of accounts below \$10,000. The court may hold a hearing on a verified report.

A.B. 677 (chapter 230)

Assembly Bill 677 requires an attorney who represents a person who is a party to an action pending before any court to perform certain functions if the person should die before the matter is decided. The attorney must, within 90 days after his client's death, file a notice of death and a motion for substitution of a party with the court and cause a copy of that notice and motion to be served upon every other party to the action.

The measure also allows the court, upon motion, to impose sanctions it considers appropriate, including costs and attorney's fees, against an attorney who fails to comply with these provisions.

A.B. 710 (chapter 279)

Assembly Bill 710 increases the fees collected in most civil cases for the support of legal services for the indigent and elderly from \$7 to \$18. Of this amount, \$10.50 is to be used to provide legal services for the indigent and \$7.50 to provide legal services to the elderly. The fee collected in divorce cases remains at \$7.

A.B. 735 (chapter 419)

Assembly Bill 735 amends the laws relating to the enforcement of judgments. The bill authorizes the examination of a judgment debtor outside court by an attorney representing the judgment creditor and specifies certain procedural requirements for such examinations.

A.B. 855 (chapter 420)

Assembly Bill 855 clarifies that an appeal to district court from a municipal court is for a new trial. Otherwise, the practice and proceedings in the municipal court must conform, as nearly as practicable, to those of justices' courts in similar cases. The municipal court must be treated and considered as a justice's court when its proceedings are called into question.

A.B. 893 (chapter 539)

Assembly Bill 893 revises the provisions governing the execution on and security for the satisfaction of judgments. The measure requires the sheriff to serve notice to judgment debtors and defendants of the attachment or garnishment of their property by regular mail on the next business day after the writ of execution was served.

The bill specifies the contents of the notice, requiring that it describe the types of property exempt from execution and explain the procedure for claiming those exemptions.

A.B. 897 (chapter 640)

Assembly Bill 897 revises the provision requiring an offender to pay for the analysis of a controlled substance. When a defendant pleads guilty or is found guilty of any violation relating to a controlled substance and an analysis of a controlled substance was performed, the court is required to include in the sentence an order that the defendant pay the sum of \$50 as a fee for the analysis of the controlled substance. The money collected for the analysis must be stated separately in the judgment of the court or on the court's docket.

A.B. 912 (chapter 538)

Assembly Bill 912 authorizes the district courts to issue orders for the use of a pen register or trap and trace device upon the application of a district attorney, the attorney general or their deputies supported by an affidavit of a peace officer under the provisions of federal law. The bill defines "peace officer" and provides immunity to public utilities that use pen registers or trap and trace devices in accordance with the order of the court.

Structure of Court System

S.B. 185 (chapter 824)

Senate Bill 185 increases the amount of support for the National Judicial College by allowing up to \$300,000 per year to be credited to its trust fund from interest and income earned on money in the fund. Earnings in excess of the allowable amount, which previously was set at \$200,000 per year, will continue to be credited to the state general fund.

The measure also creates a trust fund for the National College of Juvenile and Family Law. The interest and income earned on the money in the trust fund, in an amount not exceeding \$100,000 per year, must be credited to the fund. Any interest and income earned in excess of this amount per year goes into the state general fund.

The act also makes separate appropriations, each in the amount of \$1,250,000, to the trust funds for the National Judicial College and the National Judicial College of Juvenile and Family Law. Each appropriation is conditioned upon the donation of an equal amount of money from other sources on or before June 30, 1991. If this condition is not met, the appropriation to that particular trust fund reverts to the state general fund.

A.B. 54 (chapter 36)

Assembly Bill 54 extends certain provisions concerning operation of juvenile courts in counties having a population of 250,000 or more to those counties whose population is 100,000 or more.

The bill moves juvenile courts in counties having a population between 100,000 and 250,000 into a category within which the juvenile services system is administered by a director of juvenile services, rather than its being managed directly by the judges. Also, as a result of being placed

in the new category, the composition of the probation committee is modified, and the probation officers within the juvenile services system are afforded the statutory right to a hearing before being dismissed.

A.B. 498 (chapter 169)

Assembly Bill 498 authorizes a justice of the peace in a township with a population of 100,000 or more to appoint a referee. The referee may take testimony and recommend orders and a judgment in small claims cases, and misdemeanor cases of violations of traffic laws or ordinances, except cases involving driving under the influence of alcohol or drugs.

The referee must have the same qualifications required for a justice of the peace. Orders or judgments recommended by the referee must be confirmed by the justice of the peace. Copies of findings of fact, conclusions of law and recommendations made by the referee must be furnished to each party in the case. A party may file a written objection within 5 days after receiving them. If an objection is filed, the justice of the peace may hear the case again, or, if both parties agree, review the case on the record. Otherwise, the justice of the peace must confirm the judgment recommended by the referee, unless it is clearly erroneous.

The referee is to be paid one-half the hourly rate received by a justice of the peace.

The bill also provides for a \$20 fee to be charged for filing and processing each bail or property bond. Previous law provided for a \$10 fee for filing a bail bondsman's power of attorney and \$10 for filing a bond satisfaction or forfeiture.

A.B. 525 (chapter 155)

Assembly Bill 525 requires a district judge to notify the court administrator, as well as the governor, of his resignation. The governor shall notify the court administrator as soon as practicable upon his acceptance of the resignation or retirement of a district judge.

A.B. 636 (chapter 444)

Assembly Bill 636 increases the number of district judges in the second judicial district in Nevada from 9 to 10. The additional judge is to be elected in November 1990 and take office in January 1991. The bill also appropriates \$41,522 for the judge's compensation.

A.B. 701 (chapter 278)

Assembly Bill 701 increases the maximum size of a claim which may be adjudicated in small claims court from \$1,500 to \$2,500. The bill also provides for a \$30 fee for cases filed in small claims court where the amount in controversy is between \$1,500 and \$2,500.

A.B. 955 (chapter 712)

Assembly Bill 955 extends to the district court in every county the authority to designate a jury commissioner who is responsible for selecting jurors and who is empowered to make this selection from a computerized list. Under previous law, only courts in counties with populations of 100,000 or more were authorized to make this designation.

DOMESTIC RELATIONS

S.B. 11 (chapter 34)

Senate Bill 11 repeals NRS 125.161 which allows the former spouse of a military retiree to bring an action for the partition of military retirement benefits. The bill also terminates the jurisdiction of the district court over any action which is pending on the effective date of the act, and it declares the act to be effective upon passage and approval.

S.B. 182 (chapter 115)

Senate Bill 182 requires persons placing children in protective custody to show identification to those responsible for the child at the time he or she is taken. The identification card must contain a photograph of the person taking the child and the card must identify the person as an agent or officer of a law enforcement agency, an officer of the juvenile probation department or a designee of a protective services agency.

S.B. 237 (chapter 426)

Senate Bill 237 requires the establishment of centers for displaced homemakers in certain counties of Nevada. The measure:

1. Creates the board for the education and counseling of displaced homemakers consisting of five members appointed by the governor. One member must be a displaced homemaker and one must be a representative of business in the state;
2. Requires the establishment of a center for displaced homemakers in a county whose population is 250,000 or more (Clark County) to be administered by a public or nonprofit private organization selected by the board;
3. Requires the provision of various services to displaced homemakers, such as career counseling, job hunting skills, group counseling, health and financial counseling, and referrals to appropriate community agencies;
4. Imposes an additional \$15 fee on divorce actions filed in a county whose population is 250,000 or more (Clark County) to support the board and the center; and

5. Requires the board to report data and recommend any necessary legislation to the 1993 session of the Nevada legislature.

S.B. 332 (chapter 828)

Senate Bill 332 makes various changes concerning missing children. The measure requires a law enforcement agency to accept every report of a missing child, including a report made by telephone. After receiving such a report, the agency is directed to immediately conduct a preliminary investigation and classify the cause of the child's disappearance. Notice of the disappearance must be given to the National Crime Information Center within 15 days after receiving a report classified as a runaway child and within 24 hours in all other cases.

S.B. 388 (chapter 727)

Senate Bill 388 amends the statute prohibiting the removal of a child from a parent, guardian or other person having lawful custody or a right of visitation of the youngster. The measure provides that when a court order does not specify when the right to physical custody or visitation is to be exercised, it is unlawful to take a child without consent of the court or the persons who have the right to custody or visitation.

If the court has not made a determination regarding the custody of a child, a person who removes the youngster from another person who claims a right to custody or visitation with the intent to deprive that person of the custody or visitation is subject to felony penalties. An exception is provided if the child is in immediate danger of abuse or neglect and is removed for protective purposes.

Before an arrest warrant may be issued for a violation of this act, the court must establish the resident status of the child and make certain findings concerning the circumstances of his or her removal.

S.B. 429 (chapter 332)

Senate Bill 429 moves the statutory provisions relative to the granting of pregnancy leave from chapter 608 of NRS concerning compensation, wages and hours to chapter 613 which addresses employment practices. Thus, a violation of the law is declared to be an unfair employment practice.

S.B. 454 (chapter 364)

Senate Bill 454 requires the parents of a child to provide the youngster with necessary health care. Existing law is

amended to specify that the parents have a duty to provide the child with necessary maintenance, health care, education and support.

A.B. 3 (chapter 405)

Assembly Bill 3 authorizes the court to require a parent in arrears in the payment of child support to make a security deposit and allows the sale of the deposited assets if the payment of child support remains in arrears.

The court may designate the district attorney, another county officer or any other person as trustee with whom the assets must be deposited to secure future payments of child support. The trustee may sell or otherwise generate income from the deposited assets for an amount sufficient to pay the arrearage, administrative costs, attorney's fees and any amount currently due for the care, support, education and maintenance of the minor child. Procedures are established for the sale or use of assets. Provision is made for the obligor parent to dispute the claims of no payment and to oppose the sale or use of deposited assets.

The bill also requires a court to apply the formula for determining the amount of child support to uncontested cases involving the support of children, and requires the court to review an order for the support of a minor child at least every 3 years. A review may be initiated upon the filing of a request for review by a parent or legal guardian of the child or, if they have jurisdiction, the district attorney or the welfare division in the department of human resources.

A.B. 270 (chapter 170)

Assembly Bill 270 authorizes spouses to divide community assets, income and obligations into separate assets, income or obligations by written agreement or court decree. The purpose of this division is to allow one of the spouses who is about to enter a nursing home or is in need of community-based services to qualify for assistance. The agreement or decree may not be binding upon the welfare division in the department of human resources in making a determination of eligibility for aid to the medically indigent.

A.B. 296 (chapter 472)

Assembly Bill 296 adopts the Uniform Premarital Agreement Act governing contracts made between prospective spouses in anticipation of marriage. An agreement must be in writing and signed by both parties. Contracts may include spouses' rights and obligations concerning private property, as well as the disposition of property upon dissolution of the

marriage. Agreements also may establish levels of alimony or support; make a will or trust; establish ownership or disposition of a life insurance policy; or treat other matters within the limits of the law.

A premarital agreement becomes effective upon marriage and may be modified after marriage only by written agreement signed by both parties. Agreements are not enforceable if it is proven that agreement by one of the parties was involuntary or unconscionable, or that the party was not informed or was misinformed with regard to the property and financial obligations of the other party. Should the parties separate or the marriage dissolve, and one party is deemed eligible for public assistance, a court may require support payments to the extent necessary to avoid that eligibility, in spite of the terms of a premarital agreement.

A.B. 457 (chapter 359)

Assembly Bill 457 prohibits health insurers, health maintenance organizations and plans for dental care from issuing health insurance policies which discriminate against adopted children or children placed for adoption. The bill provides that these children are covered by the adoptive parents' policy when the adoption becomes effective or when the child is placed for adoption. The measure also provides for the reimbursement of noncontracted providers of health care for services rendered to newly born or adopted children and to children placed for adoption. The provisions of the bill apply to policies issued on or after October 1, 1989.

A.B. 508 (chapter 445)

Assembly Bill 508 requires a hearing master appointed by the court to issue a temporary order for child support pending resolution of a complex case. If the temporary order is issued in an action to establish paternity, the measure provides that the support be paid to the court clerk until the case is resolved.

The bill also prohibits an employer from refusing to hire a person because his wages are to be withheld to pay support.

A.B. 552 (chapter 320)

Assembly Bill 552 requires that a child support order provide for the withholding or assignment of the wages and commissions of the responsible parent unless good cause exists to postpone such action or all parties otherwise agree in writing.

Collection procedures must be initiated immediately for child support orders which contain a withholding order. For those orders in which there was not a withholding order, collection procedures must be initiated should the responsible parent become delinquent in making the support payment.

County district attorneys are required to inform parents requesting assistance in enforcing child support orders about procedures for attaching the federal income tax refunds of the nonsupporting parent.

A.B. 573 (chapter 248)

Assembly Bill 573 prohibits the placement of an infant in an adoptive home until the mother has executed a valid release or consent for the adoption. The measure restricts the appointment of a guardian for the child until the release or consent has been executed and until the welfare division of the department of human resources has completed a background investigation of the prospective adoptive parents. If the placement of a child is to be made in a home outside of Nevada, the welfare division must receive an investigative report concerning the prospective parents from the appropriate authority in the other state.

Adoptive parents who are subject to a background investigation by the welfare division or by a child-placing agency must submit fingerprints to the central repository for Nevada records of criminal history in the department of motor vehicles and public safety for submission to the Federal Bureau of Investigation.

A.B. 758 (chapter 711)

Assembly Bill 758 establishes an administrative procedure to expedite the enforcement of an order for the support of a dependent child.

The bill authorizes the chief of the program for the enforcement of child support of the welfare division in the department of human resources to serve a notice and finding of financial responsibility upon a parent. If the parent fails to file a written response and request for a hearing within 20 days of the date of service, the hearing officer may enter an order for support of a dependent child.

The parent must be sent a copy of the order, which is final upon approval by the district court. Unless an order for support is stayed by the district court, it is in full force and effect while any judicial review is pending. A hearing officer is authorized to establish the paternity of a child

for the purpose of determining support if both parents attest that the male parent is the father of the child. The hearing officer may enter an order that declares and establishes the person as the legal parent of the child if a response from the alleged parent is not received within a specified time.

A procedure is established for hearing cases contesting paternity, and for objections to orders for support. The district court may review the hearing on the record, and may reverse or modify the decision under certain circumstances. A procedure is also established for enforcing orders for support.

At any time after the entry of the order has been approved by the district court, the person entitled to support may request the existing order be modified.

Hearings must be conducted by a qualified hearing officer appointed by the administrator of the welfare division. The state welfare board, upon recommendation of the administrator, shall adopt regulations concerning the qualifications and duties of a hearing officer. Subpenas may be issued by the hearing officer or the attorney of record, and compliance with the subpoena may be compelled by the district court.

The act becomes effective on July 1, 1991 but the administrator, with approval of the state welfare board, is authorized to adopt, by regulation, the provisions of the bill before the effective date.

A.B. 783 (chapter 362)

Assembly Bill 783 requires the district court to consider the need to grant alimony to train and educate a spouse following the dissolution of a marriage. Among other factors, the court is required to consider the extent to which a spouse paying the alimony obtained greater education or job skills during the marriage, and whether the spouse receiving alimony provided financial support during this period.

If the court decides to award alimony for education or training, the measure provides that a specific time be set for the start of the education or training. Alimony may be granted to pay the costs of tuition, books and fees associated with obtaining a high school diploma, career-related college courses and other skill training courses for employment. The bill further provides that money also may

be granted for additional expenses related to the training, including career guidance, skill evaluation, testing and job searching.

A.B. 852 (chapter 544)

Assembly Bill 852 clarifies that the department of human resources shall administer all public welfare programs through its welfare division and requires the parents of a child committed to the custody of the division to pay the cost of care provided to the child.

The measure provides that the parents of a child placed in the custody of the welfare division are liable to the division for the cost of the child's maintenance and special services. The state welfare board must adopt regulations which establish reasonable repayment schedules for such parents, and the schedules must be based on the parents' income and other resources. The welfare division is authorized to waive any or all of the amount due if it determines that the parents do not have the ability to pay. If a parent refuses to pay the amount owed, the division may bring a civil action to recover the balance with interest. All revenue collected pursuant to this act must be deposited with the state treasurer for credit to the state child welfare services account.

The bill also removes the requirement that the welfare division provide maintenance and special services to handicapped children who are receiving specialized care, training or education.

A.B. 913 (chapter 537)

Assembly Bill 913 requires a copy of a court order or decree waiving a background investigation of prospective adoptive parents be sent to the welfare division of the department of human resources. The adoptive parents must send the copy of the order to the nearest office of the welfare division within 7 days after the order or decree is issued. A waiver may be issued by the court when one of the adoptive parents is related to the child within the third degree of consanguinity.

EDUCATION

S.B. 55 (chapter 669)

Senate Bill 55 requires eligible handicapped minors to be admitted at the age of 3 years to special programs established for such minors and provides for the count of these children for apportionment purposes. The bill is effective on July 1, 1990.

S.B. 74 (chapter 868)

Senate Bill 74 requires the board of trustees of each school district, in cooperation with associations of licensed educational personnel, to adopt a program providing accountability for the quality of the schools and educational achievement of pupils to the residents of the district. Each school district's board of trustees may either design its own program or adopt the Northwest Association of Schools and Colleges' program.

The program must require the board of trustees to report to the residents of the district at least annually concerning: educational goals and objectives; comparisons between current pupil achievement at each age and grade and that of previous years; pupil/teacher ratios for each grade and other data concerning licensed and unlicensed personnel; a comparison of the types of classes each teacher is assigned to teach along with each teacher's licensure and qualifications; total expenditures per pupil from each individual funding source; the curriculum, including any special classes; attendance and advancement records in all grades and graduation rates in high school; and efforts made to increase communication between parents and the district.

The bill requires school district boards of trustees to adopt a program of accountability by July 1, 1990, and to provide a copy and written report of the program to the superintendent of public instruction by February 1, 1991. The superintendent is required to submit these programs and reports to the 66th session of the Nevada legislature by March 1, 1991.

The measure appropriates \$100,000 for fiscal year 1989-1990 and \$170,000 for fiscal year 1990-1991 from the state general fund to the state board of education to implement this act. This money is to be allocated to the school districts on the basis of the number of pupils, but the state board may provide a minimum amount for each district regardless of pupil enrollment. Each school district is authorized to use

its funds only for administrative costs and must return any excess to the state board for reallocation as necessary.

S.B. 90 (chapter 876)

Senate Bill 90 authorizes the board of regents to administer a program of financial aid to students enrolled in nursing programs within the University of Nevada System. The measure sets specific academic standards and loan amounts and establishes terms for the repayment of loans. Loan application procedures are specified, and provisions are made for possible defaults.

The bill authorizes waivers of repayment if the person receiving the loan chooses to practice nursing in Nevada after graduation. One year of loans may be waived for each year of practice in Nevada, except in rural areas, for which 1 year may be waived for every 6 months served.

Upon receipt of \$200,000 from sources other than the State of Nevada, the legislature's interim finance committee is required to transfer \$50,000 to the board of regents for this program.

S.B. 164 (chapter 314)

Senate Bill 164 requires a person or educational institution claiming an exemption under the provisions of the Private Elementary and Secondary Education Authorization Act to file the exemption with the state board of education. The exemption expires 2 years after the last day of the calendar month in which the filing is made and it must be filed for renewal not less than 60 days before expiration.

The bill increases the initial application and renewal fees for licenses for elementary or secondary educational institutions and for an agent's permit. It also adds an application fee for a new license due to a change of ownership.

The act becomes effective on July 1, 1989, and it requires existing exemptions to be filed by October 1, 1989.

S.B. 219 (chapter 825)

Senate Bill 219 requires a school district to provide a legal defense for an employee charged by criminal complaint with assault, battery or a similar crime as a result of his actions in attempting to maintain a safe or peaceful school environment. The school district is prohibited from requiring a waiver of the attorney-client privilege as a condition of paying for the defense.

In these cases, the court is required to include in its judgment a finding on whether the employee's alleged criminal conduct was within the scope of his employment and whether it was malicious or wanton. This finding is to determine if the employee is liable to the school district for his defense costs.

The act becomes effective upon passage and approval and applies to any criminal action filed on or after the effective date.

S.B. 433 (chapter 333)

Senate Bill 433 revises the definition of "handicapped minor" to include children who demonstrate such outstanding talents or academic skills that they cannot progress effectively in a regular school program and, therefore, need special instruction or services.

The bill also extends programs for academically talented children to children gifted in areas other than academics.

S.B. 553 (chapter 610)

Senate Bill 553 provides state aid for school districts for the biennium. This measure raises the average basic support guarantee per pupil from \$2,655 in fiscal year 1989 to \$2,904 in fiscal year 1990 and \$2,962 in fiscal year 1991. The bill increases funding for adult high school diploma programs, including programs at the new maximum security prison in Ely.

This measure also provides an additional 81 special education units in fiscal year 1990 and another 109 units in fiscal year 1991. Special education unit funding is increased from \$24,000 to \$25,200. To comply with federal law, 55 of the units approved for fiscal year 1991 are designated for handicapped children at 3 and 4 years of age.

A.B. 90 (chapter 40)

Assembly Bill 90 prohibits county school districts from authorizing the removal of a student from the public school system solely for truancy.

A.B. 91 (chapter 37)

Assembly Bill 91 allows a county school district to enter into an agreement with a counseling agency to permit a truant child to be delivered to the agency. Previous law required the police or school officials to deliver a truant child to the school or, after school hours, to the parent or guardian. The bill defines counseling agency as one

designated by the school district to provide counseling for the child and parent or guardian.

A.B. 122 (chapter 118)

Assembly Bill 122 authorizes the issuance of revenue bonds to provide housing and dining facilities for students at the University of Nevada-Las Vegas and at the University of Nevada-Reno. The measure authorizes construction projects to remodel existing structures or to build new facilities for dormitories and dining facilities, as required, at both campuses.

The bill authorizes the board of regents to issue revenue bonds up to \$10 million for each campus. The debt incurred is to be retired from student fees, from income producing facilities of the university and from revenues associated with the buildings to be constructed. The measure also allows the bonds to be discounted. The act is effective upon passage and approval.

A.B. 125 (chapter 75)

Assembly Bill 125 requires public school teachers and pupils in occupational classes to wear protective eye devices while using power tools, torches or other dangerous equipment or machinery. The bill also requires teachers and pupils in science classes to wear protective eye devices when chemicals or toxic substances are used in those classes. Each school district must provide the protective eye devices to the teachers and pupils.

A.B. 310 (chapter 324)

Assembly Bill 310 authorizes a board of trustees of a school district to combine a school bond question and a school capital construction tax question into a single proposition for submission to the voters.

The measure also requires that certain money be applied toward the retirement of school district bonds. If money from the issuance of general obligation bonds is used to purchase furniture and equipment to replace existing furniture and equipment, the proceeds from any sale of the existing furnishings must be applied toward the retirement of those bonds.

A.B. 349 (chapter 98)

Assembly Bill 349 authorizes the admission into kindergarten of a child, regardless of his age, who becomes a resident of Nevada after beginning kindergarten in another state in

accordance with the laws of that state. Such a child may be admitted if a kindergarten has been established in his school attendance area.

The measure also authorizes the admission of a child, regardless of his age, who becomes a resident of Nevada after completing kindergarten or beginning first grade in another state in accordance with the laws of that state. Such a child may be admitted into the grade he was or would be attending had he remained a resident of the other state.

The bill provides, however, that a local school district may refuse admission if its board of trustees determines that the requirements of this law are being deliberately circumvented.

A.B. 395 (chapter 199)

Assembly Bill 395 allows a public school flexibility in enforcing prohibitions against any pupil who possesses a dangerous weapon while on school premises, at an activity sponsored by a school, or on any school bus. In such a situation, the pupil may, for the first occurrence, be suspended or expelled from the school for a period of one semester. For a second occurrence, the pupil must be permanently expelled from the school.

Expulsion for a period equal to one semester is added as a possible penalty for any student who commits a battery resulting in bodily injury to a school employee or sells or distributes any controlled substance while on school premises, at an activity sponsored by a school, or on any school bus.

The bill clarifies the definition of "dangerous weapon." It also provides that a teacher or administrator may grant approval for a pupil to have in his possession a knife or firearm only in accordance with policies or regulations adopted by the school district's board of trustees.

A.B. 488 (chapter 816)

Assembly Bill 488 revises the financial responsibility provisions of the law that allows any pupil who resides on an Indian reservation located in two or more counties to attend the school nearest the pupil's residence without regard to the school district of residence. A pupil who resides on an Indian reservation and attends school in another school district must be counted as being enrolled in the district in which he attends school for the purposes of apportionment of money. The bill further requires such a pupil to remain in that school for the full school year.

A school district which pays any additional costs of transporting a pupil to another district pursuant to this act is entitled to be reimbursed for those costs from the state distributive school account in the state general fund.

This measure does not apply to certain pupils who reside on an Indian reservation pursuant to a court order in another state. The pupils are those adjudged to be delinquent and committed to the custody of a public or private agency or institution.

A.B. 496 (chapter 624)

Assembly Bill 496 amends the state statutes relative to evaluation and employment of educational personnel. The measure specifies that the primary purpose of an evaluation is to provide a format for constructive assistance and that evaluations, while not the sole criteria, must be used in the dismissal process. The bill also shifts several dates and establishes others concerning employment practices associated with probationary employees.

In addition, the measure repeals statutory provisions relative to contract procedures for certain postprobationary employees.

A.B. 497 (chapter 385)

Assembly Bill 497 prohibits sports agents from engaging in certain activities. A sports agent is defined as a person who solicits a student athlete to enter into certain types of contractual relationships. The contractual relationships include any agreement between the agent and a student athlete in which the agent agrees to attempt to obtain employment for the athlete with a professional sports team; agrees to provide loans, money or other services or goods to further the athlete's career in professional sports; or agrees to represent the athlete in matters relating to his professional sports career.

The bill prohibits sports agents from engaging in the following activities:

1. Publishing false or deceptive advertising or other information;
2. Giving false information or making false promises concerning employment;
3. Offering anything of value to an employee of an educational institution in return for the referral of clients by the employee;

4. Offering anything of value to a person in return for entering into a contractual relationship with the agent;
5. Having a financial interest in an entity which is directly involved in the same sport as a person with whom the agent has entered into a contractual relationship; or
6. Offering advice to a person regarding the investment of money without first disclosing any financial interest which the agent has in any entity involved in the advice he is offering.

Violation of these provisions is a misdemeanor.

A.B. 517 (chapter 153)

Assembly Bill 517 provides that a postprobationary employee of a Nevada school district retains this status upon his employment by another school district in the state. Thus, such an employee must not be required to serve a probationary period in his position with the new school district. This act is effective on July 1, 1989.

A.B. 551 (chapter 881)

Assembly Bill 551 authorizes and directs the governor to execute the Interstate Compact for Education. This compact joins Nevada with 48 other states in the Education Commission of the States.

The bill contains the provisions of the compact, including the purpose, composition and powers of the commission.

The measure provides for Nevada to be represented by the governor, two senators appointed by the majority leader of the senate, two assemblymen appointed by the speaker of the assembly and two appointees by the governor.

A.B. 563 (chapter 382)

Assembly Bill 563 adds to the statutes a new chapter regulating collegiate athletics.

The bill provides that a person who knowingly causes a student athlete or a college or university to violate a rule of a national collegiate athletic association to which the institution belongs may be liable for damages if the violation results in disciplinary action against the athlete or institution. These damages may include lost revenues from ticket sales, television contracts, participation in

postseason tournaments and events, and any other revenue losses which the institution may suffer as a result of the disciplinary action.

The bill also regulates contractual relationships between sports agents and student athletes. These contractual relationships must be in writing, signed by the athlete and the agent, and must be notarized. If the agreement is signed during the student athlete's period of eligibility, then within 3 days after the agreement is entered into, a copy must be sent by registered or certified mail to the representatives of the institution which the athlete is attending. The athlete may, within 20 days, rescind the contractual relationship by giving the sports agent written notice.

The contractual relationship must contain a warning, the substance of which is provided in the bill. The warning must inform the athlete that by entering into the agreement, he may lose eligibility to compete in intercollegiate athletics and that his team may forfeit any games played after the agreement is entered into and may become ineligible for postseason competition. The warning must also tell the athlete that a copy of the contractual relationship is being sent to the president, athletic director and head coach of the institution which he is attending and must inform him of his right to rescind the agreement. Agreements entered into in violation of this bill are void and unenforceable.

A.B. 614 (chapter 510)

Assembly Bill 614 allows a high school student who successfully completes an approved college or university course to substitute the credit earned in that course for a course required for high school graduation.

The bill requires the board of trustees of each county school district, with the approval of the state board of education, to determine the college or university courses in this state which may be substituted for courses required for high school graduation and the amount of credit allowed for the completion of those courses. Occupational courses for academic credit are to be included.

The measure prohibits the state board from approving any course instructed by a person not qualified for a secondary education license or its equivalent as determined by the commission on professional standards in education.

A.B. 631 (chapter 331)

Assembly Bill 631 authorizes, under certain circumstances, public school membership in an out-of-state association for interscholastic activities.

The bill requires that the rules and regulations of the Nevada interscholastic activities association must provide criteria for approval of requests made by public schools for authorization to join an interscholastic activity association formed in another state. For public schools which are members of such an out-of-state association, the measure authorizes the use of money in the school district fund for that membership and extends the limitation on liability provided for political subdivisions of this state.

A.B. 658 (chapter 880)

Assembly Bill 658 pertains to teachers' aides. It requires that licensed personnel be in the immediate location of and readily available to unlicensed personnel during the times when supervision is required. The measure also allows unlicensed personnel only to temporarily perform duties under administrative supervision which are not primarily instructional in nature.

The bill makes it unlawful, except in an emergency, for the board of trustees of a school district to allow a person employed as a teacher's aide to serve as a teacher unless the person is a legally qualified teacher licensed by the superintendent of public instruction. An emergency is defined as an unforeseen circumstance which requires immediate action and includes the fact that a licensed teacher or substitute teacher is not immediately available.

A formula is established for financial penalties against any school district which violates this provision, as determined by the superintendent of public instruction.

A.B. 702 (chapter 635)

Assembly Bill 702 makes various changes and clarifies certain definitions pertaining to private postsecondary educational institutions. It also allows the administrator of the commission on postsecondary education to authorize the employment of an agent and other noninstructional personnel.

Each institution is required to collect, maintain and post certain information for each program offered at the school that does not lead to a degree. The information relates to the success of these programs and must include the number

of students enrolled and graduated, as well as the number of graduates who have passed examinations or obtained employment.

The bill requires that a nonaccredited postsecondary educational institution offering any program of 300 or more hours of instruction, 18 or more quarter hours or 12 or more semester hours have a policy for cancellations and refunds for students enrolled in the program. The policy must conform to the provisions of the bill, unless the school's existing refund policy is more lenient.

The measure increases from \$5,000 to \$10,000 the amount of a surety bond filed with the administrator for any postsecondary education institution employing one or more agents. The bill requires the surety to provide indemnification only if and to the extent that the assets of the institution are insufficient, upon liquidation, to satisfy a student's claim for a refund.

The fee for a new license for a postsecondary educational institution is increased from \$300 to \$1,500. In addition, the administrator is required to collect from each licensed institution a fee equal to \$4 for each student who has paid tuition or registration fees. The administrator further is authorized to impose an administrative fine of not more than \$10,000 against a licensee, institution or agent for violations of the laws or regulations relating to private postsecondary educational institutions.

The measure appropriates \$31,550 in the first year and \$50,757 in the second year of the biennium to the commission on postsecondary education for its support.

The fee provisions become effective January 1, 1990, while the remainder of the bill is made effective July 1, 1989.

A.B. 711 (chapter 523)

Assembly Bill 711 requires that a grade given to a pupil by a teacher not be changed by the board of trustees of a school district unless the district has established and followed a procedure that allows the teacher an opportunity to substantiate the grade that was given.

A.B. 724 (chapter 704)

Assembly Bill 724 authorizes the issuance of revenue bonds to pay a portion of the cost of constructing an office and laboratory building at the University of Nevada-Las Vegas.

A.B. 745 (chapter 316)

Assembly Bill 745 exempts school districts and their officers from the payment of fees charged or collected by county clerks.

A.B. 752 (chapter 789)

Assembly Bill 752 relates to public education. The measure authorizes the creation of a general improvement district for the provision of facilities for public schools. The composition of the board of trustees for such a district is outlined. The maximum property tax rate which the board may levy is specified, as are the permissible uses of the resulting revenue. The bill limits the total bonded indebtedness of such a district and provides its general powers. The measure also allows a school district to transfer its tax rate and indebtedness related to facilities for schools to such a general improvement district.

A.B. 759 (chapter 862)

Assembly Bill 759 requires that textbooks selected for use in public school classes in history, literature or social sciences accurately portray the cultural and racial diversity of our society, including lessons on the contributions made by persons from various racial and ethnic backgrounds. This act applies to textbooks selected for use by the state board of education on or after July 1, 1990.

A.B. 853 (chapter 543)

Assembly Bill 853 authorizes the state board of education to accept and use gifts and grants in a total amount not to exceed \$70,000 to contract with the Nevada historical society for the writing, publishing and distribution of a Nevada history textbook for children in grades 3, 4 and 5. The bill requires the historical society to consult in the writing of the book with an advisory committee comprised of one historian and six elementary teachers who instruct the history of Nevada.

A.B. 934 (chapter 605)

Assembly Bill 934 authorizes the state board of education to accept and expend any gifts and grants received during the next 2 fiscal years to expand and promote its program to improve the basic literacy of adults in Nevada.

A.B. 935 (chapter 863)

Assembly Bill 935 creates the governor's advisory council on education relating to the Holocaust, consisting of 11 members appointed by the governor. The council is required to develop relevant education programs, advise and make reports

to public and private bodies statewide, and prepare to host the International Conference on the Holocaust in Nevada in 1991.

The bill appropriates \$50,000 from the state general fund to the advisory council to carry out its duties.

A.B. 962 (chapter 614)

Assembly Bill 962 authorizes the construction of a health sciences building at the campus of the University of Nevada-Las Vegas. The measure authorizes the board of regents of the University of Nevada System to issue up to \$10,763,000 in state general obligation bonds to pay the cost of the project. The board is also authorized to issue state securities not to exceed that amount. Additional security for the bonds is pledged by authorizing the board to issue general obligation securities payable from annual ad valorem taxes. The payment of those securities may be additionally secured by a pledge of the gross revenues credited to two capital construction funds for higher education.

A.B. 964 (chapter 864)

Assembly Bill 964, the "Class Size Reduction Act of 1989," expresses the legislature's goal of reducing the pupil-teacher ratio in the public schools, particularly in the earliest grades and in classrooms where the core curriculum is taught. The intent is first to improve the pupil-teacher ratio for kindergartens with the greatest need and for first grade classes, followed by significant improvement in the second grade classes while broadening kindergarten assistance, followed by improvement in the third grade while further extending the aid for kindergartens. After achieving a pupil-teacher ratio of no more than 15 pupils per teacher in the early grades, the legislature intends the pupil-teacher ratio to be reduced to 22 pupils per class in grades 4, 5 and 6, followed by a reduction to no more than 25 pupils per class in grades 7 to 12.

The measure requires that each school district's ratio of pupils per class in kindergarten and grades 1, 2 and 3 per licensed teacher designated to teach those classes full-time must not exceed 15 to 1 in classes where core curriculum is taught. Administrators, counselors, deans, librarians, specialists and teachers of art, music, physical or special education are not to be counted in determining the ratio.

After the last day of the first month of the school year, when the ratio is implemented, the school district may, within the limits of its plan for reducing class size,

assign a newly enrolled pupil to any existing class regardless of its number of pupils. The state board may grant a variance from this ratio for good cause, including the lack of financial support set aside for the reduction of pupil-teacher ratios. A report by the state board to the legislature is required, on or before February 1 of each odd-numbered year, explaining each variance granted during the preceding biennium, the data reported by the school districts pursuant to this act, and the current pupil-teacher ratios per class in kindergarten and grades 1, 2 and 3.

The state board is directed to determine, in consultation with the school districts' trustees and the recognized associations representing licensed educational personnel, after receiving comments from the general public, the data to be monitored, reported and used by the school districts to measure the effectiveness of their plans to reduce the pupil-teacher ratios. Before March 1, 1990, each school district, together with its recognized associations representing licensed educational personnel, must develop and submit to the state board a plan to reduce the district's pupil-teacher ratio in kindergarten and grades 1, 2 and 3, and a plan for specialized instruction in teaching methods for use in classes with reduced numbers of pupils.

The bill creates the "trust fund for class-size reduction" to be administered by the superintendent of public instruction. The superintendent is authorized to accept gifts and grants from any source for deposit in the fund. All legislative appropriations, gifts and grants made to the fund become part of the fund's principal, which is not to be expended without legislative approval. The interest and income earned from the money in the fund must be used to carry out the plans to reduce the pupil-teacher ratio per class in kindergarten and grades 1, 2 and 3 before it is used for any other purpose. On July 1, 1990, the statutory provisions relating to the "trust fund for the education of pupils," which contains estate tax money designated for enhancing the classroom instruction of pupils in kindergarten through grade 12 of the public schools, are repealed. All money in the trust fund for educating pupils and future deposits of the public schools' share of the estate tax money will be credited to the trust fund for reducing class size.

This measure requires that on or before December 1, 1989, the state board report to the governor and the legislative commission on the data it has determined will be monitored and used by each school district to measure the success of reducing the pupil-teacher ratio. On or before June 1,

1990, the board must report the school districts' plans to comply with this act and their programs for specialized instruction in teaching methods for smaller classes.

For fiscal year 1989-1990, the superintendent of public instruction is authorized to distribute \$2.5 million from the trust fund for the education of pupils. The sum of \$130,680 must be transferred to the University of Nevada System to provide 45 scholarships at the University of Nevada-Las Vegas and 45 scholarships at the University of Nevada, Reno, for qualified students pursuing teaching degrees. A total of \$450,000 will be used for specialized instruction in teaching methods specifically for use in classes with reduced numbers of pupils. Any balance of the \$450,000 remaining at the end of the fiscal year may be used for the same purpose during fiscal year 1990-1991. The remaining sum of \$1,919,320 is to be distributed to the school districts, in the same manner as the apportionment of the state distributive school account, for specific projects to benefit children which are supplementary to the regular educational programs. Any balance of the apportioned funds not committed for expenditure by the end of the 1990 fiscal year reverts to the trust fund for educating pupils.

This measure appropriates \$3,336,344 from the state general fund to the trust fund for class-size reduction for distribution by the superintendent of public instruction to the school districts in fiscal year 1990-1991. The sum of \$750,000 of the appropriation must be used in pursuit of the goal of reducing the pupil-teacher ratio to 15 to 1 in selected kindergartens with pupils who are at risk of failure. The other \$2,586,344 is for compliance with the required pupil-teacher ratio in first grade classes. Any balance of funds not committed for expenditure by the end of the 1991 fiscal year reverts to the trust fund for reducing class size.

In addition to the appropriation, the superintendent is authorized to distribute \$2.5 million in estate tax money from the trust fund for class-size reduction for use in fiscal year 1990-1991. Of the total amount for distribution, \$130,680 is to be transferred to the UNS to provide scholarships for university students pursuing teaching degrees. The sum of \$160,000 must be used for specialized instruction in teaching methods for small classes. The remaining \$2,209,320 will be distributed to school districts for use in complying with the required pupil-teacher ratio in first grade. Any balance of funds not committed for expenditure by the end of the 1991 fiscal year reverts to the trust fund for reducing class size.

EDUCATION (continued)

On or before May 31, 1990, the state board of examiners is directed to project the unappropriated balance of the state general fund, including any amount designated as reserved for stabilizing the budget, and the state distributive school account as of June 30, 1990. If the projected balance is at least \$96 million, the amount which exceeds \$96 million is contingently appropriated to the trust fund for class-size reduction for use in fiscal year 1990-1991 in pursuit of the goal of reducing the pupil-teacher ratio to 15 to 1 in first grade. This contingent appropriation may not exceed \$10,471,026.

The money authorized and appropriated in this act must be accounted for separately from any other money received by the school districts. It may not be used to settle or arbitrate disputes between a school district and its recognized employee organizations, or to settle any negotiations. Furthermore, the money may not be used to adjust the district-wide schedules of salaries and benefits of school district employees. Money for class-size reduction or related instruction in teaching methods is not to be distributed to any school district whose plans for achieving the required pupil-teacher ratio and providing specialized instruction in teaching methods for small classes have not been received by the state department of education.

ELECTIONS

S.B. 100 (chapter 22)

Senate Bill 100 requires that a special statewide election be held on May 2, 1989, for the purpose of allowing a vote of the public on proposed constitutional amendments. This date was selected to coincide with primary city elections. The bill appropriates \$253,500 from the state general fund to reimburse counties and Carson City for the extra costs involved to conduct the special election.

In separate actions, the Nevada legislature approved two proposed constitutional amendments which will be submitted to the voters at this special election. One amendment, Assembly Joint Resolution No. 34 of the 64th session, proposes to raise the limit of indebtedness of the state. The other proposal, Senate Joint Resolution No. 22 of the 64th session, would allow the taxation of minerals at a rate different than other property. By conducting a special election on these two matters in May 1989, instead of at the November 1990 general election, the legislature will be in a better position to make informed decisions concerning the state's budget and other funding proposals.

(Both proposed constitutional amendments were approved at the May 2, 1989, election.)

S.B. 116 (chapter 180)

Senate Bill 116 requires that the full text of each proposed constitutional amendment be included on all sample ballots. This provision, which formerly was a part of state law, will provide Nevada's voters with additional information concerning proposed amendments to the state constitution.

S.B. 174 (chapter 878)

Senate Bill 174 requires each candidate for state or local elective public office in Nevada to open and maintain a separate account for the deposit of his campaign contributions. The account must be opened within 1 week after he receives minimum contributions of \$100. The candidate may not commingle money in the account with money collected for other purposes. The candidate may close the separate account after losing the primary election, or after the general or a special election, as soon as all payments of money committed have been made. A candidate who willfully violates any of these provisions is guilty of a misdemeanor.

The measure also revises the dates for reporting election campaign expenditures which are made within 30 days after a general or special election.

S.B. 242 (chapter 423)

Senate Bill 242 requires that any information or printed material relating to an election campaign identify each person paying or responsible for its publication or dissemination. The name and mailing or street address of each such person must be contained in the information or material along with a statement of responsibility. Any person who willfully violates the provisions of this bill is guilty of a misdemeanor.

The provisions of the bill do not apply to the publication or dissemination of campaign material by a candidate, or the political party of that candidate, if only the name of that candidate is referred to and is prominently displayed. In addition, the bill's provisions do not apply if the material is expressly approved and paid for by the candidate, and he has reported the cost of material preparation and publication as a campaign contribution.

S.B. 243 (chapter 687)

Senate Bill 243 allows a registered voter to demand a recount of the vote for a ballot question. The voter is responsible for all of the costs of the recount unless it results in a different outcome of the election. Under previous law, a recount could be demanded only by a person concerning the office for which he was a candidate.

In counties or cities using a mechanical voting system, the person demanding the recount is allowed to specify the precincts which shall constitute the initial recount of 5 percent. The bill also prohibits more than one recount of the votes in a precinct for the same office.

S.B. 244 (chapter 756)

Senate Bill 244 revises certain provisions in state law which govern the preservation and destruction of election ballots. Ballots must be preserved after the canvass of votes of an election for 22 months instead of the previous requirement of 60 days. The bill adds unused ballots to the types of ballots and materials which must be preserved for a certain period of time after an election. The bill also specifies that all sealed materials must be destroyed immediately after the preservation period.

S.B. 406 (chapter 498)

Senate Bill 406 extends the provisions in existing elections law governing campaign practices and financial reporting to a committee created to recall a public officer. Each such committee must register with the secretary of state and disclose certain information. All expenditures or contributions exceeding \$500 made for the purpose of recalling a public officer must be reported in a manner similar to that which presently applies to candidates and other persons.

At the top of each page of a petition for recall, immediately above the signature line, the words "Recall Petition" must appear in at least 10-point bold type. The measure also provides that a person who misrepresents the intent or content of a petition for the recall of a public officer is guilty of a misdemeanor.

A.B. 2 (chapter 788)

Assembly Bill 2 repeals the "sunset" provision on legislation from the 1987 session which authorizes the department of motor vehicles and public safety to accept applications for voter registration ("motor voter" registration). The earlier legislation would have expired on July 1, 1989. The bill also appropriates \$33,800 from the state general fund to the department over the next biennium to cover costs related to the registration of voters.

A.B. 82 (chapter 90)

Assembly Bill 82 provides that if the location of a polling place has changed since the last election, affected registered voters must be notified of this change by the county or city clerk. The notification must be either a notice mailed to each registered voter or a statement in bold type printed on the sample ballot.

A.B. 109 (chapter 28)

Assembly Bill 109 changes the filing fees for elective candidates to certain district offices. Although the filing fee of \$75 for a district judge remains the same, the filing fee for all other district offices is declared to be \$15.

Previous law provided a \$15 filing fee for any district office for which the compensation is \$25 or less per month. The filing fee for all other district offices was set at \$75.

A.B. 118 (chapter 69)

Assembly Bill 118 clarifies the provisions in current state law which govern the inclusion of a person's residential address on his declaration or acceptance of candidacy for

elective office. The street address of the candidate's actual place of residence must be included, if one has been assigned. A post office box may not be listed by the candidate unless a street address has not been assigned to his place of residence.

A.B. 132 (chapter 100)

Assembly Bill 132 clarifies state law concerning the differences between major and minor political parties. The bill also clarifies which candidates for partisan public office advance to the general election, both before and after a primary election, depending upon the number of candidates running for each office from major and minor political parties. A technical provision of the bill concerns certain procedures to be used by counties when updating computerized voter registration lists.

A.B. 361 (chapter 188)

Assembly Bill 361 adds the office of county sheriff to the list of public offices in Nevada which are designated as nonpartisan. Previous law classified the following as nonpartisan: judicial offices, school offices, and members of boards of hospital trustees for public hospitals.

A.B. 394 (chapter 884)

Assembly Bill 394 adds several new provisions to Nevada's election laws, and also corrects certain technical matters in existing law. Among other things, the bill provides that each organization which wishes to qualify as a political party must file with the secretary of state a certificate of existence. A declaration of candidacy specifically designed for nonpartisan office is provided for in the bill. Provisions are added to state law which specify the persons who may inspect: (1) an application made by a registered voter for an absentee ballot; and (2) copies of county or city election computer programs. Certain dates, times and deadlines are revised in order to enhance the overall elections process. A resident who is attending school outside of the state is allowed to register or reregister to vote in Nevada under the same provisions which currently exist for residents in the service of the United States who are stationed out-of-state.

The measure provides a definition for "committee for political action." Each committee for political action must register with the secretary of state, identify its purpose and officers, and appoint and keep a resident agent in Nevada.

The bill also repeals the portions of previous law which made electioneering within 300 feet of the exterior of a

building containing a polling place a gross misdemeanor. (Several court cases have held this type of law to be unconstitutional.) A new provision added to state law is the requirement for a county health officer, upon presentation of a completed death certificate, to send a copy of the certificate or a certified list of deceased persons (at least 17 years of age at time of death) to the county clerk or registrar of voters of the county where the deceased had resided. The bill increases the term of office for a member of a town board from 2 to 4 years. Finally, the bill contains several other technical provisions and corrections affecting Nevada's election laws.

A.B. 501 (chapter 738)

Assembly Bill 501 makes various changes in state election law. The deadline for filing a declaration or certificate of candidacy before a primary election is changed from the first Wednesday in July to the second Tuesday in May. The bill changes several other filing deadlines and dates pertaining to elections. Certain provisions are revised concerning absentee ballots requested by persons residing outside of the United States.

A.B. 690 (chapter 448)

Assembly Bill 690 prohibits the use of the term "reelect" in an election campaign unless the candidate was elected at the most recent election to fill that same office. The bill also prohibits the use of the term "incumbent" unless the candidate was elected at the most recent election to fill that same office or was appointed to fill the office after the most recent election.

A.B. 703 (chapter 397)

Assembly Bill 703 prohibits changes in election precinct boundaries for an approximate 5-year period before the decennial census and until the legislature has been redistricted.

Certain exceptions are provided to allow precinct changes that result from a court order, compliance with the federal voting rights law, the incorporation of a new city, and annexations or changes in the boundaries of certain special districts that require elections. The boundaries of election precincts also may be changed to comply with the existing law in Nevada that requires boundaries to follow visible ground features. The measure further allows establishment of a new election precinct at any time if it lies entirely within the boundaries of an existing precinct.

The bill requires a county clerk, within 15 days, to send a map and description of any precinct boundary changes made during this time period to the legislative counsel bureau and the secretary of state. A county clerk also is required to maintain in his office an index of changes for precinct boundaries.

A.B. 717 (chapter 557)

Assembly Bill 717 establishes a time limit for the filing of a petition in a county or city initiative or referendum. A petition must be filed with the county or city clerk within 180 days after the commencement of circulation proceedings.

The bill also provides for the random sampling of the signatures on a petition in a city initiative or referendum. If more than 500 names are on a petition, the city clerk must examine at least 500 signatures or 5 percent of the signatures, whichever is greater. This provision parallels existing law concerning the random sampling of signatures by county clerks.

A.B. 854 (chapter 718)

Assembly Bill 854 makes various changes in state law pertaining to elections. County clerks are required to submit election precinct boundary maps to the secretary of state and the director of the legislative counsel bureau during May of every even-numbered year. The bill establishes the procedures to be followed if the precinct boundaries of a county do not follow visible ground features as required by existing law. Among other things, the secretary of state is authorized to establish appropriate precinct boundaries if a county fails to bring nonconforming boundaries into compliance with the law.

Other provisions of the bill include the requirement that election precincts be composed only of contiguous territory. The results of most elections must include the absent ballot vote for each precinct. The secretary of state is required to adopt regulations setting forth a standard method of mechanized reporting of the abstracts of the result and votes of an election.

FINANCIAL INSTITUTIONS

S.B. 120 (chapter 137)

Senate Bill 120 reduces the frequency of required meetings of directors of banking corporations. The bill requires directors to meet at least once each quarter, rather than monthly.

S.B. 204 (chapter 206)

Senate Bill 204 limits the required use of forms adopted by the commissioner of the division of financial institutions in the department of commerce relating to the sale of motor vehicles. The bill provides that these forms must be used only in cases in which the seller is a dealer and the application for credit is made through him. The prescribed forms need not be used in a sale to a buyer who purchases the vehicle for commercial use or resale. The measure also provides that if a change in federal or state law requires the commissioner to amend these forms, he need not comply with the administrative procedures act in making those amendments.

S.B. 292 (chapter 845)

Senate Bill 292 amends the definitions of "bank," "commercial bank" and "depository institution" in the law regarding banks and related organizations to make it clear that these terms include institutions chartered by either the Federal Government or the state. The measure also provides that the extension of credit to nonresidents does not constitute doing business in this state for purposes of this portion of the law.

In addition, the bill requires state chartered banks to pay license fees once each year. The law previously required the fee to be collected twice each year. The measure requires the fee payment to accompany the application for license renewal and provides for a 10 percent penalty for late payment. This bill further authorizes the commissioner of financial institutions in the department of commerce to require banks to furnish him with an audited financial statement prepared by a certified public accountant licensed to do business in Nevada.

The measure also allows a trust company to acquire the fiduciary rights and obligations of a bank, savings and loan association, thrift company, trust company or credit union.

FINANCIAL INSTITUTIONS (continued)

S.B. 382 (chapter 427)

Senate Bill 382 amends various provisions in the laws governing financial institutions and related businesses. The measure creates a special revenue fund for auditing financial institutions in which assessments, collected by the commissioner of the division of financial institutions in the department of commerce to pay for independent audits, must be deposited. A late fee of \$200 is imposed upon businesses making installment loans, debt adjusters, development corporations, issuers of instruments for the transmission or payment of money, and thrift companies which fail to pay their annual license renewal fees on time. A late fee of \$5 per day up to \$500 is imposed upon development corporations and savings and loan companies which do not file their annual report on time.

S.B. 385 (chapter 264)

Senate Bill 385 expands the authority of financial institutions to charge customers for services. The bill allows a financial institution to charge for any service it provides to a customer. The fee or charge must be clearly and conspicuously disclosed to the customer in writing. The institution must inform customers of any increase in a fee or charge at least 10 days before the increase becomes effective.

The bill also provides for the manner in which fees or charges must be assessed for the presentation of checks on an account in which there are insufficient funds. If more than one check is presented on a single business day, the bank must treat the checks as if they were presented in order of ascending amounts, with the check for the lowest amount being presented first.

S.B. 404 (chapter 345)

Senate Bill 404 authorizes financial institutions to operate one or more electronic terminals and provides that these terminals are not to be considered branches.

The bill also allows financial institutions to charge a fee for the use of an electronic terminal. The fee must be disclosed by a sign posted on or in view of the terminal or by a message shown on the terminal during the course of the transaction. For most types of transactions, an electronic terminal must provide the customer with a receipt, the contents of which are specified.

Finally, S.B. 404 authorizes financial institutions to share electronic terminals with other financial institutions or

FINANCIAL INSTITUTIONS (continued)

persons, if the arrangement is approved by the commissioner of the division of financial institutions in the department of commerce.

Those sections of the bill which deal with sharing electronic terminals are made effective upon passage and approval. The remainder of the bill is made effective 30 days later.

S.B. 411 (chapter 286)

Senate Bill 411 amends a provision of the Uniform Commercial Code dealing with negotiable instruments. The bill provides that certain writings with variable rates of interest are negotiable instruments. The rate of interest must be readily ascertainable by some reference in the instrument to one of the generally available sources enumerated in the bill.

S.B. 458 (chapter 520)

Senate Bill 458 amends the law relating to thrift companies. The measure establishes reserve requirements and deposit limitations which are consistent with federal law. Thrift companies which are insured by the Federal Deposit Insurance Corporation (FDIC) or the Federal Savings and Loan Insurance Corporation (FSLIC) are allowed to use the words "savings bank" as a part of their name.

Loans of \$50,000 or more must be secured by collateral with a value of at least 115 percent of the amount due. Previously, this requirement applied to loans of \$10,000 or more. Thrifts insured by the FDIC or the FSLIC are exempted from a provision prohibiting thrifts from making a single unsecured loan amounting to more than 1 percent of its total assets or having a portfolio of unsecured loans amounting to more than 5 percent of its total assets.

S.B. 487 (chapter 749)

Senate Bill 487 limits the exemption of certain financial institutions from the laws relating to mortgage companies. Previously, all banks, consumer finance companies, credit unions, industrial loan companies, insurance companies, mutual savings banks, real estate investment trusts, savings and loans, thrift companies, and trust companies were exempt. This measure provides that these institutions are not exempt unless they are subject to regulation in some other jurisdiction.

The bill also provides that anyone who claims to be exempt from the laws regulating mortgage companies must apply to the commissioner of the division of financial institutions

FINANCIAL INSTITUTIONS (continued)

in the department of commerce for a certificate of exemption. The certificate must be renewed annually. The initial application fee is \$200, and the renewal fee is \$100.

In addition, S.B. 487 requires mortgage companies to maintain records at an office located in Nevada.

The measure also provides that mortgage companies must require contributions to impound trust accounts in the amount necessary to pay obligations when they become due. Within 30 days after its annual review of an impound trust account, a mortgage company must notify a debtor if the amount of contributions exceeds the amount needed. The debtor may specify, within 20 days, the disposition of the excess. Mortgage companies are prohibited from paying property taxes or insurance in a manner which would cause them to become delinquent. The bill imposes similar requirements on other mortgage lenders who maintain impound trust accounts.

S.B. 488 (chapter 725)

Senate Bill 488 limits the amount which a credit union may invest in stocks and bonds to 5 percent of the institution's unallocated reserves, rather than 5 percent of the members' shares.

The bill also provides that if the board of directors of a credit union engages a certified public accountant to perform an examination, the commissioner of the division of financial institutions in the department of commerce may determine whether the examination is equivalent to one performed by his own staff. The commissioner may conduct a separate examination of any part of the operations of a credit union for which he determines that the examination conducted by the certified public accountant was not equivalent to one performed by his own staff.

A.B. 105 (chapter 10)

Assembly Bill 105 prohibits certain lenders (a bank, insurance company, savings and loan association or other person whose business consists of making commercial real estate loans) from discriminating on the basis of sex against customers who apply for loans or other financial assistance relating to the purchase or improvement of a dwelling. A violation of this provision is defined as a misdemeanor for the first and second offenses, and a gross misdemeanor for the third and subsequent offenses.

A.B. 279 (chapter 128)

Assembly Bill 279 requires that, to be enforceable, a commitment to loan money or extend credit in an amount greater than \$100,000 or to pay a fee of \$1,000 or more for obtaining a loan of money or an extension of credit for another person must be in writing.

A.B. 313 (chapter 503)

Assembly Bill 313 amends the law relating to impound trust accounts required by loans secured by real property. The bill requires lenders to make an annual analysis of these accounts to determine whether enough money is being contributed each month to meet the expected disbursements.

If the analysis shows that the amount in the account will not be sufficient, the borrower must be allowed to make up the deficiency by either a lump sum payment or an increase in the monthly contribution. The lender may not declare a default solely because the borrower is unable to pay the deficiency in one lump sum. The lender must send the borrower a detailed statement on the account at least 30 days before the monthly contribution is increased.

If the analysis shows the balance in the account will exceed the amount required to meet projected disbursements, the lender must give the borrower the choice of having the excess refunded, retained in the account or applied toward the outstanding principal balance. If any payments on the loan are delinquent, the borrower may retain the excess and apply it toward the payment of the delinquency.

A.B. 452 (chapter 152)

Assembly Bill 452 authorizes a financial institution to establish authenticity of its records by an affidavit signed by the custodian of the records of a banking or financial institution. The affidavit must verify that a copy of the record is a true and complete reproduction of the original record which was made at or near the time of the act or event concerning which information was recorded, by or from information transmitted by a person with knowledge of the act or event, and in the course of a regularly conducted activity. The form of the affidavit is prescribed in the bill.

If during a trial or a proceeding for discovery, the authenticity of a record is reasonably questioned or if an interpretation of handwriting is in question, the court may order the personal attendance of the custodian of the records and may order that the original records be produced.

FINANCIAL INSTITUTIONS (continued)

A.B. 673 (chapter 224)

Assembly Bill 673 amends the law relating to real mortgages. The measure provides a definition of the term "principal" for the provisions governing encumbrances that secure future advances. The bill also removes the requirement that an instrument encumbering real property must state on its face whether future advances are obligatory or at the option of the lender.

A.B. 868 (chapter 500)

Assembly Bill 868 amends the law relating to installment loans to authorize the commissioner of the division of financial institutions in the department of commerce to grant certain persons an exemption from provisions governing the making of these loans. The commissioner may grant an exemption if he finds that the loan would not be detrimental to the financial condition of the lender, the borrower or the person providing the money for the loan; that these individuals have established a reputation for sound management; that the loan would increase the availability of capital to a sector of the state's economy; and that the loan is in the public interest. The commissioner may revoke an exemption under certain conditions.

The bill also exempts several classes of lenders from the provisions governing installment loans. These lenders include insurance companies, real estate investment trusts, employee benefit plans, attorneys, real estate brokers, persons who make real estate loans on their own account; sellers of real property who offer credit secured by a mortgage on the property; and mortgage lenders who are approved to make or service loans for an agency of the Federal Government.

Businesses licensed to make installment loans are required to furnish the borrower, upon written request, with a copy of any draft or order for payment received on the account during the billing cycle.

The measure also deletes a provision which required the forfeiture of both principle and interest on any loans made by unlicensed lenders.

GAMING

S.B. 301 (chapter 519)

Senate Bill 301 amends the definition of "restricted license" or "restricted operation" in the gaming laws. The change makes it clear that these terms apply to cases in which the operation of slot machines is incidental to the primary business of the establishment.

The bill also allows a person who holds a license to operate a sports pool or race book to be issued a license to offer the same services at another location, providing the second establishment is operated by a person who holds a non-restricted gaming license. This provision expires on October 1, 1991.

Finally, the bill allows a gaming licensee to share information regarding racing with an affiliated licensee by means of a computerized system for bookmaking without obtaining a disseminator's license.

S.B. 302 (chapter 181)

Senate Bill 302 provides that a gaming licensee may accept a gaming credit instrument which is payable to an affiliated company or may complete the instrument by filling in the name of the affiliated company as the payee, providing the records of the affiliated company pertaining to the instrument are made available to the agents of the state gaming control board upon request. The bill also removes the requirement that an incomplete gaming credit instrument be dated when accepted.

S.B. 314 (chapter 226)

Senate Bill 314 makes various changes in state law relating to work permits for gaming employees. The measure increases the grounds for objection to or denial of a work permit. It allows an application for a work permit to be denied if the applicant has committed, attempted or conspired to commit any crime of larceny, not just larceny against his employer or any gaming licensee. It also allows denial if the applicant has committed, attempted or conspired to commit any felony or gross misdemeanor.

The bill provides that if an applicant who has been denied a work permit fails to appear at an appeals hearing he requested, he is deemed to have admitted that the denial is well-founded and administrative or judicial review is precluded.

The measure also revises the procedure for the issuance of an order of summary suspension of a work permit by requiring the order to be signed by at least three members of the Nevada gaming commission.

S.B. 334 (chapter 185)

Senate Bill 334 authorizes the Nevada gaming commission to allow a holding company to lease the equipment of a gambling game without a gaming license and to dispose of gaming devices without a distributor's license.

S.B. 363 (chapter 342)

Senate Bill 363 clarifies the prohibition against gaming without the licenses required by federal, state and local laws. The measure makes technical corrections to clarify existing law by including the terms "gambling game," "gaming device," "race book" and "sports pool."

S.B. 419 (chapter 853)

Senate Bill 419 amends the laws relating to gaming revenues. The bill requires the Nevada gaming commission to charge and collect a fee based on the value of any unpaid collectible credit instruments held by a licensee who concludes a gaming operation. The fee is to be charged at the same rate as the gross gaming tax.

S.B. 453 (chapter 528)

Senate Bill 453 amends the laws relating to cheating at gaming. The bill prohibits increasing or decreasing bets or determining the course of play after acquiring knowledge which is not available to all players regarding the outcome of the game or aiding others in acquiring such knowledge.

The measure also prohibits manipulating a gaming device to affect the outcome of a game. This provision includes varying the pull of a handle on a slot machine with the intent to affect the outcome.

S.B. 455 (chapter 344)

Senate Bill 455 requires the Nevada gaming commission to establish the total commission to be deducted from off-track pari-mutual wagering that may be divided between the licensee and others licensed or approved to conduct the event or the wagering system.

The measure also clarifies that furnishing or disseminating information concerning wagers made within a pari-mutual system approved by the gaming commission is not prohibited. The act establishes that Nevada race books shall be taxed only on the gross revenue received, not the entire pool to

be divided between the licensee and others licensed or approved to conduct the event or the wagering system.

S.B. 482 (chapter 404)

Senate Bill 482 repeals a statutory requirement that the Nevada gaming commission issue renewal certificates or validation stickers upon the renewal of state gaming licenses. The bill becomes effective on January 1, 1990.

S.B. 539 (chapter 590)

Senate Bill 539 clarifies what constitutes effective notice of a decision of an agent of the state gaming control board who resolves a dispute between a patron and a gaming establishment. The bill provides that a notice is effective if it was mailed to the last known address of the patron and the licensee. The notice is presumed to have been received 5 days after it was deposited in the mail.

The measure also requires that judicial review of a decision of the board regarding a dispute of this type be conducted in the district court of the county in which the dispute arises, rather than in the district court of the county in which the petitioner resides or has his principal place of business.

A.B. 484 (chapter 260)

Assembly Bill 484 amends the laws relating to greyhound racing. The measure requires the Nevada gaming commission to regulate the sale or transfer of any security or interest in a business licensed to conduct greyhound racing. Provisions which require that businesses licensed to conduct greyhound racing also conduct horse racing on at least 50 days per year in Clark County or 40 days per year in other counties are repealed. The bill also repeals sections of a 1983 act establishing a trust account for the improvement of the Las Vegas Downs. The measure further increases the compensation of members of the Nevada racing commission from \$40 to \$60 per day.

A.B. 524 (chapter 221)

Assembly Bill 524 clarifies the prohibition in existing law against the collection of gaming winnings by an underage player. The bill specifies that a person under the age of 21 years is prohibited from playing, placing wagers or collecting winnings, whether personally or through an agent, from any gambling game, slot machine, racebook, sports pool or pari-mutuel operator.

A.B. 731 (chapter 458)

Assembly Bill 731 amends the laws relating to cheating at gaming. The bill makes it unlawful for a person to possess or carry paraphernalia for manufacturing slugs. Slugs are counterfeit coins or gaming chips.

The bill also makes it unlawful to mark, alter or modify gaming equipment or devices in a way which affects the result of a wager or the normal criteria of random selection.

In addition, this measure requires the state gaming control board to destroy cheating devices in accordance with regulations adopted by the Nevada gaming commission.

A.B. 732 (chapter 317)

Assembly Bill 732 amends the definition of "gaming employee" to include accounting or internal auditing personnel who keep or examine records associated with gaming revenue. Current law provides that all persons defined as gaming employees must obtain work permits. The measure also clarifies that the definition does not apply to persons engaged exclusively in preparing or serving food or beverages.

A.B. 733 (chapter 457)

Assembly Bill 733 authorizes the Nevada gaming commission to allow a person to own or lease a slot machine for home use without obtaining a gaming license. The commission may also allow owners of slot machines for home use to sell these machines.

In addition, the bill requires a person who manufactures, sells or distributes gaming devices for distribution outside the State of Nevada to obtain a manufacturer's, seller's or distributor's license.

A.B. 842 (chapter 545)

Assembly Bill 842 amends a provision regarding the administration of fees for gaming licenses. The bill provides that when a licensee ceases operations, the Nevada gaming commission is to charge and collect any additional license fees which are due, or refund any overpayment with interest. The amount collected or refunded is to be based upon the licensee's gross revenue during the preceding 3 months.

A.B. 845 (chapter 616)

Assembly Bill 845 provides for the creation of gaming enterprise districts in Clark County. A gaming enterprise district is an area which has been approved by the county,

city or town as suitable for casino gaming. The Nevada gaming commission may not approve an application for a casino gaming license in Clark County unless the establishment is located within a gaming enterprise district.

Anyone who wishes to open a casino in an area that has not been designated as a gaming enterprise district must petition the county, city or town to have the location included in a district. The local government may not grant the petition unless it finds that the establishment will not have a detrimental effect on the community or the surrounding neighborhoods and will strengthen the local economy.

HEALTH, HEALTH FACILITIES AND PUBLIC WELFARE

S.B. 25 (chapter 705)

Senate Bill 25 prohibits the smoking of tobacco in public buildings except in designated areas.

The measure requires persons in control of the following areas to post signs prohibiting smoking in any place not designated for that purpose:

1. Public areas of a medical facility or health care practitioner's office;
2. A hotel, motel or restaurant, when so designated by the operator;
3. A non-gaming, public area of a grocery store;
4. A child care facility for 13 or more children; or
5. A bus, other than a chartered bus.

In addition, the person may designate separate rooms or portions of the area which may be used for smoking.

The person in control of a public building is required to post in the area signs prohibiting smoking in any place not set aside for that purpose. He or she also must designate a separate room or an area which may be used for smoking. A school district which prohibits the use of tobacco by pupils is not required to designate a room or area in which students may smoke.

This bill defines "public building" as any building owned by the State of Nevada or any county, city, school district or other political subdivision of the state and used for any public purpose. The definition also includes any building owned by the University of Nevada System and used for any university purpose.

S.B. 35 (chapter 709)

Senate Bill 35 requires the University of Nevada School of Medicine to conduct a study of chronic fatigue syndrome, a condition characterized by long-term debilitating fatigue and various combinations of other symptoms. The study includes the identification of risk factors, environmental factors and methods of treating the disease. The measure also requires an examination of the history of the disease and an analysis of its distribution within the population.

The bill provides for confidentiality concerning individuals consenting to participate in the study, and requires periodic progress reports to the state health officer in the health division of the department of human resources. A final report must be submitted to the legislative commission and to the state health officer by July 1, 1991.

The measure appropriates \$50,000 from the state general fund to conduct the study.

S.B. 36 (chapter 474)

Senate Bill 36 expands the authority of county hospital districts to issue and sell bonds. The measure authorizes the board of trustees of a hospital district to issue and sell general and special obligation bonds.

The bill limits the amount of indebtedness which may be incurred to 10 percent of the county's assessed valuation. It also requires the approval of the county's general obligation bond commission and the board of county commissioners before money is borrowed or securities are issued.

Under previous law, indebtedness was limited to \$500,000 for each hospital district.

S.B. 40 (chapter 762)

Senate Bill 40 increases the amount counties are required to pay hospitals for the costs of treating indigent patients from 85 percent to 100 percent of the payment required for providing the same treatment under the state plan for assistance to the medically indigent, within the limits of money which may be lawfully appropriated for this purpose.

The measure allows a hospital to contract with and pay the department of human resources for a state employee assigned to the hospital to evaluate the eligibility of patients applying for indigent status. A hospital may appeal a county's determination regarding a patient's indigent status to a court having general jurisdiction in the county.

The bill also makes various changes to the provisions that require counties with hospitals subject to the indigent care law to submit annual reports on indigent patients and related hospital reimbursement to the division for review of health resources and costs in the DHR.

S.B. 41 (chapter 31)

Senate Bill 41 allows medical laboratories to examine specimens at the request of any member of the general public

if the procedure or test used is one that is approved by the U.S. Food and Drug Administration for home use. If the test is conducted for a member of the general public, the laboratory report must contain a provision which recommends that the results of the examination be reviewed and interpreted by a physician or other licensed health care provider.

Previous law allowed medical laboratories to conduct tests only at the request of a physician or certain other specifically authorized person.

S.B. 52 (chapter 19)

Senate Bill 52 adds licensed nurses to the group of persons who are immune from liability for emergency care given gratuitously and in good faith. It does not, however, excuse a nurse from liability for rendering emergency care to a patient in a licensed medical facility. The bill also clarifies the existing provision regarding immunity from liability for a physician, registered nurse or emergency medical attendant who gives instruction, provides supervision or renders emergency care in obedience to an instruction at the scene or while transporting an ill or injured person from the scene of an emergency.

S.B. 70 (chapter 32)

Senate Bill 70 provides a supplier of tissue or organs used for human transplantation with limited immunity from liability for the transmission of infectious disease. The supplier is liable only in the instance of negligence or willful misconduct.

S.B. 73 (chapter 138)

Senate Bill 73 provides a comprehensive reform of laws governing the treatment and control of communicable diseases. The bill adds a new chapter to title 40 of NRS, consolidating communicable disease statutes.

The state board of health is required to adopt regulations governing the control of communicable diseases including regulations relating to the control of such diseases in correctional, educational and medical institutions. The regulations must identify those diseases known to be communicable; those diseases known to be sexually transmitted; the procedures for investigating and reporting communicable diseases; and the procedures for testing, treating and isolating persons suspected of having a communicable disease.

Health care providers and medical laboratories are required to report confirmed and suspected cases of communicable

diseases to the health authority which is required to investigate all such reports. Previous law required only the reporting of sexually transmitted diseases. Restrictions are placed upon the behavior of persons who have communicable diseases, and violations of the restrictions are considered misdemeanors.

The health authorities (either the state health officer or a district health officer) are also required to investigate and prevent the spread of communicable diseases in child care facilities, correctional facilities, medical facilities and schools.

The health division of the department of human resources has the duty of controlling, preventing, treating and, whenever possible, ensuring the cure of sexually transmitted diseases and tuberculosis. The division also has the authority to establish and provide financial and other support to dispensaries, outpatient clinics and pharmacies necessary for the care and treatment of persons with acquired immune deficiency syndrome or an AIDS-related disease.

All information of a personal nature concerning communicable diseases is to be confidential and not subject to release except in specified circumstances. Such information may be revealed to prosecute violations of the chapter, to report cases of abuse or neglect, to inform persons determined by the health authority as having a medical need to know, to inform the welfare division of the department of human resources for processing applications for medical assistance, and to inform emergency first responders.

The bill also changes the regulatory authority for the control of rabies from local governments to the state board of health.

S.B. 76 (chapter 761)

Senate Bill 76 revises the method of ensuring the quality of patient care provided by hospitals. The measure requires hospitals to establish quality of care committees composed of, but not limited to, physicians and nurses. It abolishes the commissions for the advocacy of maintaining the quality of care for hospital patients.

S.B. 83 (chapter 193)

Senate Bill 83 makes various changes concerning the proceedings before the medical malpractice screening panels to include repealing the sunset provision, limiting preemptory challenges of panel members, restricting continuances and eliminating the bond requirement for subsequent court cases.

The bill provides for the instruction of members of the screening panel and increases the pool of doctors and lawyers. Persons employed by hospitals in management positions other than hospital administrators are eligible to serve on the screening panels, and this pool is also expanded.

The commissioner of the insurance division of the department of commerce is authorized to issue subpoenas at the request of the parties to the proceedings. The bill expands the ability of the parties to obtain all relevant records, protocols and other materials to present to the screening panel, and provides the plaintiff the opportunity to respond to allegations raised in the defendant's answer. The filing fee is increased from \$250 to \$350 to enable the screening panels to remain self-funded. The requirement of posting a \$5,000 bond prior to seeking a judicial determination is eliminated; however, if a case is filed in court, the successful litigant is entitled to attorney's fees and costs.

The challenge procedure is streamlined and restrictions are placed upon continuances and extensions to reduce the amount of time needed to process a case through the screening panel. The statute of limitations is extended to 30 days after the decision of the screening panel for providers of health care who are not under jurisdiction of the screening panel, thereby eliminating the necessity of filing a case in court as well as a case before the screening panel.

S.B. 84 (chapter 140)

Senate Bill 84 requires nursing pools to be licensed by the health division of the department of human resources. A nursing pool is defined as an agency or person who, in return for compensation, provides nursing services to individuals, medical facilities or facilities for the dependent. The bill also grants the division authority to adopt appropriate regulations.

S.B. 308 (chapter 729)

Senate Bill 308 requires the state board of pharmacy to regulate steroids. The measure requires the board to designate steroids and other related agents as controlled substances.

The bill exempts from regulation those steroids which are expressly intended for veterinary use and are licensed by the federal Food and Drug Administration for such a purpose.

S.B. 364 (chapter 425)

Senate Bill 364 makes permanent a law passed during the 1987 legislative session which allows a physician's assistant to give orders for the treatment of a prisoner and authorizes a nurse to treat a prisoner.

S.B. 373 (chapter 369)

Senate Bill 373 authorizes payment to Nevada hospitals from the fund for hospital care to indigent persons when an indigent resident is injured by a motor vehicle accident outside of the state.

This measure applies primarily in cases where a medically indigent resident of Nevada is injured in a motor vehicle accident close to the state border, then transported to a Nevada hospital for treatment. Previous law did not allow use of the indigent fund because the accident occurred outside of the state.

S.B. 374 (chapter 829)

Senate Bill 374 allows an authorized physician's assistant to prescribe poisons, dangerous drugs or devices. Authorization includes a license from the state board of medical examiners and a certificate from the state board of pharmacy permitting the physician's assistant to prescribe these materials.

S.B. 375 (chapter 368)

Senate Bill 375 authorizes the administrator of the welfare division in the department of human resources to reduce the lien on the proceeds of a recovery from a person liable for the treatment of a Medicaid recipient. This reduction allows the recipient to use the proceeds to defray costs of a personal attorney engaged to procure the recovery. The measure prohibits double recovery of fees by an attorney.

S.B. 392 (chapter 530)

Senate Bill 392 prohibits physicians from referring patients to medical laboratories in which they have a financial interest. The measure does not apply to laboratories operated solely in connection with the diagnosis and treatment of the physician's own patients.

S.B. 408 (chapter 366)

Senate Bill 408 authorizes a hemodialysis technician to possess and administer dangerous drugs at the direction of a physician or registered nurse.

Such drugs include local anesthetics used to initiate hemodialysis, and certain blood thinners used in the hemodialysis equipment.

S.B. 472 (chapter 726)

Senate Bill 472 creates, within the department of human resources, the committee for the training of reporters of abuse or neglect of a child. The committee is to recommend and make available a training program for persons required to report cases of abuse or neglect of children.

The members are appointed by the governor to include a representative from the department of human resources, a member from the University of Nevada System, one representative from each of the groups required to report abuse, and one member from each of the Nevada chapters of the National Committee for the Prevention of Child Abuse. The members of the committee serve without salary.

S.B. 490 (chapter 748)

Senate Bill 490 makes various changes concerning the admission of mentally ill persons to mental health facilities. The measure contains the following major provisions:

1. Extends established mental health clients' rights to all public and private facilities--previous law guaranteed these rights only for clients of state facilities;
2. Establishes a more detailed definition of a "mentally ill person," and excludes from the definition those persons with other conditions, such as epilepsy and mental retardation, unless a mental illness is also present;
3. Establishes criteria for a person who presents a clear and present danger of harm to himself or others for the purpose of admitting a person to a mental health facility;
4. Expands the time period for detaining a mentally ill person for an emergency admission from the previous 2 working days to 72 hours, including Saturdays and Sundays, for the purpose of filing a petition for an involuntary court-ordered admission;
5. Requires persons admitted to a hospital or mental health facility under an emergency admission to be evaluated by a physician and the admission approved by a psychiatrist;

6. Extends the time a petition for involuntary commitment may be heard to 14 days from receipt of the petition by the court clerk, or from the time of admission, whichever is less--previous law set that time at 7 days from receipt of the petition by the court clerk;
7. Requires mental health professionals examining a person alleged to be mentally ill to report their findings and evaluations to the court at least 48 hours prior to the hearing date for an involuntary court-ordered admission; and
8. Requires that an involuntary court-ordered admission must not be final if the person is unconditionally discharged within 30 days after the involuntary admission.

S.B. 500 (chapter 657)

Senate Bill 500 establishes an advisory committee for the provision of emergency medical care in rural counties. The measure establishes the duties of the committee and prescribes its membership. The committee is generally directed to advise the state board of health on emergency medical care matters in counties with populations of less than 100,000.

The measure also exempts the proceedings and records of quality review committees in hospitals and in organizations which provide prehospital emergency care from legal discovery proceedings. In addition, the scope of authority for county and district boards of health is clarified.

A.B. 39 (chapter 190)

Assembly Bill 39 revises provisions concerning the computation of revenue and expenses of hospitals affected by the cost containment provisions of chapter 377, Statutes of Nevada, 1987. The measure sets forth a method to include the revenue and operating expenses of a nonprofit subsidiary or affiliate health facility when calculating the parent facility's own revenues and operating expenses.

This act becomes effective upon passage and approval, and applies to the obligations and liabilities of a hospital for fiscal year 1988-1989.

A.B. 93 (chapter 9)

Assembly Bill 93 provides that the primary dwelling, including a manufactured or mobile home, of a judgment debtor is exempt from execution upon a judgment for a medical bill. The exemption extends over the lifetime of

the judgment debtor, his spouse, his dependent adult child if the child is mentally or physically disabled, a joint tenant if he was a joint tenant when the judgment was entered, or during the minority of any child of the judgment debtor--if they reside in the dwelling.

A.B. 99 (chapter 201)

Assembly Bill 99 establishes a specific limit of 24 hours as the maximum time for the mandatory reporting of suspicion of child abuse or neglect. The bill provides that the report must be made to a law enforcement agency when it involves acts or omissions of a volunteer or an employee of a public or private home, institution or facility where the child is receiving out-of-home child care.

This measure also requires law enforcement and protective services agencies to promptly notify the appropriate licensing authority, if any, after receiving a report of suspected child abuse or neglect.

A.B. 113 (chapter 179)

Assembly Bill 113 increases from 8 to 12 years the minimum age for commitment to the Nevada youth training center in Elko and the Nevada girl's training center in Caliente, now known as the Caliente youth center. The bill also provides for the commitment of children between the ages of 8 and 12 years to the custody of the youth services division in the department of human resources for placement in a public or private institution or agency authorized to care for children.

A.B. 226 (chapter 200)

Assembly Bill 226 makes various changes to the Uniform Anatomical Gift Act. The measure:

1. Simplifies the manner of making an anatomical gift by allowing the gift to be effective upon the signature of the donor and requiring no witnesses unless the donor cannot sign;
2. Specifies the classes and priorities of family members who may authorize an organ donation, unless the decedent has made a written statement or has otherwise indicated opposition to a donation;
3. Prohibits the sale or purchase of organs or tissues and establishes a felony penalty for a violation of this prohibition;

HEALTH, PUBLIC WELFARE (continued)

4. Authorizes health care personnel to make a reasonable examination to assure the medical acceptability of an anatomical gift, and provides a limited exemption from liability for health personnel and others involved with the donation process for any injury or damage that may result from the donation;
5. Removes the need to obtain the consent of next of kin if the donor has signed a document indicating a wish to donate;
6. Establishes procedures for documenting organ donations, amending a document of gift and revoking the donation;
7. Provides that an anatomical gift not revoked by the donor before death is irrevokable by another person;
8. Establishes a procedure for documenting refusal to make an anatomical gift;
9. Allows for the rejection or refusal of an anatomical gift to a designated donee;
10. Restricts access to documents of gifts to the next of kin;
11. Establishes a procedure for making a reasonable search for a document of gift by hospital, emergency and law enforcement personnel, and provides for the notification of the hospital and potential recipients of a possible donation; and
12. Expands the categories of persons who may remove organs and tissues to include eye enucleators and certain technicians.

A.B. 249 (chapter 39)

Assembly Bill 249 clarifies the scope of the exemption from the elimination of joint and several liability for the concerted acts of defendants in civil negligence actions. The bill specifies that "concerted acts of the defendants" does not include negligent acts committed by health care providers while working together to provide treatment to a patient. Therefore, each provider of health care in such a situation who is a defendant in a civil negligence action is severally liable to the plaintiff only for that portion of the judgment which represents the percentage of negligence attributable to his own acts.

A.B. 260 (chapter 130)

Assembly Bill 260 makes various changes to provisions governing emergency medical services. The measure provides a mechanism for the reimbursement of a hospital for advanced emergency care rendered by one of its registered nurses while transporting a patient in a basic life support ambulance. The act applies only to ambulance services operating in counties whose population is less than 250,000.

The bill also authorizes unlicensed persons to ride in an ambulance if there are two licensed attendants in the vehicle.

A.B. 273 (chapter 428)

Assembly Bill 273 establishes a procedure for the notification of the results of tests for the presence of the human immunodeficiency virus for persons arrested for prostitution. The measure requires notification of positive results to be delivered via certified mail, return receipt requested. Courts are required to order persons tested to reappear 45 days after the arraignment to determine if the person has received the test results. This requirement is rescinded if the court is informed that the results of the test were negative. Bench warrants are to be issued for those failing to appear before the court to establish receipt of positive test results. Information documenting the notification of the test results is to be kept by the arresting law enforcement agency or noted in court records.

A.B. 330 (chapter 792)

Assembly Bill 330 requires the state board of health to adopt regulations governing the testing of infants for the presence of sickle cell anemia. The measure also requires the board to create an advisory committee to make recommendations for establishing targeted screening and awareness programs concerning the disease.

The health division of the department of human resources is directed to develop four such pilot programs, with three based in Las Vegas and one in Washoe County. A pilot program is not to begin until adequate funding has been secured.

A.B. 352 (chapter 883)

Assembly Bill 352 requires the University of Nevada System to establish a rural family practice project to serve as a model for attracting and retaining family doctors in rural Nevada. The project must include a consultation team consisting of a general surgeon, a general internist, and an obstetrician/gynecologist. A family physician must be

recruited as a faculty member of the School of Medicine to live and practice in Yerington, Nevada. The family physician and the consultation team are directed to cooperate in providing necessary services for the community.

The measure also authorizes the board of regents for the University of Nevada System to establish a health service corps to encourage doctors to practice in medically underserved areas of the state. The program will repay a graduate physician's student loans at a rate of \$15,000 for each year the doctor practices in an area of Nevada where a shortage of physicians has been identified.

The bill further requires the state board of health to adopt separate regulations for the licensure of rural hospitals which take into consideration the unique problems of operating such a facility in a rural area. "Rural hospital" is defined as a hospital with 85 or fewer beds which is the sole health care institution in a county with less than 100,000 population, or a city with less than 20,000 population, or which is governed under the laws pertaining to county hospital districts.

The measure appropriates \$110,000 in fiscal year 1989-1990 and \$280,000 in fiscal year 1990-1991 from the state general fund to the University of Nevada System for a pilot program for the provision of obstetrical care in rural areas, the establishment of the health services corps, and the establishment of the rural family practice project. An appropriation of \$75,000 is made to the Nevada Rural Hospital Project to conduct a comprehensive study of the licensure of rural hospitals. The Nevada Rural Hospital Project is directed to report regularly to the legislative committee on health care concerning proposed legislation and make its findings available to the state board of health.

In addition, Assembly Bill 619 (chapter 482, Statutes of Nevada, 1989) is amended to require the state board of health to adopt licensing standards and regulations for hospice care programs.

A.B. 478 (chapter 777)

Assembly Bill 478 allows certain children who have not been immunized against specific diseases to be admitted conditionally to child care facilities.

The measure provides that a child care facility may conditionally admit a child whose parent or guardian has not established a permanent residence in the area if the parent or guardian agrees to submit a certificate documenting all

immunizations within 15 days of the child's admission. The parent or guardian must also submit proof that permanent residency has not been established in the county in which the facility is located. A child must be excluded from the facility if the certificate is not submitted within the 15-day period.

The bill also requires child care facilities to report annually to the health division of the department of human resources concerning the numbers of children conditionally admitted.

A.B. 510 (chapter 647)

Assembly Bill 510 makes various changes relating to advocates for residents of facilities for long-term care and creates the office of specialist for the rights of elderly persons.

The measure prohibits an officer, director or employee of a long-term care facility from retaliating against any person who files a complaint with, or provides information to, the advocate for residents of facilities for long-term care or his representative. Any person who violates this provision is subject to an administrative fine of up to \$1,000 per violation which may be imposed by the health division of the department of human resources.

The bill also authorizes the administrator of the aging services division of the DHR to appoint representatives of the advocate, who are within the division and in the state classified service, with all the powers and duties of an advocate. It prohibits a person from willfully interfering with the advocate or his representative in the performance of any investigation of any act or policy which may adversely affect the health, safety, welfare or civil rights of any resident of a long-term care facility. The health division again may impose an administrative fine of up to \$1,000 per violation for any person who willfully interferes with such an investigation. The advocate or his representative is not liable civilly for the good faith performance of any investigation.

The measure creates the office of specialist for the rights of elderly persons within the aging services division of the DHR. The specialist is to be appointed by the governor for a 4-year term, and his qualifications are specified in the bill. The measure lists the duties and authority of the specialist to include counseling abused elderly persons and reviewing and investigating complaints of abuse, exploitation or neglect of elderly persons.

The act specifies that all records relating to the specialist's counseling or representation of an elderly person are confidential and may not be released except upon court order.

A.B. 530 (chapter 171)

Assembly Bill 530 authorizes a county coroner, while carrying out his official duties, to disinter, remove or transport human remains without obtaining a permit from the local health officer.

A.B. 601 (chapter 407)

Assembly Bill 601 authorizes the health division of the department of human resources to impose certain intermediate sanctions against medical facilities and facilities for the dependent.

If a medical facility or facility for the dependent violates any provision related to its licensure or any condition, standard or regulation adopted by the state board of health, the health division in accordance with the regulations adopted pursuant to this act may:

1. Prohibit the facility from admitting any patient until the facility has corrected the violation;
2. Limit the occupancy of the facility to the number of beds occupied when the violation occurred, until the facility has corrected the violation;
3. Impose an administrative penalty of not more than \$1,000 per day for each violation, together with interest thereon not to exceed 10 percent per annum; and
4. Appoint temporary management to oversee the operation of the facility and to ensure the health and safety of the facility's patients. The temporary management continues until there is a determination that the facility has corrected the violation and has management capable of ensuring continued compliance with state requirements, or until improvements are made to correct the violation.

The bill allows the health division to require any facility that violates any provision of its licensure or any condition, standard or regulation adopted by the board, to make any improvements necessary to correct the violation.

If a facility fails to pay any administrative penalty imposed pursuant to this act, the health division may suspend the facility's license until the penalty is paid and

collect court costs, reasonable attorney's fees and other costs incurred to collect the penalty. Any money collected as administrative penalties must be accounted for separately and used to protect the health or property of the residents of the facility in accordance with applicable federal standards.

The measure mandates that the board adopt regulations to establish the criteria for the imposition of each sanction prescribed by this act. The bill also revises the notice, hearing and appeal provisions relating to the health division's action to deny, suspend or revoke a license. It adds the imposition of sanctions prescribed by this act to these provisions, and it requires the division to hold a hearing within 30 days of receiving notice of an appeal under this statute.

A.B. 641 (chapter 632)

Assembly Bill 641 authorizes the welfare division of the department of human resources to provide prenatal care to pregnant women who are indigent or to contract for the provision of that care at public or nonprofit hospitals in Nevada.

The measure requires the welfare division to provide information concerning the available prenatal care to each person licensed to engage in social work in this state, each applicant for assistance to the medically indigent and any other interested person. The division must adopt regulations setting forth criteria of eligibility and rates of payment for prenatal care provided under this act. These regulations shall include such other provisions that the administrator of the welfare division and the state welfare board determine are necessary for the development and administration of the program for prenatal care.

A.B. 728 (chapter 409)

Assembly Bill 728 prohibits the smoking of tobacco in a child care facility licensed pursuant to chapter 432A of NRS to provide care for 13 or more children. This prohibition does not apply in any room or area specifically designated for smoking pursuant to statutory provision.

The measure provides that the person in control of a child care facility shall not allow children in any room or area designated for smoking. Any such room or area must be sufficiently separate or ventilated so that there are no irritating or toxic effects of smoke in the other areas of the facility.

A.B. 843 (chapter 638)

Assembly Bill 843 resolves a conflict between Senate Bill 73, which provides a comprehensive reform of laws relating to communicable diseases, and Assembly Bill 186, which requires testing of prisoners for exposure to the human immunodeficiency virus, of this session.

A.B. 849 (chapter 805)

Assembly Bill 849 amends Nevada's certificate of need law by making various changes relating to the approval of certain proposed expenditures by health facilities.

The measure changes the monetary thresholds for which certain projects with proposed expenditures by or on behalf of a health facility must obtain the approval of the director of the department of human resources. The threshold for a capital expenditure is increased from \$2 million to \$4 million while the limit for the acquisition of any new or used medical equipment is lowered from a market value of more than \$2 million to a value of more than \$1 million.

The bill further adds to the list of projects which require the DHR director's approval. Such approval is mandated for proposals to establish health services for intensive care of newborn babies, treatment of burns, open-heart surgery, transportation of patients by helicopter, or treatment of trauma.

An exemption from the required DHR approval is allowed for any project to increase the number of beds in a nursing home or to establish such a facility if the director makes a determination of certain factors relating to the project. The facts to be determined are that:

1. The proposed increase in beds would not cause the total number of beds to exceed the state health plan's total need for beds by more than 15 percent and that increase is otherwise consistent with the requirements of the state health plan; and
2. The applicant provides satisfactory evidence that he has secured financing for project construction; has purchased, or has an option to purchase, a properly zoned site for the project; and has sufficient money committed for the project's first year of operation.

The exemption is automatically revoked if the applicant does not begin construction of the project within 1 year after the director of the DHR issues a certificate of exemption.

The measure also provides that any project for the development of a health facility that has received legislative approval and authorization is exempt from the requirements for approval by the director.

A medical or related facility that is licensed by the health division of the DHR is allowed to amend its license to provide certain health services, such as the transplant of organs, if it satisfies the requirements for health facility projects to be approved by the DHR director.

The bill removes the definition of certain terms within the statutes pertaining to health care planning.

Although this act becomes effective upon passage and approval, its provisions that amend existing law do not apply to any application requiring the approval of the DHR director or health division and filed on or before January 1, 1989.

A.B. 858 (chapter 717)

Assembly Bill 858 revises the provisions governing prohibitions on the transfer or refusal of patients by hospitals.

The measure prohibits a hospital or a physician working in a hospital emergency room from refusing to accept or treat a patient in need of emergency services and care. A patient cannot be transferred to another hospital or health facility except when medically necessary and under specific documented conditions, including that the patient is medically fit for transfer. Furthermore, it is unlawful to order that the patient be tested at another hospital or health facility when the hospital issuing the order has such testing capability. The bill contains definitions for "emergency services and care" and "medically fit."

Physicians are added to the provisions that allow a hospital or other health facility to recover up to three times the amount of billed charges and other costs for treating a patient who has been illegally transferred or refused treatment under this act. The costs may be recovered from the hospital that violated the law.

The measure does not prohibit the transfer of a patient when the hospital cannot provide the necessary services.

A hospital's violation of this act is grounds for the denial, suspension or revocation of its license, or for the imposition of an intermediate sanction by the health division of the department of human resources. The board of

medical examiners may initiate disciplinary action against or deny licensure of a physician who violates any of these provisions.

A.B. 862 (chapter 421)

Assembly Bill 862 requires all employees of the department of human resources to report suspected abuse, neglect or exploitation of older persons. Previously, only employees of the welfare or aging services division were legally obligated to make these reports. The bill specifies that suspected abuse, neglect or exploitation must be reported within 24 hours.

A.B. 875 (chapter 865)

Assembly Bill 875 exempts certain small hospitals from the requirement of obtaining the approval of the director of the department of human resources before undertaking any project which increases the number of licensed and approved hospital beds. The director's approval is not necessary for the addition of 60 beds or less over 3 years to an existing facility that has a licensed capacity of 75 beds or less and is the only hospital in an incorporated city of 50,000 or more population.

HIGHWAYS AND TRANSPORTATION

S.B. 112 (chapter 341)

Senate Bill 112 provides an exemption from rate and certificate regulation of motor carriers for any person who temporarily transports raw or unprocessed agricultural products belonging to another person. The exemption only applies if a certificated common or contract motor carrier is not available to perform the service at the time the transportation begins and if the service does not exceed 120 days in any 12-month period.

The act becomes effective upon passage and approval.

S.B. 234 (chapter 136)

Senate Bill 234 defines the amount of alcohol in the blood of a person who is operating or in control of a vehicle or vessel in terms of the concentration of alcohol in his blood or breath. By establishing this standard, the measure eliminates the time-consuming process of converting breath-test results to the legally required blood standard by forensic specialists in DUI cases.

S.B. 250 (chapter 372)

Senate Bill 250 revises the period of time for which public notice is required to be given concerning a proposed agreement for the commercial use of a municipal airport or related facility. The bill changes the current requirement of a published notice once a week for 30 days in a newspaper of general circulation by allowing either:

1. Publishing of a notice once a week for 21 days; or
2. Publishing of a notice three times during a period of 10 days.

If there is not a newspaper of general circulation within the municipality, a notice must be posted in a public place at least once a week for 30 days.

S.B. 286 (chapter 755)

Senate Bill 286 amends the law and establishes new requirements relating to certain motor carriers and liability insurance. The bill requires the public service commission of Nevada to adopt regulations governing the amount of insurance against liability which must be maintained by operators of taxicabs and horse-drawn vehicles under the jurisdiction of the commission.

The measure specifies that the amounts of coverage required by regulation for both types of operators must not exceed \$250,000 for bodily injury or death of one person in one accident; \$500,000 for injury or death of two or more persons; \$50,000 for injury to or destruction of property in any one accident; and \$500,000 for a combined single limit. Current law authorizes liability insurance requirements and limits to be set by regulation of the PSCN.

Senate Bill 286 further allows taxicab operators to operate under a program of self-insurance in lieu of the liability insurance required by regulations of the PSCN. The measure specifies the authorized forms of security, limits and procedures for taxicab operators to hold a certificate and operate under a program of self-insurance.

In addition, the bill authorizes the administrator to use a specified excess balance in the taxicab authority fund to subsidize taxicab transportation for the permanently handicapped. It also requires a taxicab company that does not operate 24 hours per day to list its hours of service in the applicable telephone directory.

The PSCN is required to adopt regulations relating to liability insurance for horse-drawn vehicles and taxicabs which become effective by October 1, 1989.

S.B. 311 (chapter 349)

Senate Bill 311 allows residential occupancy of property acquired by a municipal airport. Previous law only allowed commercial use for municipal airport leases. This bill authorizes airports to lease property for residential purposes. It also allows municipalities operating airports to enter into contracts for the sale of certain revenue bonds or securities for delivery within 10 years after the date of the contract.

S.B. 355 (chapter 289)

Senate Bill 355 reduces from 65 to 60 years the age at which a person is eligible to receive public transportation free or at a reduced rate. The provisions are not mandatory; the law allows common carriers, such as taxicab and bus companies, to establish programs to provide free or reduced rate transportation for certain persons. This measure authorizes these programs to be offered to senior citizens at age 60, rather than 65 years. It also eliminates the ability of common carriers to offer free or reduced rate transportation to contractors and their employees.

S.B. 379 (chapter 531)

Senate Bill 379 provides for the issuance of commercial drivers' licenses in accordance with federal law. The purpose of the bill is to implement the federal Commercial Motor Vehicle Safety Act of 1986 with which all states are required to comply. The intent of the federal Act and state implementation laws is to reduce or prevent commercial motor vehicle accidents, fatalities and injuries by permitting commercial vehicle drivers to hold only one license, strengthening their licensing and testing standards, and providing other requirements for the safe operation of commercial motor vehicles.

The department of motor vehicles and public safety is required to adopt regulations to:

1. Provide for the issuance and administration of commercial drivers' licenses;
2. Provide for the same exemptions authorized by federal law or regulations for farmers, firefighters, military personnel or any other class of operators or vehicles;
3. Specify the violations and penalties for disqualification from driving a commercial motor vehicle;
4. Establish a schedule of various alcohol concentrations and penalties for operators of commercial motor vehicles; and
5. Enable the department to carry out the law.

The DMV&PS is prohibited from adopting regulations which are more restrictive than the federal regulations.

The measure prohibits a person from having more than one valid commercial driver's license, and a person who is a resident of Nevada for 30 days or more is not allowed to drive a commercial motor vehicle under a driver's license issued by another state. Applicants for a commercial driver's license must pass a knowledge test and a driving skills test administered by the department or by another person or agency authorized by the department, as specified in the bill, to administer the tests.

The bill establishes various fees to be charged by the department for commercial drivers' licenses and the administration of the required tests. The measure also provides for the state's participation in the commercial

driver's license information system established by the United States Federal Highway Administration.

S.B. 396 (chapter 851)

Senate Bill 396 clarifies that similar prior offenses in other jurisdictions (states) may be used to enhance the penalty for driving under the influence in Nevada. This provision allows the use of prior convictions from other states even if the statutes in another state are not identical to the laws in this state.

The bill also authorizes police officers to obtain blood samples from persons with prior convictions in other states who are suspected of driving under the influence of intoxicating liquor or a controlled substance in Nevada.

S.B. 456 (chapter 527)

Senate Bill 456 permits the court to impose a fixed term of imprisonment and an extended period of probation on a defendant who has caused substantial bodily harm while driving under the influence of alcohol or a controlled substance.

The court may impose a fixed term of imprisonment and suspend imposition of the sentence if, as a condition of the suspension, the defendant is imprisoned in the state prison or other facility for not less than 1 year and upon completion of the term of imprisonment begins serving a probationary period of not more than 10 years.

S.B. 473 (chapter 501)

Senate Bill 473 authorizes the taxicab authority to set the trip fee paid by taxicab operators in Clark County in an amount not to exceed 15 cents per trip. Previous law set the trip fee at 15 cents by statute, but this provision did not provide flexibility to reduce the fee when it generated more than sufficient revenue for the operations and the reserve fund of the taxicab authority.

The bill also authorizes the use of money in the taxicab authority fund to subsidize transportation for handicapped persons in taxicabs. Previous law only allowed subsidized taxicab transportation for elderly persons.

S.B. 512 (chapter 699)

Senate Bill 512 revises the provisions concerning special license plates for radio amateurs. The bill eliminates the decal for these persons and authorizes issuance of a special license plate with the words "Radio Amateur" inscribed on it along with the official amateur radio call letters of the

applicant. The additional fee for the plate is set at \$25. The measure also requires the cost of die and modifications for the issuance of the special license plate to be paid from private sources without any expense to the state.

A.B. 5 (chapter 159)

Assembly Bill 5 continues the advisory commission on the evaluation and education of persons found guilty of driving while under the influence of alcohol or a controlled substance.

The bill extends the terms of the members of the commission to July 1, 1991. The date is changed from January 1, 1989, to January 1, 1991, before which the department of motor vehicles and public safety is to consider the recommendations of the commission and adopt regulations concerning educational courses on the abuse of alcohol and controlled substances. The commission is required to report to the 66th session of the legislature, and the sunset provision for the commission and its activities is extended to July 1, 1991.

The act is effective upon passage and approval.

A.B. 18 (chapter 24)

Assembly Bill 18 eliminates the bond requirements for a special fuel user's license. It also authorizes a reduction in the bond associated with a special fuel dealer's license under certain circumstances. If the holder of a special fuel dealer's license is required to provide a bond of more than \$5,000, the department of motor vehicles and public safety may reduce the requirement to not less than \$5,000 upon the dealer's faithful performance of all legal requirements and his punctual payment of taxes for the 3 preceding calendar years.

A.B. 19 (chapter 94)

Assembly Bill 19 requires a common or contract motor carrier to include in all advertisements the number of his certificate of public convenience and necessity or contract carrier permit. A violation of this requirement is classified as a misdemeanor.

A.B. 21 (chapter 202)

Assembly Bill 21 clarifies the authority of inspectors and the manager of transportation of the public service commission of Nevada to enforce vehicle registration and driver's license laws relating to motor carriers. The bill also authorizes the commission to impose an administrative fine of up to \$10,000 on a common or contract motor carrier. The

administrative hearing at which a fine is imposed may be conducted by a hearing officer designated by the chairman of the commission. The measure further prohibits common carriers from giving free or reduced rates to contractors and their employees when carrying out a contract to which the carrier is a party.

A.B. 56 (chapter 742)

Assembly Bill 56 authorizes a court to require a person to install a device in his motor vehicle which prevents the vehicle from starting if the driver is under the influence of intoxicating liquor. This requirement may be applied to any person convicted of driving under the influence of alcohol who has served his term of imprisonment or who has had his sentence suspended after serving the mandatory minimum sentence.

The device tests a person's breath and prevents the motor vehicle from starting if the results of the test indicate that he has 0.05 percent or more by weight of alcohol in his blood.

The person may be required to install the device at his own expense in any motor vehicle which he owns and operates as a condition of the reinstatement of his driving privilege and/or the suspension of his sentence.

The court is required to immediately notify the director of the department of motor vehicles and public safety of the imposition of this requirement, and the director must incorporate this information into the department's records and note the restriction on the person's driver's license. The person required to install the device must provide proof of compliance to the department before reinstatement of his driving privilege.

The bill requires the person to have the device inspected by the manufacturer or his agent every 90 days to determine if it is operating properly, and reporting procedures are specified if the device has been tampered with. The measure includes penalties for operating a motor vehicle without the device or tampering with it.

The models of the devices to be installed must be certified by the committee on testing for intoxication. The committee is required to adopt regulations by January 1, 1990, relating to the calibration, certification and evaluation of the models of the devices.

A.B. 58 (chapter 213)

Assembly Bill 58 requires drivers' licenses issued or renewed after October 1, 1989, to use a number other than the licensee's Social Security number. The bill requires applicants or licensees to furnish their Social Security number to the department of motor vehicles and public safety which will use it to formulate a unique number that will be assigned to the person. The department will assign a unique number to persons who do not have a Social Security number.

The measure requires the driver's license to display the unique number and the Social Security number unless a person requests that his Social Security number not appear on the license.

The bill allows persons, upon request and free-of-charge, to convert their current driver's license number to the new system before the renewal date. The measure also requires identification cards issued by DMV&PS to use a unique number based on the person's Social Security number. Finally, the bill prohibits DMV&PS from releasing a person's Social Security number in any departmental files and records which are made available to the public for solicitations of products or services.

A.B. 123 (chapter 603)

Assembly Bill 123 creates the board of directors of Nevada's department of transportation consisting of seven members-- four constitutional officers (the governor, lieutenant governor, attorney general and state controller) and three members appointed by the governor. If one of the four constitutional offices is vacant, the secretary of state is to serve on the board until the vacancy is filled. The governor is designated as chairman of the board.

The three members appointed by the governor must be residents of the state, informed on and interested in the construction and maintenance of highways and other transportation matters, and reside in different highway districts. In addition, these members must have at least one of the following qualifications: a licensed professional engineer, expertise in financial matters and business administration, and a licensed general contractor with experience as a principal officer of a licensed firm.

The appointed members cannot be currently employed in the field of, or have a substantial financial interest in, the construction and maintenance of highways in the state. These members serve 4-year staggered terms.

The bill includes extensive authority for the board to set policy, approve actions and documents, and generally oversee the administration of the NDOT. The measure also includes a requirement for approval by the legislature or the interim finance committee of the selection process and the proposed agreement for any study of the operations of the department.

A.B. 129 (chapter 160)

Assembly Bill 129 allows the suspension for 6 months of the driver's license of any juvenile who is found by a court to have distributed, possessed, sold or used a controlled substance.

If the child does not possess a driver's license, the court may issue an order prohibiting him from obtaining a driver's license for 6 months from the date the child is found to have distributed, possessed, sold or used a controlled substance.

The bill prohibits the department of motor vehicles and public safety from treating such a suspension in the same manner as moving traffic violations, and from reporting this suspension to an insurance company or agent inquiring about the child's driving record.

A.B. 197 (chapter 116)

Assembly Bill 197 exempts articulated buses from the existing 40-foot maximum length for buses. An articulated bus is a passenger bus with three or more axles and two sections joined together by an articulated joint with a trailer equipped with a mechanically steered rear axle. The bill establishes a maximum length of 65 feet for these types of vehicles.

Articulated buses previously were operating in Nevada based on an attorney general's opinion that states such buses are actually two vehicles, neither of which exceeds the statutory 40-foot maximum length. Assembly Bill 197 clarifies this situation in the law. The 40-foot limitation for buses or motortrucks with two axles remains unchanged.

A.B. 229 (chapter 72)

Assembly Bill 229 requires providers of health care to make available, upon the request of a law enforcement agent or district attorney, the health care records of a patient which relate to a test of his blood, breath or urine if the patient is suspected of driving under the influence of alcohol or a controlled substance.

The bill also provides immunity to a provider of health care for any disclosures made in accordance with the provisions of this act.

A.B. 274 (chapter 86)

Assembly Bill 274 revises the sentencing procedure for certain persons convicted of driving under the influence of intoxicating liquor or a controlled substance. For an offender who applies to undergo a treatment program for alcoholism or drug abuse, the bill requires the court to immediately sentence the offender, enter judgment and suspend the sentence for not more than 3 years on condition that he be accepted for treatment in an approved facility, satisfactorily complete the treatment and comply with any other condition ordered by the court. The measure authorizes the court to immediately revoke the suspension for a violation of any condition of the suspension.

Assembly Bill 274 is a recommendation of the governor's DUI task force. Under current law, final sentencing of an offender is delayed until treatment is completed. However, this system prevents a court from counting the incomplete conviction when an offender is sentenced for a subsequent DUI offense which is committed while he is undergoing treatment. The bill closes that loophole, but retains the incentive for offenders to successfully complete a treatment program.

A.B. 290 (chapter 394)

Assembly Bill 290 repeals the requirement that regional transportation commissions in counties of less than 100,000 population submit specifications and plans for projects to the director of Nevada's department of transportation for review. The measure also clarifies the status of highway and street plans adopted by county or regional planning commissions as portions of local master plans prior to the creation of regional transportation commissions.

A.B. 374 (chapter 604)

Assembly Bill 374 increases the fine for unlawful use of handicapped parking spaces. Punishment for a first offense is retained as a fine of \$100. The fine for a second offense is set at \$250, and a third or subsequent offense requires a fine of not less than \$250 nor more than \$1,000.

The measure also makes various changes concerning the issuance of special handicapped parking permits, special license plates and temporary handicapped parking permits. Special parking permits issued by the department of motor vehicles and public safety are required to include a picture and the

address of the person, a statement concerning the disability for which the permit is necessary and the name of the licensed physician who signed the person's certificate for an application. The DMV&PS also is required to issue a card identifying a person as the holder of the permit or special license plate, and to charge a fee of no more than \$10 for a special parking permit to cover the cost of materials.

Temporary handicapped parking permits issued by counties and cities must be provided only to persons whose disability impairs their ability to walk and requires the use of crutches, a wheelchair or similar type of assistance. These permits may be issued only upon the certification of a licensed physician and are valid for a period of 90 days, although one 90-day extension may be granted.

The bill also removes disabled veterans with special license plates from eligibility to use handicapped parking spaces, unless they obtain a handicapped parking permit from the DMV&PS. The measure further requires the bottom of signs designating a handicapped parking space to be at least 4 feet above the ground.

A.B. 418 (chapter 339)

Assembly Bill 418 requires certain residents of other states who are employed in Nevada to register their vehicles with the department of motor vehicles and public safety.

A person who commutes to a place of employment in Nevada that is less than 35 air miles from the state border must register his vehicle with the department. Such a person is required to complete an application form, submit an affidavit stating that he is a border state employee and pay a \$10 registration fee.

The bill requires the department to issue an identification card and registration sticker to a border state employee. The sticker must be placed on the rear of the vehicle in a clearly visible location adjacent to the rear license plate. The identification card must be carried in the vehicle whenever it is in the state and be surrendered to a peace officer upon demand. The registration is not transferable to another person or vehicle and must be renewed annually. The measure allows a border state employee to register his vehicle by January 1, 1990, without penalty.

A.B. 423 (chapter 133)

Assembly Bill 423 lowers the age to 65 years at which a person may obtain a driver's license for a reduced fee.

Previous law provided that persons 70 years of age or older could obtain a driver's license for \$4. All other persons must pay \$9.

A.B. 468 (chapter 739)

Assembly Bill 468 authorizes the department of motor vehicles and public safety to issue special license plates and registration certificates for "street rods" and "classic rods." A street rod is defined to weigh 1 ton or less and be manufactured not later than 1948. A classic rod is a vehicle that weighs 1 ton or less and was manufactured not earlier than 1949 but at least 20 years before the application is submitted to the department.

The license plates must be inscribed with the words "street rod" or "classic rod" and three or four consecutive numbers. The fee for the special license plates is set at \$25 and the plates may be transferred to another vehicle if the owner disposes of the vehicle and purchases another similar vehicle during a registration year.

A.B. 473 (chapter 618)

Assembly Bill 473 allows a judge or his representative to issue an order suspending the driver's license of a juvenile who is found guilty of unlawfully using, possessing, selling or distributing a controlled substance, or purchasing, consuming or possessing an alcoholic beverage. The license may be suspended for a period of 6 months. If a child does not have a driver's license and will be eligible to apply for a license within 6 months, an order may be issued to prohibit the child from applying for the license within the 6-month period.

A.B. 474 (chapter 154)

Assembly Bill 474 changes from a calendar year to a fiscal year basis the report to the legislature by the director of Nevada's department of transportation concerning the 12-year plan for the resurfacing of the state's highways.

All other reports made by the department to various entities are done on a fiscal year basis. The bill makes the data for the department's resurfacing report consistent with its other reports.

A.B. 477 (chapter 259)

Assembly Bill 477 clarifies the duties of courts concerning convictions for certain traffic offenses. The bill extends the number of days within which a court may forward a revoked driver's license and record of conviction to the department of motor vehicles and public safety from 5 days

to 20 days after conviction. The measure also clarifies the information provided by the court to the department regarding the conviction and makes it a misdemeanor to fail or refuse to surrender a revoked, suspended or canceled driver's license to a peace officer or court upon demand.

A.B. 490 (chapter 261)

Assembly Bill 490 authorizes vehicles driven by investigators for public administrators and public guardians to be unmarked. Previous law required these vehicles to be identified by a distinctive license plate and state seal.

A.B. 520 (chapter 231)

Assembly Bill 520 increases the limit allowed for the fee for compensation paid to agents of the department of motor vehicles and public safety for registering vehicles from \$1 to \$2. The measure also extends the day on which a vehicle registration expires under certain circumstances. If the registration is due to expire on a Saturday, Sunday or legal holiday, the registration expires at midnight on the next judicial day.

A.B. 558 (chapter 570)

Assembly Bill 558 requires the department of motor vehicles and public safety to provide a specially designed driver's license to epileptics and insulin dependent diabetics. The licenses are to be provided to individuals who submit a signed statement from a physician documenting epilepsy or an insulin dependent diabetic condition. The bill also requires the department to provide education to peace officers concerning the medical conditions and recommended procedures for situations involving a person suffering from insulin shock or an epileptic seizure.

A.B. 587 (chapter 675)

Assembly Bill 587 designates the Lovell Summit Road in Clark County between Pahrump and Las Vegas as State Route 94. The bill specifies that the route is to be designated when money becomes available to the department of transportation to construct it according to federal standards.

A.B. 649 (chapter 563)

Assembly Bill 649 requires the revocation of the driver's license of any person who is convicted of willfully failing to stop his vehicle when signaled by a peace officer. The revocation is for a period of 1 year. The state law is also amended to specify that the signal by the peace officer in a readily identifiable police vehicle must be by flashing red lamp and siren.

A.B. 650 (chapter 318)

Assembly Bill 650 requires any person or governmental agency sponsoring a special event to ensure that adequate provision is made for related traffic control. A "special event" is defined as any scheduled activity that is attended or observed by more than 500 persons, or that substantially increases or disrupts the normal flow of traffic on any street or highway.

The measure authorizes the chief of the Nevada highway patrol division of the department of motor vehicles and public safety to enter into a contract to provide services for the control of traffic at a special event. The contract must require the sponsor to reimburse the division for the cost of the services and may require the sponsor to furnish a bond to ensure reimbursement is made. Services provided under the contract must be performed by Nevada highway patrol personnel and must not impair the ability of the highway patrol to perform its normal duties.

A.B. 721 (chapter 493)

Assembly Bill 721 prohibits the towing of vehicles in certain public parking lots. The measure makes it unlawful for an operator of offstreet parking facilities to remove or tow any vehicle from a facility which uses a device for the payment of parking fees, but the device does not dispense a ticket or time-dated slip. The act does not apply to parking lots that are owned and operated by a governmental entity.

A.B. 738 (chapter 553)

Assembly Bill 738 eliminates the credit on fees and taxes paid for registering a vehicle in Nevada by a nonresident owner. Current law requires a person, who becomes a resident of Nevada, to register any motor vehicle he owns within 45 days. The statute previously required a prorated reduction on the fees and taxes for the unused months of a person's prior registration.

A.B. 860 (chapter 806)

Assembly Bill 860 requires the state board of agriculture to adopt by regulation appropriate standard specifications, and changes to the specifications, for fuel used in internal combustion engines established by the American Society for Testing and Materials. Detailed gasoline specifications in previous law are deleted, and gasoline for sale in the state is required to conform with the regulations adopted by the board.

The measure also requires the state board of agriculture to enforce the fuel quality standards and to adopt regulations specifying a schedule of fines for violations. The maximum fine for each violation is not to exceed \$5,000 per day, and fines collected must be credited to the county school district fund of the county in which the violation occurred. The bill authorizes other enforcement actions by the board.

The measure further adds 0.005 of a cent per gallon to the existing one-twentieth of a cent per gallon inspection fee for every gallon of gasoline or lubricating oil transported into the state for sale. The amount collected from the additional fee is to be transferred quarterly to an account for the board to pay for the expenses of enforcing the fuel standards.

A.B. 870 (chapter 541)

Assembly Bill 870 makes various changes to provisions relating to licensure to operate motor vehicles.

The measure requires a driver's license to bear the mailing address, rather than the residence address, of the licensee.

The bill also prohibits the department of motor vehicles and public safety from charging an additional fee or requiring an additional examination for reinstating a revoked or suspended license if the additional fee or examination must arise out of the same offense for which the license was revoked or suspended and the driver has previously reinstated his license after that offense.

Finally, the act prescribes a penalty for a person who is convicted of driving while his license is indefinitely suspended. Such a person must have his driver's license suspended for an additional 6 months for the first violation and 1 year for each subsequent violation.

A.B. 878 (chapter 540)

Assembly Bill 878 authorizes the director of the department of motor vehicles and public safety to issue special license plates to commemorate the 125th anniversary of Nevada's admission into the Union.

The fee for the commemorative license plate is set at \$25, which must be deposited in a special account in the general fund to pay for the celebration of the 125th anniversary of Nevada's admission into the Union. An additional fee of \$10 also is assessed for the special plates, in addition to all other applicable registration and license fees and motor vehicle privilege taxes. Of this amount, \$7.50 must be

deposited in the motor vehicle fund and \$2.50 must be used to reimburse the registration division for the cost of manufacturing the license plates.

The bill includes provisions and fees for the renewal, return and replacement of the commemorative plates. Owners of motor vehicles, who are eligible for any of the already authorized special license plates, may be issued the commemorative plates providing they pay the fees for the special license plates in addition to the fees for the commemorative plates.

Finally, the measure prohibits the DMV&PS from issuing the commemorative license plates after October 31, 1990, and issuing replacement commemorative plates after June 30, 1995.

A.B. 885 (chapter 490)

Assembly Bill 885 authorizes the director of the department of motor vehicles and public safety to approve the use of alternative traction devices for tires.

The measure requires the director to adopt regulations defining "traction device," "tire chain" and "snow tire." It also permits the use of any approved traction device for tires when required under icy or snowy conditions.

Previous law only allowed the use of tire chains or snow tires when traction devices are required. The bill allows the DMV&PS to approve alternative devices.

A.B. 917 (chapter 536)

Assembly Bill 917 prohibits the operation of any motor vehicle equipped with a system or device that causes the vehicle's head lamps to continue to flash alternately or simultaneously.

The measure exempts an authorized emergency vehicle which may use such a system or device when responding to an emergency call or fire alarm, while escorting a funeral, or when in pursuit of an actual or suspected violator of the law. The bill also exempts a motorcycle equipped with a system or device that modulates the intensity of the light produced by its head lamp, providing the system or device is used only during daylight hours and conforms to federal regulations.

A.B. 919 (chapter 535)

Assembly Bill 919 authorizes a peace officer to issue a citation at the scene of an accident if an investigation

indicates that a person has violated the motor carrier laws in connection with the accident.

A.B. 943 (chapter 622)

Assembly Bill 943 makes various changes to the laws relating to motor carriers and eliminates mileage fees for truckers. The measure establishes a two-tiered tax structure for motor carriers consisting of registration fees and fuel taxes.

The preamble to the bill declares that the legislative intent of the act is to satisfy the settlement agreement in the case of Dave R. Grant Hay, Inc. v. Nevada Department of Motor Vehicles and Public Safety, but is not an admission of liability. In addition, this measure conforms Nevada's motor carrier tax structure to the June 23, 1987, decision by the United States Supreme Court in the case of American Trucking Associations, Inc. v. Scheiner, Secretary, Department of Revenue of Pennsylvania. This case relates to discriminatory state taxes between intrastate and interstate motor carriers which were found to be in violation of the commerce clause of the United States Constitution.

The measure repeals laws pertaining to mileage fees and eliminates certain other required fees, service charges and privilege taxes. The special fuel tax is increased from 20 to 22 cents per gallon, and registration and permit fees on trucks are increased.

The fee schedule for a temporary license is revised to provide a fee of \$5 plus 15 cents per mile that the vehicle is estimated to travel in Nevada. The registration fee for large trucks (with a declared gross weight greater than 26,000 pounds) is set at \$17 per 1,000 pounds with the maximum fee increased from \$480 to \$1,360. Quarterly installment payments are authorized for the payment of these fees.

Registration fees for smaller trucks also are increased, along with the fees for over-dimensional vehicles (truck combinations) which are increased from \$30 to \$60 per 1,000 pounds, in excess of 80,000 pounds, up to a maximum fee of \$2,940.

The measure includes enabling language for participation in the International Fuel Tax Agreement which allows the DMV&PS to cooperate with other states and countries in exchanging information and auditing special fuel users. Provisions are included to provide due process for actions to seal a special fuel pump and to execute a lien against a vehicle for failure to pay the required fees and taxes. Procedures

HIGHWAYS (continued)

are specified for the credit or refund of fees for seasonal operators. Language in previous law relating to reciprocity registration with other states is deleted.

The bill increases from 1 to 2 percent the rate of interest on unpaid assessments for fees and taxes, increases the minimum fines for violations of the motor carrier laws and for failure to submit special fuel tax returns, and makes other technical changes.

The measure includes an appropriation of \$26,584 in the first year and \$24,584 in the second year of the biennium from the state highway fund to the DMV&PS for the costs of implementing the bill.

The fee and fuel tax increases and related sections of the act become effective on January 1, 1990; the appropriations section is made effective on July 1, 1989; and the remaining sections of the bill became effective upon passage and approval.

INSURANCE

Bill summaries within the topic of "Insurance" are categorized under the following subheadings:

1. Automobile Insurance;
2. Health Insurance;
3. Industrial Insurance; and
4. Other Bills Generally Related to Insurance.

Automobile Insurance

S.B. 220 (chapter 784)

Senate Bill 220 provides for a reduction in rates charged for motor vehicle liability insurance. For the period between October 1, 1989, and October 1, 1990, rates must be 15 percent lower than those in effect on July 1, 1988. The commissioner of insurance may allow a higher rate to be charged only if he finds that the insurer is threatened with insolvency. Insurers are prohibited from cancelling or refusing to renew policies to avoid the rate limits.

S.B. 370 (chapter 728)

Senate Bill 370 provides that policies of automobile liability insurance must offer a discount to persons over 55 years of age who complete a special course in traffic safety approved by the department of motor vehicles and public safety. The discount must be granted for 3 years following the successful completion of the course. The size of the discount is to be based upon actuarial and loss experience data. To qualify for the discount, a driver also must maintain a clean driving record, not be involved in an accident, and not be convicted of a moving violation or of driving under the influence of drugs or alcohol for a period of 3 years before completing the course, and 3 years afterward. Insurers must obtain the written permission of the commissioner of insurance before offering a policy providing for this type of discount.

A.B. 17 (chapter 589)

Assembly Bill 17 revises the sample insurance verification program and requires the department of motor vehicles and public safety to verify the liability insurance of all registered owners for whom the department has received

notification that coverage for a vehicle has been terminated. It also requires the department to annually verify the liability insurance of a sample of not more than 5 percent of all registered owners in the state.

Previous law required the department to verify the liability insurance of a sample of not less than 10 percent of all registered owners or of all owners for whom an insurance contract was terminated.

A.B. 338 (chapter 773)

Assembly Bill 338 increases the maximum penalty for operating a motor vehicle without liability insurance from \$500 to \$1,000. Persons who fail or refuse to surrender, upon demand, proof of insurance to a peace officer, or knowingly allow a person without insurance to operate their motor vehicle also are subject to this penalty.

A.B. 400 (chapter 471)

Assembly Bill 400 prohibits automobile insurance companies from knowingly recommending or directing their insured to an unlicensed body shop. The bill also requires a body shop operator to prominently display his license number in his shop and to include it on all estimates and invoices for repairs.

A.B. 404 (chapter 775)

Assembly Bill 404 requires automobile insurance companies to offer their insureds, on a form prescribed by the commissioner of insurance, coverage against uninsured and underinsured motorists in an amount equal to the amount of bodily injury coverage purchased. The insurer need not reoffer the coverage when a policy is renewed, replaced or reinstated, but the insured may purchase the coverage by making a written request.

Insurers are also required to offer customers the option of purchasing at least \$1,000 in coverage for medical expenses resulting from an accident.

A.B. 406 (chapter 779)

Assembly Bill 406 amends the laws relating to automobile insurance for private passenger cars. The bill allows insurance companies to include in their policies a clause which excludes, limits or reduces coverage for bodily injury to another named insured, or the members of the household of the named insured. The exclusion, reduction or limitation must be fully disclosed and the disclosure form must be signed by the insured.

A.B. 410 (chapter 275)

Assembly Bill 410 requires the commissioner of insurance to publish a guide to rates for automobile insurance. The guide must include an explanation of the types of coverage available and a list of insurers. The guide must also contain comparisons, using one or more hypothetical examples, of the cost of purchasing insurance from the five companies which offer the coverage at the highest rate and the five which offer it at the lowest rate.

Health InsuranceS.B. 184 (chapter 237)

Senate Bill 184 amends the law regarding group contracts for dental, hospital and medical services issued by corporations for medical service. The bill provides a set of rules for coordination of benefits when an individual is covered by more than one policy of group insurance. The measure also makes it clear that the requirement for these contracts to cover certain treatments for alcohol and drug abuse applies only to group health insurance policies.

In addition, the bill corrects an oversight in A.B. 278 of the 1987 session. The provisions for different deductibles and copayments when treatment is provided by preferred providers of health care or by providers who are not preferred were omitted from chapter 695B of NRS. The difference in deductibles--\$600 for admission to facilities, or \$500 for other treatments--and the 30 percent difference in copayments are made to apply to all group health insurance.

Finally, the measure requires that if a contract for dental, hospital or medical services includes more than one class of risk, a schedule of the premium rates must be filed with the commissioner of the insurance division in the department of commerce. The schedule may not be delivered, issued or used until the commissioner approves it or 30 days expire without notice from the commissioner.

This act is effective on July 1, 1989, and applies to contracts issued or renewed after that date.

S.B. 403 (chapter 867)

Senate Bill 403 requires that every health care insurance certificate, contract or policy issued within Nevada must include a procedure for binding arbitration to resolve disputes concerning the independent evaluation of patient care provided by a physician or chiropractor. Arbitration

procedures must be conducted according to national rules established by the American Arbitration Association.

In addition, any independent evaluation of patient care must be performed by a physician or chiropractor certified to practice in the same field as the treating practitioner. The evaluation must include a physical examination of the patient, when possible, and a review of pertinent medical records and diagnostic test results. The findings of the independent evaluation must be reported to the treating practitioner within 10 days after the review is completed. The bill also creates a procedure for the insured person to appeal a finding.

An insurer is prohibited from limiting or denying coverage for care concerning a disputed claim while the claim is in arbitration. However, if the insurer prevails and the insured person chooses to appeal the finding, a physician or chiropractor may not be reimbursed for patient care pending the outcome of the appeal.

S.B. 442 (chapter 877)

Senate Bill 442 amends the laws relating to health insurance, group health insurance, nonprofit corporations for hospital, medical and dental service, health maintenance organizations and plans for dental care. The bill requires that these insurers cover treatment of the temporomandibular joint. The coverage may exclude dental procedures and may be limited to no more than 50 percent of the cost of treatment and to treatments which are medically necessary. The bill applies to contracts delivered on or after January 1, 1990.

A.B. 114 (chapter 586)

Assembly Bill 114 amends the laws relating to group health insurance; health insurance contracts; health maintenance organizations; nonprofit corporations for dental, hospital and medical service; and plans for dental care.

The bill provides that an insurer may not cancel a policy, fail to renew it, or renew it with altered terms unless written notice is given to the insured at least 60 days before the action becomes effective. For individual health insurance contracts, the notice must include changes in rates for specific lines of coverage.

Group health insurers, fraternal benefit societies, nonprofit corporations for hospital, medical and dental service, and health maintenance organizations must provide for continuing coverage of employees and their dependents when

the employee is on leave without pay due to a total disability. The coverage must continue until the employee is terminated, the employee obtains another policy of health insurance, the group insurance contract is terminated, or 12 months have elapsed.

The measure also requires that the commissioner of insurance adopt regulations requiring insurers to file with him a disclosure statement summarizing the coverage provided by their policy. The disclosure must be written in language which is easily understandable and must include any significant exceptions, limitations or reductions that apply to the policy. It must also contain any other information which the commissioner finds is necessary to provide for fair and full disclosure. The insurer must provide the insured with a copy of the disclosure statement before the policy is issued.

In addition, the bill requires employers to notify their employees of their intent to accept or cancel a policy of group life, dental or health insurance. Furthermore, an employer who provides his employees with health benefits is to notify them if he is unable to pay a premium or intends to stop paying premiums. This notice must be given at least 15 days before the next premium is due.

A.B. 326 (chapter 241)

Assembly Bill 326 specifies the amount to be paid by certain public employers for group insurance during the next biennium. The payments for each participating employee must not exceed \$168.50 per month for the first year of the biennium nor \$193.75 per month for the second year. If the amount to be contributed toward the actual premium of the plan selected by the employee is less than this specified amount, the balance must be credited to the state's self-insurance fund.

A.B. 619 (chapter 482)

Assembly Bill 619 requires health insurance policies to cover the cost of hospice care. Previous law provided only that if a policy covered certain services when they were performed by a hospital or other medical facility, it must cover the same services when they were performed by a hospice.

The bill also provides for the regulation of freestanding facilities for hospice care, that is, hospices which are physically separate from any other medical facility and are operated exclusively to provide hospice care. The types of service included under the term "hospice care" are defined.

The measure prohibits any person or organization from claiming that it provides hospice care unless its program of care includes certain services and meets specified standards.

The bill further prohibits the operation of a program of hospice care without a license from the state board of health and authorizes the board to adopt licensing standards for these programs.

A.B. 750 (chapter 791)

Assembly Bill 750 requires that policies of health insurance include coverage for breast examinations. The bill also extends the required coverage for reconstructive surgery after mastectomies.

A.B. 762 (chapter 815)

Assembly Bill 762 amends the law regulating group health insurance. The bill prohibits an insurer from disclosing to a policyholder the fact that an insured is taking a prescription drug or medicine or the identity of that drug or medicine. The bill does not prohibit disclosures to an administrator who acts as an intermediary for claims for insurance coverage.

A.B. 814 (chapter 597)

Assembly Bill 814 amends the laws relating to group health insurance; health insurance; health maintenance organizations; and nonprofit corporations for dental, hospital and medical service. The bill provides for direct reimbursement of providers of medical transportation.

Industrial Insurance

S.B. 121 (chapter 625)

Senate Bill 121 prohibits an industrial insurer from contracting with any one particular physical therapist or group of physical therapists for the exclusive provision of services. The measure, however, allows the insurer to enter into a sufficient number of such contracts throughout the state to ensure that injured employees receive prompt professional care.

The bill also prohibits an industrial insurer from entering into a contract which would restrict the ability of an injured employee to choose a pharmacy to fill prescriptions for pharmaceuticals, providing the pharmacy chosen does not charge more than the lowest price which the insurer has contracted for with other suppliers.

Existing law does not allow industrial insurers to enter into exclusive contracts with a primary care physician or chiropractor. It also prohibits such contracts with a single acute-care general hospital.

S.B. 172 (chapter 101)

Senate Bill 172 protects land surveyors from liability for certain accidents covered by industrial insurance.

Under existing law, a building contractor's employee who sustains a job-related injury which is covered by industrial insurance collects from the state industrial insurance system and may not sue the contractor. Likewise, he may not sue the architects or engineers who performed services related to the job. Senate Bill 172 extends this exclusive remedy associated with industrial insurance to provide that land surveyors who work on the project also may not be sued.

S.B. 241 (chapter 827)

Senate Bill 241 addresses fraudulent claims related to industrial insurance. The measure relates to situations in which an insurer determines that a claimant has willfully misrepresented or concealed information in order to obtain a benefit or payment. Under these conditions, the insurer may deduct from the claimant's benefits the amount obtained because of the misrepresentation or concealment, or the insurer may seek reimbursement of the illegally obtained payments.

The bill further provides that the claimant may appeal such a determination through the hearings and appeals process, and ultimately to district court. If the final decision by an appeals officer is favorable to the claimant, the insurer must pay him \$2,000 in addition to any benefits he is otherwise entitled to receive.

S.B. 253 (chapter 353)

Senate Bill 253 provides for a modified program of industrial insurance coverage for inmates engaged in work in a prison industry program. The bill directs the state industrial insurance system to adopt regulations by January 1, 1990, setting forth the provisions of the insurance program. The measure further specifies that an inmate is limited to the rights and remedies established through the modified program rather than being subject to the stipulations of chapters 616 and 617 of NRS. The bill also requires the director of the department of prisons to pay the necessary premiums for the coverage from the fund for prison industries.

S.B. 258 (chapter 688)

Senate Bill 258 establishes two levels of administrative fines which may be assessed against an insurer or employer for violations of industrial insurance laws or regulations. The previous fine for all such violations was up to \$500.

The bill provides a fine not to exceed \$100 for each initial unintentional failure to comply with regulations for:

1. The acceptance and rejection of claims;
2. Determination and calculation of a claimant's average monthly wage;
3. Determination and payment of compensation;
4. Delivery of accident benefits; and
5. Reporting related to these matters.

Intentional and repeated violations of these regulations and violation of any other provisions of NRS 616.647 are made subject to a fine of up to \$1,000. The bill further specifies that existing provisions concerning revocation of a certificate of self-insurance relate to the offenses associated with the \$1,000 fine.

S.B. 322 (chapter 329)

Senate Bill 322 extends the coverage of the state industrial insurance system to all members of the militia of the state. Previous law specified that SIIS benefits were available to the members of the Nevada National Guard. In addition to the Nevada National Guard, the state militia also includes, when they are called into active service, the Nevada National Guard Reserve and any volunteer organizations licensed by the governor.

A.B. 1 (chapter 856)

Assembly Bill 1 requires the legislative auditor to conduct an operational audit of the state's program of workmen's compensation.

The department of industrial relations is directed to transfer \$125,000 from the fund for workers' compensation and safety to the audit division of the legislative counsel bureau to carry out the provisions of the act.

A.B. 103 (chapter 330)

Assembly Bill 103 provides a method for the payment of a contested claim for industrial insurance when the claim is

appealed. The measure provides that if a hearing officer, appeals officer or district court renders a decision on a claim for compensation and the insurer or employer appeals that decision, but is unable to obtain a stay of the decision:

1. Payment of that portion of an award for a permanent partial disability which is contested must be made in installment payments until the claim reaches final resolution.
2. Payment of the award must be made in monthly installments of 66 2/3 percent of the average wage of the claimant until the claim reaches final resolution if the claim is for more than 3 months of past benefits for a temporary total disability or rehabilitation, or for a payment in lump sum related to past benefits for rehabilitation, such as costs for purchasing a business or equipment.

If the final resolution of the claim is in favor of the claimant, the remaining amount of compensation to which the claimant is entitled may be paid in a lump sum if the claimant is otherwise eligible for such a payment. If the final resolution of the claim is in favor of the insurer or employer, any amount paid to the claimant in excess of the uncontested amount must be deducted from any future benefits related to that claim, other than medical benefits, to which the claimant is entitled. The deductions must be made in a reasonable manner so as not to create an undue hardship to the claimant.

The bill further provides that if a contested claim for compensation is decided in favor of the claimant, he is entitled to an award of interest at the rate provided for civil judgments in NRS 17.130, on the amount of compensation due him, from the date the payment on the claim would be due until the date that payment is made. The measure also specifies that the rate of interest used for calculating lump sum payments pursuant to NRS 616.607 must be equal to the rate provided for civil judgments in NRS 17.130. (See the summary of A.B. 957, chapter 836, for subsequent amendments to these provisions.)

A.B. 104 (chapter 388)

Assembly Bill 104 authorizes the state industrial claimants' attorney to represent industrial insurance claimants in additional administrative or judicial proceedings if the representation is deemed necessary by the attorney.

Previous law limited the attorney's activities to hearings before the appeals officer within the state industrial insurance system or the district court.

A.B. 141 (chapter 161)

Assembly Bill 141 amends several provisions of the law concerning claims for industrial insurance benefits.

The bill declares that copies of materials in claims files which are requested by the state industrial claimants' attorney must be provided by the insurers free of charge. It also protects privileged material from disclosure or reproduction.

The measure allows notice of an injury to be mailed to the insurer through regular (rather than certified) mail. It increases from 30 to 60 days the time within which a claimant may request a hearing on the proposed closing of his case before all benefits have been paid. It also replaces the statutory schedule of compensation for loss or permanent damage to a tooth with a requirement that such a schedule be adopted by regulation and reviewed at least every 2 years. In addition, the bill increases the maximum death benefits from \$2,500 to \$5,000 for burial of the deceased employee and for funeral expenses of eligible dependents.

A.B. 164 (chapter 276)

Assembly Bill 164 relates to industrial insurance. It limits the exemption from the provisions of the industrial insurance laws for an employer who hires an employee outside of Nevada to work temporarily in the state. The bill specifies that this exemption applies only to the employees of a contractor operating on a project whose cost as a whole does not exceed \$250,000.

The measure also provides that an employer is not required to pay premiums for an employee who has been hired or is regularly employed in Nevada, but who is performing work exclusively in another state, if the other state requires the employer to provide coverage for the employee in that state. If such an employee is injured, the claim for compensation must be filed in the state in which the injury occurred.

A.B. 284 (chapter 582)

Assembly Bill 284 specifically allows the owner or lessor of real property to require an employer who is leasing the property to insure the owner or lessor against liability for repair or maintenance of the premises.

A.B. 547 (chapter 414)

Assembly Bill 547 clarifies that the manager of the state industrial insurance system, rather than the state treasurer, administers all of the money in the state insurance fund. References to the state treasurer disbursing money from this fund and references to a state insurance fund deposit account administered by the state treasurer are deleted from the statutes. The bill also requires that administrative fines imposed pursuant to three sections of the industrial insurance statutes are to be deposited in the fund for workers' compensation and safety.

The state controller is directed to transfer all money remaining in the state insurance fund deposit account on July 1, 1989, to the state insurance fund, and the act is made effective on that date.

A.B. 680 (chapter 360)

Assembly Bill 680 authorizes the manager of the state industrial insurance system to impose administrative sanctions against an employer who misrepresents the amount of payroll upon which his premium is based.

Under previous law, the system was required to go to court to recover the lost premiums, and the employer was liable for 10 times the amount of the difference between the premium paid and the premium that should have been paid. This bill allows the manager of the system to make an administrative determination, and it reduces the employer's liability to three times the difference between the amount of the premium paid and the premium which should have been paid.

The bill allows the employer to request a hearing before the administrator, and it provides that the decision of the administrator made pursuant to the hearing is a final determination for the purposes of judicial review.

A.B. 681 (chapter 561)

Assembly Bill 681 expands the statutory provision relating to fraudulent claims for services rendered to industrial insurance claimants. Under previous law, a person who filed a claim for services which were not performed was guilty of a gross misdemeanor. This bill prohibits a provider of medical or other services from knowingly:

1. Obtaining or attempting to obtain a payment to which he is not entitled;

2. Accepting a payment in an amount greater than that to which he is entitled;
3. Falsifying a report or document required by the insurer relating to payments for services or supplies furnished by him; and
4. Accepting, soliciting or offering a bribe or rebate in connection with services rendered or supplies furnished.

In addition to the gross misdemeanor penalty, the bill makes the willful violator liable for three times the amount unlawfully obtained, not less than a \$500 fine, and reasonable expenses incurred by the insurer in enforcing the law. The measure stipulates, however, that the provider who accepts a payment without knowledge that it is excessive is liable only for repayment of the excess amount.

A.B. 688 (chapter 560)

Assembly Bill 688 relates to industrial insurance. The measure allows the microfilming of principal records, such as the insurer's general and regular journals and general ledgers, after they have been audited. The records may then be destroyed in accordance with statutory guidelines.

The bill specifically allows the insurer to recover fraudulently obtained payments or benefits, and it authorizes the attorney general or the appropriate district attorney to prosecute these fraudulent claims. The measure also directs state agencies, upon request, to furnish the attorney general or a district attorney with information which would assist in the prosecution of a claimant alleged to have fraudulently obtained payments or benefits.

A.B. 692 (chapter 559)

Assembly Bill 692 authorizes the manager of the state industrial insurance system to prescribe by regulation for the disclosure of certain otherwise confidential information to other agencies of state governments, the federal Internal Revenue Service, and state or local agencies for the enforcement of child support.

The measure also provides that a person who illegally discloses information or uses a list of claimants or policyholders for political purposes is guilty of a gross misdemeanor. It further stipulates that all letters, reports or communications from the insurer disclosed pursuant to these provisions are privileged and may not be the subject of a lawsuit.

A.B. 790 (chapter 548)

Assembly Bill 790 relates to the manner in which benefits are paid through industrial insurance. Under previous law, a claimant who incurred a disability of more than 25 percent because of an injury occurring on or after July 1, 1987, was allowed to receive his compensation in a lump sum rather than a structured settlement. This bill changes the deadline to July 1, 1981, thus allowing people receiving such a disability between July 1, 1981, and July 1, 1987, to choose a lump sum payment. The measure also amends the method for determining the amount of a lump sum payment to recognize the situation in which a claimant may have been receiving a structured settlement before choosing to change to a lump sum.

A.B. 916 (chapter 325)

Assembly Bill 916 makes technical corrections to Assembly Bill 164 as previously enacted during the 1989 legislative session. The measures address industrial insurance coverage for workers hired outside of Nevada to work temporarily in this state.

A.B. 957 (chapter 836)

Assembly Bill 957 revises provisions previously approved during the 1989 legislative session concerning the payment of claims for industrial insurance benefits. In changing Assembly Bill 103 (chapter 330), the measure specifies that the interest to be paid in contested claims won by the claimant is 9 percent of the compensation which is due. The bill also makes a technical correction to Assembly Bill 790 (chapter 548) relative to paying a lump sum benefit for a permanent partial disability.

Other Bills Generally Related to InsuranceS.B. 195 (chapter 760)

Senate Bill 195 requires that insurers pay claims with instruments which are readily negotiable. An insurer is deemed to be in compliance with this measure if a Nevada bank agrees to accept the insurer's drafts in as timely a manner as it accepts the insurer's checks.

A.B. 390 (chapter 451)

Assembly Bill 390 prohibits insurance companies from cancelling contracts with an agent based upon the loss ratio experience on policies sold by the agent. "Loss ratio experience" is defined as the amount of money received in premiums divided by the amount paid in claims. The act becomes effective upon passage and approval and the

prohibition applies retroactively to cancellations, reductions or restrictions begun on or after January 1, 1989.

A.B. 399 (chapter 885)

Assembly Bill 399 amends the insurance code to require the approval of the commissioner of insurance before a rate increase for property and casualty insurance can go into effect. The commissioner has 60 days in which to approve or disapprove a proposed rate increase.

Currently, a rate increase automatically goes into effect if the commissioner fails to act within 30 days.

A.B. 401 (chapter 575)

Assembly Bill 401 makes permanent certain provisions requiring the commissioner of insurance to study methods to contain rates for insurance, authorizing the collection of certain data, and imposing a fee of \$500 per year on all insurers to pay for the program.

A.B. 402 (chapter 673)

Assembly Bill 402 amends the law relating to casualty insurance. The bill provides that an insurer may not, as a condition of paying a claim against its insured, require the claimant's insurer to waive the right to be subrogated to the rights of the claimant in an action against the insured for damages. Damages are defined as the amount by which the alleged liability of the insured exceeds the limits of bodily injury coverage in his policy of casualty insurance.

A.B. 403 (chapter 526)

Assembly Bill 403 requires an insurer who transacts casualty, property or surety insurance in Nevada to employ an adjuster who resides in this state to adjust claims.

A.B. 541 (chapter 263)

Assembly Bill 541 amends the law relating to insurance to allow policyholders to recover unearned premiums through the Nevada Life and Health Insurance Guaranty Association and the Nevada Insurance Guaranty Association. These two organizations were formed to protect policyholders and their beneficiaries from losses which might result from the failure of an insurance company to meet its obligations due to insolvency. An unearned premium is the share of a total insurance premium applicable to the unexpired portion of the policy term.

A.B. 565 (chapter 252)

Assembly Bill 565 makes a number of changes in the provisions governing credit disability and credit life insurance. Among other changes, the bill provides that in cases in which indebtedness is repayable in installments, the amount of insurance must not exceed the scheduled or actual amount of unpaid indebtedness. This provision replaces a more complex formula in previous law.

The measure also allows the term of insurance to be less than the term of the debt and to extend more than 15 days beyond the term of the debt if the extra coverage is provided at no additional cost to the debtor. Previously, the insurance was required to extend until the day of the final scheduled payment.

In addition, the bill authorizes the commissioner of the insurance division to approve the use of a single rate for credit disability insurance if that rate is actuarially consistent with the rates specified in the law.

Finally, the measure allows, under certain circumstances, a policy for credit insurance to provide for the termination of the insurance when the debtor attains some specified age not less than 70 years.

LABOR AND MANAGEMENT

A.B. 53 (chapter 13)

Assembly Bill 53 prohibits the use of a waiver to limit the liability of a polygraphic examiner. It specifies that the person being examined may not be asked to sign a waiver and that any such waiver is void.

A.B. 63 (chapter 212)

Assembly Bill 63 addresses the manner in which the division of occupational safety and health in the department of industrial relations handles complaints lodged by employees, as well as information and investigations associated with these complaints.

The bill establishes a procedure for accepting and acting upon oral complaints. (Under previous law, all complaints were required to be submitted in writing.) A record of the oral complaints must be maintained and submitted quarterly to the advisory committee of the department of industrial relations for its review.

In addition to this record, the division is required to keep a logbook of oral and written complaints. The logbook must list the action taken in response to each complaint, each inspection, and all citations and penalties.

The bill also specifies the types of records which are open to public inspection and the information that must be kept confidential. It increases the list of persons who have access to records concerning exposure to toxic or harmful materials by adding representatives of employees. The measure further adds providers of health care and governmental employees whose primary duty is to ensure public safety to the list of people who may request an investigation by the division, and it provides that these requests may be made orally or in writing.

The bill allows the division's administrator to issue an emergency restraining order, rather than having to obtain such an order through the district court. The measure also increases from \$10,000 to \$20,000 the maximum fine associated with willfully filing a false complaint or misrepresenting or destroying records.

A.B. 247 (chapter 338)

Assembly Bill 247 allows continuing garnishment of earnings for 120 days or until the amount demanded through the writ of garnishment is satisfied, whichever occurs earlier. The

measure outlines procedures and responsibilities associated with the garnishment, and it specifies the penalty for an employer's refusal to withhold the required earnings or knowingly misrepresenting the amount of the earnings. The bill also makes it unlawful for an employer to discharge or discipline an employee exclusively because the employer is required to withhold the employee's earnings pursuant to a writ of garnishment.

A.B. 264 (chapter 583)

Assembly Bill 264 deals with unemployment compensation. The measure changes the method for calculating the benefits to be received by a claimant who is also receiving pension benefits.

The bill redefines the "pension offset" which previously provided a formula through which a claimant's unemployment benefits could be reduced as a result of his receiving benefits through a pension plan. Under this bill, a claimant who has made any portion of the contribution to his pension plan no longer has his unemployment benefits reduced because of his receiving the pension benefits.

A.B. 300 (chapter 211)

Assembly Bill 300 increases penalties for the violation of statutes relating to occupational safety and health. The maximum administrative fine of \$1,000 for an employer's failure to correct a cited violation is increased to \$2,000. The fine for an employer who willfully refuses to submit his records for inspection by the department of industrial relations is increased from \$100 to \$200. The maximum fine for failing to post and maintain required notices and records is changed from \$1,000 to \$2,000.

In the case of an employer who willfully violates a requirement and causes the death of an employee, the maximum fine associated with the first offense is raised from \$10,000 to \$20,000, while the maximum fine for a second or subsequent offense is increased from \$20,000 to \$40,000. The fine for a person who gives an unauthorized advance notice of an inspection of a workplace is raised from \$1,000 to \$2,000.

A.B. 368 (chapter 763)

Assembly Bill 368 relates to the minimum wage for private employment in the state. The bill authorizes the labor commissioner to increase Nevada's \$3.35 per hour minimum wage in accordance with the minimum wage prescribed by federal law, unless he determines that the increase is contrary to the public interest.

A.B. 503 (chapter 209)

Assembly Bill 503 requires the contractor and each subcontractor to transmit a record of wages paid in connection with a public works project to the public body which awarded the contract for the work. The bill further provides that the copy must be open to public inspection.

A.B. 679 (chapter 666)

Assembly Bill 679 creates a special revenue fund to be used by the employment security department to finance an employment training program. The program is designed to provide opportunities for training to claimants who do not qualify for existing public programs.

In order to finance the training program, the bill institutes a special assessment of .05 percent on wages taxable under the state's unemployment insurance program. Simultaneously, however, the measure reduces the regular rate of contributions by a commensurate .05 percent. Thus, the net effect is creation of the training program through a redirection of employer contributions.

A.B. 687 (chapter 418)

Assembly Bill 687 prohibits an employer from terminating an employee who, as the parent, guardian or custodian of a child, appears at a conference requested by the administrator of the child's school or is notified during his work by a school employee of an emergency regarding the child. The bill also prohibits an employer from telling the employee that these actions during his work will result in the termination of his employment.

The measure classifies a violation as a misdemeanor offense and allows a person discharged from employment for these reasons to commence a civil action against his employer.

A.B. 712 (chapter 350)

Assembly Bill 712 is modeled after related federal law, and it generally prohibits employers from requiring an employee or prospective employee to submit to a lie detector test. Likewise, the bill generally prohibits an employer from taking an adverse employment action based on the results of a lie detector test or the refusal of an employee to take such a test.

The state's labor commissioner is given the responsibility to administer the measure's provisions, and he is authorized to impose civil penalties for violations. An employer's liability to the employee or prospective employee affected by a violation is also specified.

LABOR AND MANAGEMENT (continued)

The provisions of the bill do not apply to the state or any political subdivision of the state. Exemptions are provided for specific circumstances associated with an ongoing investigation involving economic loss or injury to an employer's business. Exemptions are also provided under specified circumstances for businesses which provide armored car personnel, personnel who work with security alarm systems and other security personnel, as well as businesses that are authorized to manufacture, distribute or dispense controlled substances.

A.B. 736 (chapter 554)

Assembly Bill 736 clarifies that a claimant or an employer is entitled to information from the records of the employment security department only for purposes of determining eligibility for unemployment benefits.

A.B. 847 (chapter 873)

Assembly Bill 847 relates to unemployment compensation. The bill changes the method for calculating the wages paid to a claimant during his base period. Under previous law, a person was eligible to receive compensation only if the wages he earned within his entire base period were at least 1 1/2 times the wages earned in the highest paid quarter of the period. This measure adds the provision that a claimant is also eligible for unemployment compensation if he earned wages in each of at least three of the four quarters in his base period. The measure "sunsets" on October 1, 1991.

A.B. 905 (chapter 809)

Assembly Bill 905 revises the statutory definition of "public work." The measure specifically includes jails and prisons in the definition. It also clarifies that facilities which otherwise qualify and which are financed in whole or in part from public money fall within the definition.

The bill also includes in the definition of "public work" a building for the University of Nevada System when 25 percent or more of the costs of the building as a whole are paid from money appropriated by the state or the Federal Government.

LANDLORD AND TENANT, MOBILE HOMES AND
MANUFACTURED HOUSING

S.B. 28 (chapter 12)

Senate Bill 28 limits the jurisdiction of the justice courts in landlord-tenant actions for the possession of lands and tenements to those actions in which damages claimed do not exceed \$2,500 or when no damages are claimed.

S.B. 99 (chapter 374)

Senate Bill 99 amends the law to authorize, under special conditions, the movement on the highways of manufactured or mobile homes that are between 168 and 192 inches (14 and 16 feet) in width. Previous law only authorized Nevada's department of transportation to issue a permit for the movement of a mobile residence that is between 120 and 168 inches (10 to 14 feet) in width.

The special conditions include a requirement that the applicant demonstrate possible severe economic hardship and loss of his residence if he is not allowed to move it. In this situation, the NDOT is authorized to issue a special one-trip permit only if the applicant owns and intends to reside in the trailer coach or motor home in this state after it is moved. A permit may not be issued to a person who purchases this type of residence outside the state with the intent to move it into the state for lease, resale or business purposes.

S.B. 230 (chapter 758)

Senate Bill 230 makes various changes in the laws relating to mobile home parks. The bill authorizes the administrator of the manufactured housing division of the department of commerce to adopt regulations to carry out the provisions of chapter 118B of NRS, "Landlord and Tenant: Mobile Home Parks."

A landlord is required to disclose to each tenant, in writing, the name, address and telephone number of the owner of the park. He also is required to maintain a safe and secure location for individual mail boxes if the mail is delivered to the landlord for distribution to the tenants.

The measure prohibits a landlord from charging a fee for pets kept by a tenant, unless special facilities for pets are provided. Previously, the landlord could charge a reasonable fee for allowing a tenant to keep a pet. A

landlord also is prohibited from raising rents to recover revenue lost when an amenity, service or utility is decreased or eliminated.

In addition, the bill provides that when a mobile home park is closed and tenants are required to relocate, the landlord must pay any deposits which may be required to connect the tenant to the utilities in the new park. A landlord is prohibited from increasing the rent of any tenant for a period of 180 days before applying for a zoning change affecting the park.

The bill also imposes a civil penalty of \$1,000 for the first offense, \$1,500 for the second offense, and \$2,500 for third or subsequent offenses upon a landlord who unlawfully terminates a tenancy. Previous law allowed the tenant to recover up to 6 months rent or actual damages, whichever amount is greater.

S.B. 348 (chapter 786)

Senate Bill 348 requires mobile home parks built after October 1, 1989, to provide direct water service to each lot if the service is available. It also mandates that the water service must be connected to a master meter and not to individual meters for each lot. The measure further prohibits a landlord from converting from a master-metered system to individual meters.

The bill prohibits landlords from charging tenants directly for the cost of providing utility service to the common areas of the park, if those costs can be identified. In addition to the regular costs of service, the measure also authorizes landlords to use service charges which are collected from tenants for utility service to pay the costs of preventive maintenance and federal income taxes owed as a result of the collection of the charges. The landlord, however, is prohibited from collecting charges from the tenants which exceed the total costs of the service to him.

S.B. 505 (chapter 593)

Senate Bill 505 amends the law relating to manufactured homes. The bill makes it clear that a rebuilder of mobile or manufactured homes is required to take an oral or written examination for licensing by the manufactured housing division in the department of commerce.

A.B. 138 (chapter 141)

Assembly Bill 138 requires the administrator of the manufactured housing division of the department of commerce to collect economic and demographic data annually from each

mobile home park, including the amount of rent and rate of vacancy for each type of lot in the park, and to prescribe the form for the collection of such data.

A.B. 206 (chapter 449)

Assembly Bill 206 amends the laws relating to mobile home parks. The bill provides that before a tenant signs the initial rental agreement for a mobile home lot, the landlord must disclose, in writing, the zoning designation of the lot and each parcel of land adjoining the park.

The bill also provides that notice of proposed zoning changes must be mailed to each tenant of any mobile home park located within 300 feet of the parcel of property affected by the change.

LEGISLATURE, LEGISLATIVE COUNSEL BUREAU

S.B. 2 (chapter 2)

Senate Bill 2 eliminates the requirement that a list of requests for bill drafts be published on the first day of the legislative session in the journals of the senate and assembly. The measure, however, requires the legislative counsel to continue to prepare the list throughout the session and make it available to the public.

S.B. 6 (chapter 257)

Senate Bill 6 requires the legislative commission to collect a fee to cover the costs of postage and handling related to the sale of Nevada Reports. The money collected must be deposited in the legislative fund.

Existing law allows the director of the legislative counsel bureau to sell copies of Nevada Reports, which is an official state publication produced in annual volumes that contains the opinions and decisions of Nevada's supreme court.

S.B. 12 (chapter 112)

Senate Bill 12 relates to legislative audits and authorizes the legislative commission to provide by regulation for final written audit reports to be presented, and reports on plans of corrective action to be submitted, to the audit subcommittee before they are brought to the legislative commission. In reference to reports on plans of corrective action, the legislative commission also by regulation may authorize the audit subcommittee to review the reports, conduct hearings to examine justifications for failure to carry out audit recommendations and report its findings to the legislative commission.

S.B. 59 (chapter 839)

Senate Bill 59 clarifies that title to property acquired or used for the legislature or its staff is not required to be held by the division of state lands in the state department of conservation and natural resources. In addition, the measure specifies that the legislature reserves to itself the supervision and control of any property acquired for the use of the legislature or its staff.

S.B. 106 (chapter 195)

Senate Bill 106 authorizes the members of the legislative committee on public lands who are state legislators to receive the compensation provided for a majority of the members of the legislature during the first 60 days of the

preceding session and the per diem allowance provided for state officers and employees generally for attendance at a meeting of the committee, except during a regular or special session of the legislature.

S.B. 114 (chapter 114)

Senate Bill 114 requires the legislative counsel, upon request, to disclose to a legislator whether a request for proposed legislation relating to a specific topic has been submitted to the legislative counsel for preparation. This measure is designed to help avoid duplicate bill draft requests on the same subject.

S.B. 153 (chapter 51)

Senate Bill 153 clarifies that the compensation for the secretary of the senate and the chief clerk of the assembly must be provided for in the budget of the legislature for the ensuing biennium. The bill also ratifies their salaries for the final quarter of the 1987-1988 biennium. In addition, the measure specifies that the secretary and the chief clerk are not employees of the legislative counsel bureau although they are subject to the same requirements and entitled to the same benefits and rights as apply to employees of the bureau.

S.B. 402 (chapter 492)

Senate Bill 402 abolishes the legislative committee to review the performance of the office of the consumer's advocate.

S.B. 537 (chapter 701)

Senate Bill 537 expands the legislative grounds. The measure adds the parcel of land in Carson City on the corner of Stewart and Fifth Streets adjacent to the state printing and micrographics division office, department of general services, to the grounds supervised and controlled by the state legislature.

A.B. 46 (chapter 131)

Assembly Bill 46 prohibits certain acts by a former state legislator which would lead others to believe that the person is still a member of the legislature. Prohibited acts include: (1) use of official legislative stationery and business cards; (2) maintenance of a listing in any directory, published after the date that he leaves office, which in any manner indicates that he is presently a legislator; and (3) use on his vehicle of a special legislative license plate. A former legislator who violates any of these provisions is guilty of a misdemeanor.

A.B. 64 (chapter 3)

Assembly Bill 64 changes the effective date of bills and joint resolutions from July 1 to October 1 following passage by the legislature, unless otherwise specified in the bill. This measure was made effective upon passage and approval, and stipulates that it applies to bills and joint resolutions passed by the 65th session of the legislature.

A.B. 194 (chapter 769)

Assembly Bill 194 requires the legislative commission to appoint the members of the legislative committee on health care and to select the chairman and vice chairman from among the committee members. The committee is required to report annually to the legislative commission concerning its activities and any recommendations.

A.B. 199 (chapter 29)

Assembly Bill 199 establishes an earlier deadline for state agencies to submit proposed regulations to the legislative counsel before a legislative session. The date is moved from November 1 to August 1 of even-numbered years.

The measure, likewise, extends the period during which an agency may adopt temporary regulations immediately before and during a legislative session by changing the initial date from December 1 to September 1 and the final date from June 1 to June 15.

The purpose of this measure is to provide additional time for the legislative counsel to emphasize bill drafting immediately prior to legislative sessions.

A.B. 322 (chapter 304)

Assembly Bill 322 creates a commission to review the compensation of legislators. The commission consists of seven members appointed by the governor who also designates the chairman. The governor is prohibited from appointing current state legislators and officers or employees of a county, city or other political subdivision in the state as members of the commission.

The commission is required to review the amounts paid as compensation to the members of the legislature, hold public hearings to discuss the issue and receive public comment, and present its findings and any recommendations on compensation to the legislature on or before February 1 of each odd-numbered year. The legislature is required to consider the commission's findings and recommendations and take such action as it deems appropriate. However, the bill specifies

that the legislature may not increase the compensation of its members during their present terms of office.

The measure further provides for the standard operating procedures of the commission, methods of removal and filling vacancies of commission members, and their compensation and terms of office.

A.B. 380 (chapter 126)

Assembly Bill 380 clarifies that the legislative branch of government is not required to use the services of the state public works board when constructing a building or other project.

A.B. 417 (chapter 573)

Assembly Bill 417 amends provisions of state law relating to reimbursement of travel expenses for legislators. The allowance of 27 cents per mile is changed to a rate equal to the standard mileage reimbursement rate for which a deduction is allowed for federal income tax purposes.

The bill includes a new section to clarify that legislators are entitled to receive an allowance for travel in the transaction of legislative business authorized by statute or the legislative commission, that transportation must be by the most economical means considering certain factors, and that the allowance for travel by private conveyance is equal to the standard mileage reimbursement rate.

A.B. 428 (chapter 106)

Assembly Bill 428 eliminates the requirement that the legislative counsel prepare a digest of judicial opinions. The measure authorizes him, with the approval of the legislative commission, to contract or cooperate with a private publisher for the preparation and publication of the digest.

A.B. 610 (chapter 301)

Assembly Bill 610 requires the disclosure of information concerning a bill draft requested by a legislator on the list of requested bill drafts prepared by the legislative counsel. The list is not to include the name of the legislator who requested preparation of a measure until it is introduced in the legislature or until the legislator requests that his name be disclosed as the requestor, whichever occurs first.

Previous law prohibited the legislative counsel from including any information on the list concerning a measure requested by a legislator until the measure is introduced in

the legislature. This bill requires information on a bill draft request to be published and allows a legislator to have his name disclosed with the request.

A.B. 756 (chapter 551)

Assembly Bill 756 designates Nevada Revised Statutes as the official codified version of statutes of Nevada.

A.B. 835 (chapter 820)

Assembly Bill 835 requires the legislative counsel bureau, after every regular session of the legislature, to conduct a study of the newly enacted statutes to determine if they treat the sexes differently or affect women upon application more adversely than men. The results of the study, along with an index, must be compiled and published by the legislative counsel bureau.

A.B. 864 (chapter 542)

Assembly Bill 864 directs the state board of examiners to issue general obligation bonds in an amount not to exceed \$6,800,000 to pay for the costs of acquiring and improving certain property for the legislative branch of state government. Included are the acquisition and paving of an additional parking lot for the legislative building, the acquisition of an office building for use by the legislature and its staff and the related remodeling of the legislative building.

A.B. 892 (chapter 294)

Assembly Bill 892 advances the effective date of Assembly Bill 199, which was passed earlier in the session, to "passage and approval."

The effect of this measure is to apply A.B. 199 retroactively to proposed regulations of state agencies submitted to the legislative counsel for review between June 1, 1989, and June 15, 1989, and to temporary regulations adopted during that period.

A.B. 921 (chapter 810)

Assembly Bill 921 standardizes the provisions governing the state's group insurance program relative to participation by legislators. The measure increases the time before a legislator becomes eligible for state insurance by providing that his eligibility starts on the first day of the month following the 90th day after his initial term of office begins.

A.B. 923 (chapter 651)

Assembly Bill 923 increases the daily salary levels of temporary employees of the Nevada senate and assembly, effective October 1, 1989. The measure also allows the legislative commission to authorize the director of the legislative counsel bureau to enter into agreements for the acquisition of property deemed necessary to support the legislature and its staff. The director is authorized to expend money from the legislative fund for this purpose.

The bill further expands the audit subcommittee of the legislative commission from three to five members. The legislative auditor, to conform to the duties of other division chiefs of the LCB, is required to perform any functions which may be assigned by the legislature, the legislative commission or the LCB director.

A.B. 925 (chapter 813)

Assembly Bill 925 makes various changes concerning the regulation of lobbyists. A lobbyist is required to report monthly on expenditures for parties hosted by the organization he represents, in addition to the expenditure categories listed in current law.

The director of the legislative counsel bureau is authorized to release to the public the name of any lobbyist who fails to file an activity report within 14 days after it is due, and to revoke the registration of a lobbyist who fails to file a report within 30 days after the due date. The measure specifies procedures for the revocation, suspension and renewal of a lobbyist's registration.

The bill further changes the fine for late filing of an activity report. In addition, the measure deletes a provision relating to the prohibition of use of the lobbyist list for soliciting campaign contributions, selling tickets to fundraising affairs and any commercial purpose. A person is prohibited from knowingly acting as a lobbyist without being registered.

A.B. 945 (chapter 870)

Assembly Bill 945 authorizes the legislature to limit by concurrent resolution the number of bill drafts that may be submitted to the legislative counsel by legislators, state agencies, local governments and the courts.

A.B. 948 (chapter 781)

Assembly Bill 948 authorizes use of the word "Assemblywoman" on the official stationery and business cards of female members of the assembly.

The measure also revises the inscription on the special license plates for assemblymen to allow the use of the term "State Assemblywoman," as appropriate.

A.B. 949 (chapter 811)

Assembly Bill 949 authorizes imposition of a fine against a person who fails or refuses to comply with a legislative subpoena. The fine is set at not less than \$100 nor more than \$1,000, as fixed by resolution of the house, for each day a person remains in contempt of a subpoena. Previous law only authorized imprisonment for this offense.

LOCAL GOVERNMENTS, SPECIAL DISTRICTS AND MISCELLANEOUS
MATTERS RELATING TO GOVERNMENT AND PUBLIC AFFAIRS

Bill summaries within the topic of "Local Governments, Special Districts And Miscellaneous Matters Relating To Government And Public Affairs" are categorized under the following subheadings:

1. Bills Applying Generally to Local Governments;
2. Bills Applying to One Specific Local Entity;
3. Collective Bargaining;
4. Local Government Financial Administration; and
5. Miscellaneous Public Affairs.

Bills Applying Generally to Local Governments

S.B. 15 (chapter 57)

Senate Bill 15 adds a historical properties preservation plan to the components which must be included in regional and local master plans. The historical properties preservation plan must contain an inventory of significant archeological, architectural and historical properties, as defined by a region, county or city. The plan also must include a statement of methods to encourage the preservation of those properties.

S.B. 188 (chapter 602)

Senate Bill 188 allows a board of county commissioners to hold meetings at any place within the county boundaries. It also provides that, if the board meets outside the county seat, notice of the meeting must be given by publication once a week for 3 consecutive weeks in a newspaper of general circulation published in the county or by publication for 1 week in two or more newspapers of general circulation published in the county. At a meeting held outside the county seat, the board may not take any final action on zoning or planning matters which relate to a different geographic area than the one in which the meeting is held.

The measure also deletes the statutory provision which allowed the board of county commissioners to meet as a committee of the whole at any location for informational purposes. In addition, the bill allows the board to authorize one or more branch offices of county government

LOCAL GOVERNMENTS (continued)

outside of the county seat. This authorization does not, however, preempt any other statutory provisions which require certain duties to be performed at the county seat.

S.B. 206 (chapter 84)

Senate Bill 206 expands upon the provisions of A.B. 266 which was approved earlier in the session by the legislature, and was signed into law by the governor on March 24, 1989. Both measures relate to districts for county fire departments. Among other things, S.B. 206 allows meetings of the governing body of the district to be held in conjunction with meetings of the board of county commissioners without posting additional notices of the meetings within the district. The bill also clarifies the duties and employment status of certain county employees that relate to a district.

S.B. 232 (chapter 757)

Senate Bill 232 requires the governing body controlling a law enforcement agency that receives proceeds from the sale of forfeited property to establish a special forfeiture account. The account is a separate and continuing account, and no money in it reverts to state or local general funds.

The measure provides that money in the account may be used for any lawful purpose deemed appropriate by the chief administrative officer of the law enforcement agency, except for payment of the ordinary operating expenses of the agency. Funds derived from the forfeiture of property seized during the enforcement of the Uniform Controlled Substances Act must be used to enforce the provisions of that Act.

S.B. 310 (chapter 691)

Senate Bill 310 revises the provisions that require planning for vending stands operated by blind persons when new construction, remodeling, leasing, acquisition or improvement of public buildings or properties is authorized. Except for certain airports, written notice of such proposed construction or remodeling must be given to the bureau of services to the blind in the rehabilitation division of the department of human resources within 30 days after beginning the project's planning and design. The notice has to be given only once each year for projects proposed for a municipal airport, air navigation facilities governed by the "Municipal Airports Act" and any airport owned or operated by the Airport Authority of Washoe County.

S.B. 313 (chapter 497)

Senate Bill 313 authorizes boards of county commissioners to provide by ordinance that violation of a specific ordinance regulating parking imposes a civil penalty in an amount not to exceed \$155, instead of a criminal sanction. The bill also excludes violations of ordinances which specifically impose a civil penalty or liability from the administrative assessment for misdemeanors.

S.B. 430 (chapter 693)

Senate Bill 430 authorizes the board of trustees of a general improvement district, created wholly or in part to furnish electric light and power, to annex property to the district upon the petition of at least 75 percent of the property owners in the territory to be annexed. The boundaries of any district to be expanded pursuant to this bill, however, may not include any territory of an incorporated city unless the city's governing body approves the annexation. In addition, the property being considered for inclusion in the district may not be located within the boundaries of any other district, town, municipality or public utility which provides the same service. The measure also sets forth the procedures to be followed in acting upon a petition.

S.B. 463 (chapter 479)

Senate Bill 463 authorizes a county fair and recreation board to promote tourism, gaming and the recreational facilities of the county through the advertisement of gaming. Such boards may solicit and promote tourism and gaming generally, both individually and through annual grants to the chambers of commerce of the incorporated cities within the county or other nonprofit groups or associations.

S.B. 501 (chapter 494)

Senate Bill 501 authorizes a county museum, art center or historical society to sell, trade or exchange duplicate or unwanted museum items with any other museum, nonprofit organization or educational institution, unless otherwise provided by county ordinance.

A.B. 22 (chapter 207)

Assembly Bill 22 relates to proposals to establish local improvement districts. If a mobile home park is located on one or more of the tracts to be assessed as part of a proposed local improvement district, the notice of public hearing on the proposal must be given to the owner of the tract and each tenant of the mobile home park.

LOCAL GOVERNMENTS (continued)

A.B. 23 (chapter 439)

Assembly Bill 23 authorizes any local government or combination of local governments to take over the functions and resources of any local government which no longer exists. Previous law only allowed counties to take over the functions and resources of defunct local governments other than cities. The bill provides that if more than one local government assumes the functions, the additional revenue must be divided among the local governments on the basis of the proportionate costs of the functions assumed.

The measure also specifies that the reallocation of revenue may not result in a decrease in allowed revenue for a local government which does not assume the new functions. Thus, the authorized revenue base for local governments that are not part of the reorganization are protected.

A.B. 73 (chapter 20)

Assembly Bill 73 extends the authority to create historic districts to cities. Previous law only provided this authority to counties.

A.B. 81 (chapter 81)

Assembly Bill 81 requires the governing body of each local government whose budget includes any expenditure for the acquisition or maintenance of a capital improvement to prepare a capital improvements plan. The plan must be prepared annually, and it must include at least the next 3 fiscal years but not more than 5 fiscal years. The bill also requires that a copy of the capital improvements plan be made available for public record and inspection.

The measure is made effective on July 1, 1990.

A.B. 108 (chapter 243)

Assembly Bill 108 relates to a special district organized pursuant to chapter 318 of NRS. If all of the territory within such a district is included within the boundaries of a city incorporated under the state's general law, this bill directs the board of county commissioners to adopt an ordinance providing for the merger of the district with the city and calling for a hearing on the merger.

The bill further directs that the matter be determined as provided in existing law. Thus, a time to accept protests is established. If a majority of the property owners in the district file written protests, the merger is not completed. If fewer than a majority of the property owners file protests, the matter is decided by the county commission after holding the required public hearing.

LOCAL GOVERNMENTS (continued)

In addition, the bill outlines provisions for the fiscal affairs of any district and city so merged.

A.B. 161 (chapter 102)

Assembly Bill 161 amends the state statutes relative to incorporation of cities. The bill creates a local government advisory committee to prepare reports on the advisability of incorporation and the feasibility of proposed cities. In addition, the measure directs the state's department of taxation to prepare a concise statement concerning the estimated fiscal effect of the incorporation on the residents of the proposed city, including an estimated tax rate and an example of its application to a median-priced home in the area.

The bill also provides criteria which an area must meet before it may be incorporated. If the local government advisory committee, as part of its review, determines that the petition for incorporation does not satisfy these criteria, the committee so reports to the board of county commissioners and action on the proposal is terminated.

If the petition satisfies the criteria, the advisory committee proceeds with its review and report to the board of county commissioners. Upon receipt of the report, the county commission is directed to hold a public hearing on the proposal and issue an opinion, in writing, concerning the advisability of the incorporation and the feasibility of the proposed city. The bill lists the factors which are to be used by the county commission in determining the advisability and feasibility of the proposal.

The measure also calls for a vote of the people who reside in the area of the proposed new city. Upon approval of the populace, the city is incorporated and a registered land surveyor is hired to prepare a legal description of its boundaries.

The bill also authorizes the interim finance committee to loan money from the reserve fund for the supplemental city-county relief tax to the new city for expenses that must be paid by the city before the effective date of the incorporation.

A.B. 211 (chapter 30)

Assembly Bill 211 allows boards of county commissioners to meet outside of their counties with the governing bodies of other governmental entities. It also allows the boards of county commissioners to meet outside of their counties as committees of the whole for informational purposes.

A.B. 218 (chapter 82)

Assembly Bill 218 authorizes counties and cities to adopt ordinances establishing programs for the rehabilitation of abandoned residential properties within their jurisdictions. The bill outlines criteria concerning:

1. The contents of the local ordinance relative to program administration and eligibility of applicants;
2. The applicants' qualifications to participate in the program, including residence at the time, maximum income for eligibility, intent to reside on the property, financial resources available, and ability to rehabilitate and maintain the property; and
3. The status and condition of property which may be included in the program.

The bill outlines the contents of the written agreement to be entered between the county or city and the applicant for property under the program. It declares that title to the property is to be conveyed to the applicant if he completes its rehabilitation in compliance with all terms and conditions of the agreement to the satisfaction of the governing body. If the applicant substantially complies with the agreement but fails to complete the rehabilitation, he must be given the opportunity to purchase the property for a price not exceeding the fair market value before initiation of the rehabilitation project.

The bill further specifies that the person who receives title to property under this program must (1) maintain the property in a decent, safe and sanitary condition; and (2) reside on the property.

A.B. 266 (chapter 43)

Assembly Bill 266 allows boards of county commissioners to create, by ordinance, a district for a fire department. The board is required to serve as the ex officio governing body of a district so created, and the budget of the district may be included in the budget of the county.

The primary purpose of this bill is to allow a bond issue relating to fire protection to be submitted to the voters through a district rather than a fire department.

This bill only affects those fire departments established by boards of county commissioners pursuant to chapter 244 of NRS. It does not affect the fire districts in the state

LOCAL GOVERNMENTS (continued)

which have been created by election under Nevada's county fire protection district law (chapter 474 of NRS).

A.B. 331 (chapter 123)

Assembly Bill 331 adds zoning enforcement officers to the list of local government employees who may be designated to issue citations for violations of zoning ordinances.

A.B. 373 (chapter 244)

Assembly Bill 373 makes several changes to the law concerning local improvement districts. The bill requires written objections to a proposed project to be filed at least 3 days before the time set for the public hearing. In addition, the notice of the hearing must state that a person should object to the district's formation if his support for it is based upon a representation concerning the project which is not contained in the language of the notice.

The bill further requires the governing body, before creating a district, to determine that:

1. Public convenience and necessity require the creation of the district; and
2. Creation of the district is economically sound and feasible.

The requirement for this finding is designed to ensure that the local governing body has reviewed relevant information before making its decision.

A.B. 375 (chapter 127)

Assembly Bill 375 authorizes the city council to increase the salary of a municipal judge if the charter of the city so provides.

The bill also amends the charter of the City of Las Vegas to specify that the salary of the municipal judges must be fixed by ordinance and be uniform for all departments of the municipal court, and that the salary may be increased or decreased during the terms for which the judges are elected or appointed.

A.B. 393 (chapter 107)

Assembly Bill 393 relates to local improvement districts. In summary, the measure authorizes an expedited mechanism for establishing assessment districts, and it provides a lower cost means of financing infrastructure improvements.

LOCAL GOVERNMENTS (continued)

The bill provides an optional, expedited procedure for creating a district if the local governing body enters into a written agreement with all of the property owners in the proposed district. The measure specifies the contents of the agreement and the responsibilities of the property owners and the local government.

In these instances, the governing body may order that a project be acquired or improved; contract for the project's construction or improvement; issue bonds or otherwise finance the project; and levy assessments on property in the district without complying with the usual provisions relative to various notices, hearings and bidding requirements.

The bill also authorizes a local government to issue variable interest rate bonds and to provide for variable interest rates on unpaid installments of assessments associated with improvement districts. It further allows the local government to enter into assurance agreements for the payment of principal and interest on the bonds.

In addition, the measure provides a procedure for establishment of an improvement district which lies within the boundaries of more than one local government, and it requires the recording of assessment rolls for improvement districts with the county recorders.

This bill applies primarily to single-owner large developments. The bonding mechanism provides access to financing at more reasonable interest rates.

A.B. 435 (chapter 124)

Assembly Bill 435 revises the law regarding local regulation of child care facilities which provide care for fewer than five children.

The bill removes the provision that allows the governing body of any county or incorporated city with an agency and ordinance for licensing child care facilities to license facilities which provide care for fewer than five children. It provides, instead, that a local governing body may adopt necessary standards and regulations for regulating facilities caring for fewer than five children. If the standards are less restrictive than those adopted by the Nevada board for child care, the governing body shall not issue a license to the smaller facilities but may register them according to local regulations.

A.B. 437 (chapter 108)

Assembly Bill 437 extends to all counties the authority to acquire, lease or sell real property for industrial development. It also exempts these types of leases from statutory bidding requirements.

A.B. 571 (chapter 435)

Assembly Bill 571 amends the statutes relative to local government approval of planned unit developments. The bill expands the definition of "common open space" by adding easements, licenses and equitable servitudes. It also eliminates the requirement that a planned unit residential development contain at least five dwelling units. In addition, the measure provides that an application for approval of a planned unit development must include a final map only if such a map is otherwise required through NRS.

A.B. 597 (chapter 803)

Assembly Bill 597 allows the board of county commissioners of any county to contract with a person for the construction and lease-purchase of buildings and facilities. The measure also requires the prevailing wage provisions of Nevada's law on public works projects to apply to any such contract or agreement.

Under previous law, only Clark County was authorized to enter into such contracts. Former law also limited the type of corporation with which the county could contract, and specified that the contract could only be for athletic facilities.

A.B. 598 (chapter 396)

Assembly Bill 598 relates to bids for leasing of county real property. The bill provides that a person may not make an oral bid unless, at least 5 days before the meeting held to receive and consider bids, he submits written notice of his intent to make a bid and a statement establishing his financial responsibility.

A.B. 630 (chapter 465)

Assembly Bill 630 permits a board of county commissioners or the governing body of a city to grant a franchise for the construction and maintenance of bus benches and shelters for passengers of public mass transportation. The measure also allows these benches and shelters to be used for outdoor advertising.

A.B. 639 (chapter 467)

Assembly Bill 639 authorizes county recorders, justices of the supreme court, district judges, justices of the peace

and municipal judges to use facsimile signature machines. The measure specifies the conditions, which include security precautions, that apply to the use of these devices.

A.B. 789 (chapter 549)

Assembly Bill 789 addresses city offices. The measure specifies the terms of office for officers when a charter city is reorganized under statutory provisions or becomes a city of the second class, or when a city of the second class becomes a city of the first class. The bill also allows the offices of city clerk, city treasurer, municipal judge and city attorney for a city of the first or second class to be either elective or appointive, as provided by ordinance. If these offices are appointive, the mayor makes the appointments by and with the advice and consent of the city council. The appointed officers serve at the pleasure of the mayor and council. The bill further requires primary city elections in cities of the second class only if so provided by ordinance.

A.B. 795 (chapter 485)

Assembly Bill 795 allows public administrators and public guardians to perform their duties without posting bonds in addition to their official bonds, unless required to do so by a court. The measure also raises the threshold from \$10,000 to \$25,000 for the value of an estate which a public administrator must take to summary or full administration in situations where no qualified private administrator can be identified.

In addition, the bill specifies that a public administrator is entitled to reasonable compensation paid from the estate or beneficiaries, rather than from the court as provided under existing law. It also declares that a public guardian may receive compensation. In both cases, the board of county commissioners is directed to set the rate of the compensation.

A.B. 924 (chapter 642)

Assembly Bill 924 requires a county or city governing body to notify the bureau of services for child care of the youth services division of the department of human resources at least 12 months before amending or repealing an ordinance that has the effect of discontinuing the licensing of child care facilities.

Bills Applying to One Specific Local Entity

S.B. 42 (chapter 66)

Senate Bill 42 revises the composition and method of selecting the 11 members of a county fair and recreation board in a county whose population is 250,000 or more.

The bill deletes the requirement that one member be a representative of finance business, and it increases the number of representatives of the resort hotel business from two to three. The measure also removes the limitation upon the number of nominees that may be submitted by the chamber of commerce of the largest city in the county, and it provides that additional lists of nominees may be requested.

S.B. 194 (chapter 104)

Senate Bill 194 abolishes Bullfrog County, Nevada, which was created out of a portion of Nye County by the 1987 legislature. The purpose of Bullfrog County was to enhance the state's ability to receive funds from the Federal Government pursuant to the "Grants Equal To Taxes" provisions of the Nuclear Waste Policy Act. Following a challenge by Nye County in the Nevada district court, the legislation was judged to be unconstitutional.

Senate Bill 194 is designed, therefore, to remove all reference to Bullfrog County from existing Nevada law.

S.B. 222 (chapter 826)

Senate Bill 222 allows Lincoln County to increase the ad valorem tax rate by an amount resulting in additional revenue not to exceed \$100,000 for either fiscal year 1989-1990 or 1990-1991. The bill appropriates an amount, equal to the ad valorem tax to increase revenue, from the reserve fund for the supplemental city-county relief tax fund to Lincoln County. The department of taxation is required to report any such increased revenue in Lincoln County to the interim finance committee, which then is to direct the transfer of the appropriated money.

S.B. 255 (chapter 844)

Senate Bill 255 creates the Airport Authority of Carson City. Carson City's board of supervisors is directed to appoint all seven members of the authority's board of trustees. Three members must be appointed to represent the general public. At least one of these three members must be a city official and one must be a pilot who owns and operates an aircraft based at the airport. Two other members must be manufacturers in the Carson City industrial

airport. The remaining two members of the board must be fixed base operators at the Carson City airport.

Among other things, the board has the power, subject to approval of the board of supervisors, to set the rate of an increase in the ad valorem tax and to borrow money. The board also is authorized to contract with any person, including any person who transports passengers or cargo by air, to provide goods and services as necessary or desirable to the operation of the airport. Any such contract between the board and a fixed base operator must be submitted for approval by the board of supervisors. The bill also specifies the procedures by which short-term notes, general obligation bonds and revenue bonds may be issued.

S.B. 367 (chapter 370)

Senate Bill 367 places in state law the requirements for regional planning in Washoe County.

The bill establishes a regional planning commission consisting of three representatives from each of the three local governments in the county. It specifies that these representatives must be members of their respective local planning commissions and that at least two of the county members must reside in the unincorporated portion of the county.

The measure also establishes a governing board for regional planning. This policy board consists of four representatives from the City of Reno, three members from the City of Sparks, and three representatives of Washoe County. Again, at least two of the three county members must represent or reside in the unincorporated portion of the county. Actions of the governing board are taken by a simple majority vote, while substantive actions of the planning commission require a two-thirds majority.

The bill calls for preparation of a comprehensive regional plan and outlines its required elements. Appointment of a director of regional planning is required, and relevant costs are to be shared by the local governments.

All local master plans and all "facilities plans" prepared by "affected entities" must be reviewed and found to be in conformance with the comprehensive regional plan. Proposed amendments to these documents also must be found in conformance. State agency plans and "facilities plans" compiled by utilities are subject to review and comment provisions. During the interim while the new regional plan is being prepared, "projects of regional significance" may not

proceed to construction until they are found to be in conformance with the existing regional plan.

The bill calls for the comprehensive regional plan to be completed by the regional planning commission within 18 months after the legislation is signed, and it requires a report of activities and progress to the 1991 session of the legislature.

S.B. 447 (chapter 752)

Senate Bill 447 expands the boundaries of the Las Vegas Valley Water District to include all of Clark County.

S.B. 474 (chapter 214)

Senate Bill 474 authorizes the issuance of bonds to construct and maintain a bobsled and luge facility, a multi-purpose community center, parking, and related facilities to accommodate the 1998 Winter Olympics in Washoe County. The bonds may be issued only if the United States Olympic Committee selects Reno as the United States' entry to host the 1998 Winter Olympics.

The bill also provides that if Reno is selected, Washoe County, Reno and Sparks may increase their room tax by 1 percent and submit to a vote of the people a proposal to increase the sales tax by one-tenth of 1 percent to provide revenues to repay the bonds.

After the bill was passed, the United States Olympic Committee selected Salt Lake City as its entry to host the event.

S.B. 499 (chapter 854)

Senate Bill 499 clarifies provisions in the charters of several Nevada cities concerning the appointment of a person to fill a prospective vacancy in the governing body of a city before the vacancy occurs. In such cases, each member of the governing body, including the member who will be resigning from office, may participate in any action taken by the governing body to fill the prospective vacancy. The bill specifies, however, that a member whose term of office expires before the vacancy occurs may not participate in the selection process.

The measure applies to the city charters of Caliente, Carlin, Carson City, Elko, Gabbs, Las Vegas, North Las Vegas, Reno, Sparks and Wells.

LOCAL GOVERNMENTS (continued)

S.B. 536 (chapter 745)

Senate Bill 536 authorizes the creation of a taxing district in certain cities to defray the cost of additional police protection or to provide maintenance for improvements made within the district. The measure is restricted to incorporated cities within a county whose population is between 100,000 and 400,000. Thus, only the cities of Reno and Sparks are eligible at this time.

A tax district formed under this act must be located within a redevelopment or urban renewal area. The district may occupy all or a portion of such an area. Creation of the district may be initiated by the filing of a petition signed by at least 10 percent of the owners of taxable property within the proposed district whose combined assessed value amounts to at least 25 percent of the total assessed value of taxable property within the proposed district. A signer need not be a resident of the State of Nevada.

The bill also provides for public hearings by the city council, the adoption of a city ordinance and the establishment of an annual special tax rate. The measure excludes the taxes imposed for a district from the provisions governing the allocation of revenue within a redevelopment area or tax increment area.

This act expires by limitation on July 1, 1991.

A.B. 153 (chapter 621)

Assembly Bill 153 relates to water and water conservancy districts.

By special legislative act, the bill expands the Carson Water Subconservancy District to include the urban area of Carson City. The district's board of directors is restructured to consist of two members appointed by the Carson City board of supervisors, two members appointed by the Lyon County board of county commissioners, and five members (at least two of whom represent agricultural interests) appointed by the Douglas County board of county commissioners. The measure specifies that the district's board of directors may take action only through an affirmative vote of at least one representative from Carson City, one member from Lyon County and three members from Douglas County. The district is authorized to levy a property tax of up to 3.0 cents per \$100 of assessed valuation to carry out its activities.

The act prohibits the Carson Water Subconservancy District from acquiring water rights, or property for the purpose of

obtaining the appurtenant water rights, through the exercise of the power of eminent domain.

The bill also authorizes Carson City and each county to establish a special district which may impose a property tax of up to 7.0 cents per \$100 of assessed valuation to plan, construct, maintain and operate waterworks and to obtain water and water rights. The revenues from these taxes are exempt from the statutory limitations on ad valorem revenue, and the special districts are not entitled to receive any distribution from the supplemental city-county relief tax.

In a related area, the measure addresses apparently unconstitutional aspects of chapter 541 of NRS by modifying the procedures through which the boards of directors of existing and future water conservancy and subconservancy districts are appointed.

In addition, the bill allows uses for which a county, city, town, public water district or public water company furnishes water to be declared preferred uses in a designated ground water basin. The measure also outlines the criteria which the state engineer must consider when the holder of a permit associated with these types of uses files an application for an extension of time to apply the water to a beneficial use.

A.B. 354 (chapter 253)

Assembly Bill 354 amends the charter of the City of Sparks to require the salary of a municipal judge to be fixed by ordinance and to be uniform for all departments of the municipal court. The salary may be increased, but not decreased, during a term of office for a municipal judge.

The bill also specifies that the ordinance fixing the initial salaries for elective officers may not be amended to increase or decrease the salary for the office of mayor, city councilman or city attorney during their terms of office.

A.B. 416 (chapter 125)

Assembly Bill 416 revises conflicting provisions in the charter of the City of Sparks concerning the office of mayor pro tempore. It provides that an appointee filling an elective office or the mayor pro tempore filling the mayor's office serves until the next municipal election. The measure further specifies that the mayor pro tempore holds this office and title from the time he is elected by the city council until the next municipal election.

A.B. 526 (chapter 203)

Assembly Bill 526 amends the charter of the City of Reno by eliminating the reference to specific days upon which city council meetings must be held. In place of this provision, the measure indicates that the council must hold at least two regular meetings each month with the times and dates to be established by ordinance.

A.B. 580 (chapter 463)

Assembly Bill 580 clarifies language concerning the location of facilities owned by the Las Vegas Valley Water District in transportation-related rights-of-way owned by the State of Nevada.

The bill specifies that the district must obtain a permit from the state before locating its improvements in state rights-of-way. It also references NRS 408.407 which indicates that the state will pay for utility relocations related to highways under state jurisdiction, unless the utility's permit specifies otherwise. Language concerning the costs of relocation being borne by the county or municipality having jurisdiction over transportation-related structures is retained. In all other instances, the district is declared to be responsible for the relocation costs.

A.B. 648 (chapter 564)

Assembly Bill 648 makes various changes to the Elko City-County Civic Auditorium Authority. The measure changes the Authority's name to the Elko Convention and Visitors Authority and also transfers the related assets, liabilities, debts and other obligations. It broadens the scope of activities in which the Authority may participate. The bill also eliminates the Audit and Taxation Committee which is presently responsible for approving the Authority's budget, levying taxes on behalf of the Authority and approving the Authority's borrowing money in excess of \$10,000. These powers are vested directly with the Authority.

A.B. 689 (chapter 460)

Assembly Bill 689 amends the charter of the City of Las Vegas by repealing the prohibition against mortgaging property owned by the city.

A.B. 694 (chapter 227)

Assembly Bill 694 authorizes the Clark County Board of County Commissioners to transfer the assets and liabilities of the county advanced wastewater treatment plant to the sanitation district which functions under general improvement district law. The measure also removes the limitation

on the amount of bonds that may be issued for sewage and wastewater treatment facilities based upon Federal Government participation in the financing of the projects. It further stipulates that the approval of the legislative commission for funding of projects through state securities only applies if the amount of the securities exceeds \$50 million.

A.B. 718 (chapter 556)

Assembly Bill 718 authorizes cities in counties which have metropolitan police departments to establish departments of detention and to operate detention facilities. The measure further specifies that an administrator of detention facilities may be appointed and that the administrator and his employees whose duties involve law enforcement have the powers of peace officers.

A.B. 753 (chapter 454)

Assembly Bill 753 amends the charter of the City of Las Vegas. The bill extends the provisions of chapters 5 and 266 of NRS concerning municipal courts to the city.

A.B. 785 (chapter 242)

Assembly Bill 785 changes the effective date of Assembly Bill 437, which was adopted earlier in the session, from October 1, 1989, to May 3, 1989. The earlier measure extends to larger counties the authority to acquire, sell or lease real property for industrial development.

A.B. 817 (chapter 682)

Assembly Bill 817 amends the charter of the City of Henderson. The measure reduces the number of appraisals from three to one which are required for a conveyance of land owned by the city.

A.B. 822 (chapter 356)

Assembly Bill 822 amends the charter of the City of Gabbs to create an annexation commission and to establish the position of clerk of the municipal court.

A.B. 873 (chapter 796)

Assembly Bill 873 changes the population categories within NRS which provide the basis for the exercise of powers by specific local governments. The population figures are updated to reflect the anticipated 1990 census data.

The measure also provides that Washoe County or the county's district board of health (rather than the state's health division in the department of human resources) shall

administer chapter 450B of NRS relative to emergency medical services within the county. This stipulation already applies within Clark County.

The act becomes effective on the date when the Secretary of Commerce reports the 1990 census of population to the President of the United States as required by federal law. This date is December 31, 1990.

A.B. 906 (chapter 714)

Assembly Bill 906 restricts the establishment of offices of county public defender in counties whose population is less than 100,000. The measure allows these counties to create such offices only at the beginning of a fiscal year. After the state public defender has received a biennial authorization from the legislature to collect contributions for his services from designated counties, these entities are prohibited from creating offices of public defender before July 1 of the succeeding year. The bill also requires that counties which intend to create these offices must provide written notification to the state public defender on or before April 1 of that year.

Collective Bargaining

A.B. 527 (chapter 723)

Assembly Bill 527 authorizes the local government employee-management relations board to make rules, rather than issuing advisory guidelines, concerning the recognition of employee organizations. The measure also permits the board to decide a contested matter without holding a hearing upon agreement of all of the parties.

In addition, the bill abolishes the employee-management relations advisory committee and repeals the statute relative to its duties.

A.B. 787 (chapter 550)

Assembly Bill 787 resolves an ambiguity concerning the scope of mandatory bargaining between employee organizations and local government employers. The bill clarifies that the policies for the reassignment and transfer of teachers are within the scope of mandatory bargaining, regardless of whether these policies address the assignment or transfer of an employee as a form of discipline.

A.B. 807 (chapter 721)

Assembly Bill 807 changes three dates associated with the mediation of disputes between local government employers

and employee organizations. The latest date by which a mediator must be selected is shifted from July 5 to July 15. The latest date by which the mediator must have attempted to settle the dispute is changed from July 10 to July 31. The date for a mediator to submit a report of efforts made to settle a dispute that is submitted to a factfinder is changed from July 15 to August 15.

A.B. 808 (chapter 720)

Assembly Bill 808 directs each local government employer to file specific information with Nevada's local government employee-management relations board on or before November 30 of every year. The employers are required to file a list of all recognized employee organizations and a description of the bargaining unit for each organization.

Local Government Financial Administration

S.B. 3 (chapter 293)

Senate Bill 3 requires that annual audits of local governments include a schedule of fees that have been imposed which were subject to the statutory provisions of NRS 354.5989. This section of the NRS relates to fees for all licenses and permits, except those fees imposed by hospitals, county airports, airport authorities, convention authorities, the Las Vegas Valley Water District, or the Clark County Sanitation District.

S.B. 161 (chapter 70)

Senate Bill 161 increases from \$300 million to \$400 million the limit on the principal amount of securities which the state may issue in connection with loans to municipalities.

S.B. 267 (chapter 184)

Senate Bill 267 eliminates references in state law to a special assessment fund of local government. A 1987 statement by the Governmental Accounting Standards Board declared that this type of fund should no longer be used. No funds of this type presently exist among Nevada's units of local government.

S.B. 269 (chapter 151)

Senate Bill 269 changes the deadline from March 15 to April 15 of each year for the filing of an annual budget with the department of taxation. This deadline applies to the budgets of special districts subject to the Local Government Budget Act with annual total expenditures of less than \$65,000.

LOCAL GOVERNMENTS (continued)

For fiscal year 1989-1990, the measure delays by 1 month the last day for adopting the final budget of a local government and by almost 2 months the certification of tax rates by the Nevada tax commission. The delivery of the extended tax roll by the county auditor to the ex officio county tax receiver is also delayed by 1 month. The due date of taxes assessed upon the real property tax roll and upon mobile homes is delayed by almost 2 months.

S.B. 391 (chapter 343)

Senate Bill 391 authorizes a municipality to secure a loan with the property purchased from the proceeds of the loan. Specifically, a municipality may encumber, mortgage or otherwise pledge property purchased from the proceeds of a loan to secure repayment of that loan.

S.B. 410 (chapter 499)

Senate Bill 410 establishes a fee of \$5 for a certified copy of a marriage certificate. Previous law specified that a county recorder must charge \$1 to copy a record, and another \$2 for its certification. The bill also repeals the provisions which specified the fees to be charged by county recorders for searching the records of marriages.

S.B. 498 (chapter 518)

Senate Bill 498 repeals several obsolete provisions in state law concerning the collection of fees by county auditors.

A.B. 24 (chapter 648)

Assembly Bill 24 establishes a procedure for determining the amount of revenue from population-based taxes which an existing local government loses when a new city is established. The bill also authorizes an increase in maximum combined allowable revenue from taxes ad valorem for units of local government which sustain these losses.

A.B. 25 (chapter 488)

Assembly Bill 25 amends the laws which establish revenue limits for local governments. The bill revises the method for calculating maximum combined allowable revenue for newly created units of local government. This measure also makes special provisions for calculating maximum combined allowable revenue and basic ad valorem revenue for newly created cities.

A.B. 27 (chapter 27)

Assembly Bill 27 increases the authorized duration of short-term financing for local governments from 5 years to 10 years. However, if the maximum term of financing to

purchase an asset is more than 5 years, the term may not exceed the estimated useful life of the asset.

A.B. 76 (chapter 53)

Assembly Bill 76 increases the flexibility associated with payment procedures for special assessment districts. The measure permits payment of the assessment in any manner sufficient to pay the principal and interest in not less than 2 nor more than 21 years. Previous law restricted payments to equal annual, semiannual or quarterly installments of principal.

The bill also permits interest to be paid on the assessment at the times specified by the governing body in the assessment ordinance, rather than requiring payment of interest with the principal payment. It further allows the governing body to fix variable interest rates and to set rates on deferred installments of assessments at no more than 1 percent above the highest rate of interest payable on the assessment bonds at any maturity.

A.B. 77 (chapter 63)

Assembly Bill 77 permits a municipality which is acquiring property to grant a security interest in property other than that being acquired. In order to do so, the governing body must find that granting the security interest in the other property will result in lower financing costs to the municipality. The governing body must also find that the value of all property in which a security interest is granted does not exceed 1 1/2 times the value of the property being acquired.

A.B. 78 (chapter 54)

Assembly Bill 78 expands the permissible methods of repaying public securities which provide for the payment of compound interest. The bill requires that repayment of these types of public securities must commence no later than 5 years after issue, and if the repayment is in installments, it must be made no less often than annually.

A.B. 88 (chapter 587)

Assembly Bill 88 creates a fund to finance the construction of waste water treatment plants and the implementation of water pollution control projects. The fund is created in accordance with federal laws governing state water pollution control revolving funds (33 United States Code section 1381, et seq.). It is intended to ensure that Nevada receives its maximum share of federal grant funds available under the provisions of the Clean Water Act.

LOCAL GOVERNMENTS (continued)

The fund is to be administered by the state department of conservation and natural resources in accordance with federal law. Money in the fund is to be used to make loans to local governments at below-market interest rates for the construction of treatment plants and the implementation of pollution control projects. The fund may also purchase, guarantee or insure local obligations which have been issued for these purposes. The department is authorized to issue state revenue or general obligation bonds and to enter into agreements with the Federal Government to secure grants of money for the fund.

The bill also authorizes a local government to cooperate in borrowing money, or purchasing or leasing property, if each of the local governments involved determines that economies of scale will result from the cooperative arrangement. If the money is borrowed for purposes other than capital improvements, the amount which may be borrowed, including interest, is limited to 85 percent of of the estimated revenues which will be available to repay the loan.

Finally, the bill provides that counties and cities may invest in the obligations of state and local governments if the obligations are tax-exempt and are rated "A" or higher.

A.B. 276 (chapter 672)

Assembly Bill 276 revises the limitation on the amount of revenue which local governments may receive from taxes ad valorem. The bill provides that a county, city or town must be allowed to levy a tax of at least 15 cents per \$100 of assessed valuation for operating expenses. The executive director of the department of taxation is directed to increase the revenue limits of any county, city or town which requests an increase to enable them to levy this amount.

The bill also revises the manner in which revenue limitations for newly created or consolidated units of local government are established and the manner in which the limits for local governments which previously performed the same services in the same geographic areas are adjusted. The bill provides that newly created cities must be allowed to collect sufficient revenues to perform the basic functions for which they were created.

A.B. 372 (chapter 395)

Assembly Bill 372 authorizes local governments to impose impact fees on new development in order to finance capital improvements associated with that new development.

LOCAL GOVERNMENTS (continued)

The participating local governments must adopt detailed capital improvements plans which project the infrastructure needs associated with projected development throughout their jurisdictions. The capital improvements plans also must evaluate existing facilities and the costs of improvements to meet existing needs. Thus, impact fees may be calculated to finance only the infrastructure needs related to new development, and these costs may be spread fairly over the geographic area covered by the new development.

The bill allows impact fees to be excluded from the "caps" on maximum allowable revenue from fees if a special revenue fund is created and used exclusively for the impact fees and all interest earned on the money is credited to the fund.

A.B. 482 (chapter 486)

Assembly Bill 482 revises the provisions concerning the period of time during which a person may redeem, or buy back, property that has been sold by a local government because of delinquent assessments.

Under previous law, a person had 2 years in which to redeem such property. This bill retains the 2-year redemption period for property which had a permanent residential dwelling unit or any other significant permanent improvement on it at the time of the sale. For other property, however, the redemption period is changed to 120 days.

The measure also provides that new assessments through special districts or general improvement districts may not be levied against property which is owned or used by a school district.

A.B. 516 (chapter 383)

Assembly Bill 516 authorizes counties to retain all civil penalties imposed for failure to pay the tax on controlled substances. Previously, the counties were allowed to retain only one-half of these funds and the remainder was deposited in the state general fund.

The measure also provides that property forfeited or subject to forfeiture for offenses related to illegal drugs may not be used to pay the tax on controlled substances or any penalties or fees associated with it. This bill further requires the proceeds of the tax on controlled substances to be used for grants to local police agencies for the enforcement of the drug laws.

LOCAL GOVERNMENTS (continued)

A.B. 596 (chapter 380)

Assembly Bill 596 allows the boards of county commissioners and county assessors to designate representatives to meet with the Nevada tax commission regarding ratio studies. Previously, these officials were required to meet with the commission in person.

A.B. 599 (chapter 379)

Assembly Bill 599 allows the director of the department of taxation to adjust the maximum allowable revenue from property taxes to accommodate the voluntary consolidation of local government services. The director may undertake this adjustment only if requested to do so by the participating local entities.

The bill also excludes real property which is transferred from private to public ownership for conservation purposes from the calculation of the limitation on tax revenue for a fire protection district. This provision applies primarily to property in the Tahoe Basin. It allows the fire protection district to recapture the revenue lost when private property goes into public ownership by spreading the burden of the loss over all of the remaining private property in the district.

A.B. 600 (chapter 378)

Assembly Bill 600 requires the state's department of taxation to provide a preliminary estimate of the amount of supplemental city-county relief tax which a local government will receive. The measure mandates that the preliminary estimate for fiscal years beginning on or after July 1, 1990, be made on or before February 15 preceding the fiscal year to which it applies. The March 15 deadline for final estimates is retained.

A.B. 602 (chapter 302)

Assembly Bill 602 relates to local improvements financed through special assessment districts. The bill removes the requirement that at least 50 percent of the tracts in a proposed district for street improvements contain permanent structures.

A.B. 603 (chapter 285)

Assembly Bill 603 authorizes local governments to use an internal service fund to advance money to a special improvement district. Under previous law, when the cost of an improvement to be defrayed by special assessment did not exceed \$150,000, a local government could advance money from its general fund to cover the expense. This bill modifies

this provision by authorizing the local government to advance money to defray such expenditures from:

1. Its general fund, if the cost of the improvement does not exceed \$300,000; or
2. An internal service fund which has been established for that purpose.

The measure also repeals an obsolete provision concerning approval of an improvement whose cost is to be defrayed through the mechanism outlined in this bill.

A.B. 637 (chapter 468)

Assembly Bill 637 requires the treasurer of a municipality to apportion the uncollected amounts of a special assessment among the parts of land which is divided after the assessment is levied and broken into installments. Previous law made the county assessor responsible for this action.

A.B. 640 (chapter 462)

Assembly Bill 640 clarifies statutory provisions concerning audits of claims against metropolitan police departments. The bill specifies that claims are to be audited by the county auditor or comptroller, and it outlines the factors which the auditor or comptroller is to review. The measure also deletes a requirement that the auditor or comptroller physically endorse approved vouchers.

A.B. 662 (chapter 562)

Assembly Bill 662 amends the statutes relative to grants made by county fair and recreation boards. Under previous law, these boards were authorized to make annual grants to the chambers of commerce of incorporated cities within their respective counties. This bill specifies that the grants may be in cash or in kind, including the lease of board facilities. The measure also declares that the grants may only be made to chambers of commerce which represent all of the residents of the cities.

A.B. 722 (chapter 459)

Assembly Bill 722 revises the provisions governing county revolving funds for travel. The bill removes the statutory limits on the amount of money that may be retained in these funds. It also outlines the required and authorized provisions of the county resolutions establishing such funds. Statutory provisions which are superseded by the language relative to the contents of the resolutions are repealed.

A.B. 801 (chapter 861)

Assembly Bill 801 substantially revises the revenue limitations which the legislature placed upon local governments in 1981. The bill changes the manner in which revenues from the supplemental city-county relief tax are distributed. A revenue floor is provided for local governments during a deep economic recession. If revenues from the SCCRT fall below 52 percent of the combined SCCRT distribution factor, local governments will be allowed to increase their property taxes to make up the difference. The bill eliminates the SCCRT reserve fund and replaces it with the SCCRT emergency fund. Money from this fund may be distributed by the interim finance committee to local governments which experience financial difficulties. No single special distribution from the fund may exceed \$400,000.

The bill institutes a redistribution of SCCRT revenues to Churchill, Clark and Elko counties. The redistribution is to be phased in over a 3-year period beginning in fiscal year 1989-1990. The SCCRT distribution factors for these three counties are to be permanently increased and the factors for Douglas and Washoe counties are to be reduced. The bill also phases in an increase in the distribution factors for the town of Laughlin and authorizes that town to increase its property tax rate to a maximum of 84.16 cents per \$100 of assessed value. The executive director of the department of taxation is authorized to increase the allowed ad valorem revenues of any local government which loses revenue during the time that these changes are being phased in.

Various changes are made in revenue limitations. Counties are allowed to levy a tax of up to 5 cents per \$100 of assessed value to purchase or renovate capital assets. Money from this source may not be accumulated for more than 10 years. The tax may be levied without voter approval.

The limitation on revenues from licenses and permits is replaced by a limitation on revenue from business licenses only. The Nevada tax commission is authorized to increase this limit for any local government whose limit is substantially below that of other entities. A separate limit is placed on building permit fees.

The existing 6 percent limitation on property tax increases is continued, but its provisions are liberalized so that the formula no longer requires a reduction in the tax rate from a previous year.

Finally, the bill directs the legislative commission to undertake a comprehensive study of Nevada's tax system. It also provides for the appointment of a subcommittee and a technical advisory committee to conduct the study.

A.B. 815 (chapter 681)

Assembly Bill 815 authorizes the refund of money lost by Douglas and Storey counties as a result of changes made by the legislature in 1987 in the administration of the tax on net proceeds of mines. Douglas County is to receive a refund of \$28 and Storey County is to receive a refund of \$40,261.

A.B. 832 (chapter 506)

Assembly Bill 832 amends the laws relating to population estimates used in the apportionment of the proceeds of various taxes to local governments. The bill removes the requirement that the department of taxation prepare population estimates for unincorporated towns. The bill also changes the date by which the governor must certify the population estimates from January 1 to February 1.

A.B. 963 (chapter 817)

Assembly Bill 963 revises the distribution of the money collected from administrative assessments for misdemeanor offenses. The money collected in municipal and justices' courts and deposited in the state general fund must be distributed to the state agencies covered by the law up to the amounts established in statute and authorized by the legislature.

This measure changes the allocation of the \$6 per assessment distributed to the office of court administrator as follows:

1. The allocation for the administration of the courts is increased from \$1 to \$1.50;
2. The allocation for the development of a uniform system for judicial records is reduced from \$1 to 80 cents; and
3. The allocation for continuing judicial education is decreased from \$1 to 70 cents.

The supreme court's allocation of \$3 remains the same.

Miscellaneous Public Affairs

S.B. 140 (chapter 271)

Senate Bill 140 requires notices of public meetings to

include detailed agendas. The agenda must consist of:

1. A clear and complete statement of the topics scheduled to be considered during the meeting; and
2. A list and description of the items to be voted on during the meeting which must be clearly denoted as items on which action will be taken.

The bill requires that minutes of public meetings must be prepared and retained by the responsible public body or administrative agency for at least 5 years. In addition to the items already specified by law, the bill requires that the minutes include the substance of remarks made by a member of the public or a copy of his written testimony, if he so requests. The measure further specifies that the minutes or audiotape recordings of the meetings must be made available for public inspection within 30 working days after adjournment of the meeting at which they were taken. If a public meeting is recorded on audiotape or by any other means, the record must be retained and made available for public inspection for at least 1 year. The bill also specifies that a member of the general public may record a public meeting on audiotape or any other means of sound or video reproduction.

The measure also adds an additional requirement to existing law concerning the adoption of administrative regulations by a state agency and the accompanying statement which must be provided to the secretary of state. If a regulation is adopted without changing any part of the proposed regulation, the agency must include in the statement a summary of the reasons for adopting the regulation without change.

S.B. 224 (chapter 272)

Senate Bill 224 removes from state law the specific maximum rates which may be charged by newspapers for advertising ordered or required by the State of Nevada or by the respective counties. Instead, the measure provides that the rates charged must not exceed established rates for certain other published advertising. The bill also specifies that the type size for advertising of the State of Nevada or a county be no smaller than that used by the newspaper for its columns of classified advertisements.

S.B. 350 (chapter 288)

Senate Bill 350 makes various changes to provisions governing public libraries. The measure:

LOCAL GOVERNMENTS (continued)

1. Establishes the rate of reimbursement for travel and subsistence costs of library trustees to be the same amount as is reimbursed to county library employees or to county library district employees, in the case of district trustees;
2. Provides for the purchase of books, materials and equipment through the issuance of general obligation bonds, specifying that such bonds must be redeemed within 5 years of issuance; and
3. Allows the board of trustees of a consolidated library district to establish and administer a separate bank account.

A.B. 518 (chapter 797)

Assembly Bill 518 requires the governor to annually proclaim the third week in September to be "Constitution Week" and September 17 to be "Constitution Day" to commemorate the contributions that the United States Constitution has made to the citizens and its significance in preserving the individual freedoms, liberties and common welfare of the people of the United States of America.

This act appropriates \$10,000 from the state general fund to the commission for the bicentennial of the United States Constitution for continued support of this national celebration. The measure is made effective on June 30, 1989.

A.B. 628 (chapter 664)

Assembly Bill 628 relates to flood control and flood control districts. The measure sets forth the conditions under which public bidding and other related requirements are not to be applied to the construction of facilities by a flood control district. The bill also expands the authority of a district relative to the types of projects that may be acquired or constructed. In addition, the measure specifies the conditions under which a change in the alignment, size or type of a facility may be authorized without amending the district's master plan.

The bill further declares that flood control facilities constructed by local governments must be built in compliance with the district's master plan. Provisions are made, however, for the local governments to request an amendment to the master plan. State agencies are directed to consider the district's master plan when planning and designing their flood control facilities and to comply with the master plan whenever practicable.

A.B. 661 (chapter 737)

Assembly Bill 661 relates to airport authorities. The measure clarifies that an airport authority created by special legislative act is a political subdivision of the state as relates to immunity from liability and legal action.

The bill also amends several provisions in the special act governing the Airport Authority of Washoe County. The compensation for board members is increased from the lesser of \$160 per month or \$40 per meeting to the lesser of \$420 per month or \$60 per meeting. The terms for officers of the board are changed from 2 years to 1 year in length. In addition, the measure provides that concession agreements are not subject to the bidding requirements of the Local Government Purchasing Act, and it outlines the procedures which are to apply to these agreements. The authority is authorized to establish a system of administrative procedures for review of alleged violations of regulations governing parking, loading zones, ground transportation operations and traffic on restricted areas.

A.B. 719 (chapter 555)

Assembly Bill 719 expands the right to vote in any election held in an irrigation district, and revises the formula for calculating the number of votes to which each elector is entitled.

The bill removes provisions in previous law that required electors in irrigation districts to own at least 5 acres of land in the district to be qualified to vote at district elections.

The measure also changes the basis of the formula for an elector's number of votes from increments of 5 acres to 10 acres. In addition, it clarifies that if two or more persons hold undivided or community interests in land, each person is entitled to cast a percentage of the respective votes allowed that is equal to his percentage interest in that land. If persons are entitled to a fractional interest in a vote, that vote may only be cast by one of those persons upon written consent of his fellow holders.

NATURAL RESOURCES, AGRICULTURE AND MINING,
AND PUBLIC LANDS

Bill summaries within the topic of "Natural Resources, Agriculture and Mining, and Public Lands" are categorized under the following subheadings:

1. Agriculture and Mining;
2. Land Transfers;
3. Water;
4. Wildlife; and
5. Other Bills Generally Related to Natural Resources.

Agriculture and Mining

S.B. 7 (chapter 50)

Senate Bill 7 authorizes the director of the department of general services, in consultation with the directors of certain other state agencies, to contract for the minting of medallions and bars made of gold, silver, platinum or nonprecious metals. Each medallion or bar must bear The Great Seal of the State of Nevada on one side, and a design related to the state on the reverse side.

The director is required to set and collect a royalty for the use of the state seal from the mint which produces the medallions or bars. Money collected through royalty payments is to be deposited in a special revenue fund for the department of minerals. The board of county commissioners of a county may apply to the department of minerals for money from the fund to abate dangerous conditions resulting from abandoned mining operations, such as old mine shafts.

Senate Bill 7 also amends state law to require written permission of the governor for use of a reproduction or facsimile of The Great Seal. Exceptions are provided for medallions and bars minted through the authorized state program, for official acts of a state agency, and for items distributed by a state agency which are not necessary to its duties if approved by the head of that agency.

S.B. 261 (chapter 165)

Senate Bill 261 allows the state department of agriculture to authorize other peace officers to enforce the inspection of brands. The department is required to adopt regulations specifying the procedures for conducting these inspections.

Previous law permitted peace officers, other than department inspectors, to enforce the inspection of brands, but only if a vehicle carrying livestock was stopped for some other purpose. Only brand inspectors could stop a vehicle specifically to inspect brands.

S.B. 287 (chapter 689)

Senate Bill 287 clarifies state law by requiring that certain administrative and filing fees be paid directly to Nevada's department of minerals for deposit with the state treasurer who is to credit the money to the fund for the department. The fees include the assessments for filing mining claims and oil and gas production in the state. Previous law had created some confusion about whether to send these fees directly to the state controller, the department of minerals or the state treasurer.

S.B. 439 (chapter 365)

Senate Bill 439 exempts dairy breed calves under the age of 1 month from the brand inspection requirement. Previous law required all cattle to have their brands inspected when consigned for slaughter, sold or removed from a brand inspection district without a permit from the state department of agriculture.

S.B. 469 (chapter 670)

Senate Bill 469 grants immunity from civil liability to persons or governmental entities that fence or otherwise secure a dangerous condition, pursuant to standards prescribed by the commission on mineral resources, at an abandoned mine for which they are not responsible.

S.B. 493 (chapter 517)

Senate Bill 493 authorizes the state department of agriculture to use money in the revolving account for agriculture working capital to make grants and loans under the federal Bankhead-Jones Farm Tenant Act or for rural rehabilitation purposes.

S.B. 549 (chapter 855)

Senate Bill 549 makes technical corrections to Assembly Bill 958 of the 1989 session relating to mining reclamation. The bill provides that the program for the abatement of hazardous conditions existing at abandoned mine sites must

be administered by the department of minerals, rather than the division of environmental protection in the state department of conservation and natural resources.

A.B. 111 (chapter 163)

Assembly Bill 111 amends the law regarding the sale of farm products. The bill extends the protection of the required bond or other security to a licensed broker, dealer, commission merchant or nonprofit organization. Previous law limited civil action and action on a bond or security to the producer of livestock or farm products or his agent or consignee.

The measure also increases the penalty for failure to make full payment within 10 days after receiving written notice of a past due payment for the purchase of farm products providing there was an intent to defraud. The penalty is increased from a misdemeanor to a gross misdemeanor if the amount owed is \$1,000 or less, and to a felony if the amount is more than \$1,000. The bill also authorizes imposition of a civil penalty of not more than \$5,000 per violation which, upon collection, must be deposited in the state general fund.

A.B. 245 (chapter 117)

Assembly Bill 245 authorizes the impoundment and sale of livestock and other farm animals when the owner or other caretaker deprives, neglects or refuses to furnish the animals with necessary food or drink. The impoundment must be accomplished with the concurrence and supervision of the sheriff or his designee, a licensed veterinarian and the district brand inspector or his designee. The sheriff is required to direct the impoundment within 48 hours after the veterinarian determines that a violation exists concerning the deprivation of food and drink to the animals.

The bill requires the owner of the animals to pay the costs of impoundment before they are released to his custody. If the owner is unable or refuses to pay the charges, the state department of agriculture must sell the animals to pay for the impoundment charges. Any balance remaining from such a sale is to be credited to the livestock inspection fund.

In addition, the measure limits the application of the animal cruelty laws to prohibit or interfere with established methods of animal husbandry including the raising, handling, feeding, housing and transporting of livestock or farm animals.

A.B. 700 (chapter 634)

Assembly Bill 700 requires the state department of agriculture to adopt regulations to establish an agricultural loan mediation program in accordance with federal law under the Agricultural Credit Act of 1987. The department is to administer the program and establish fees for participation which must be sufficient to cover the costs of administering the program.

A.B. 958 (chapter 599)

Assembly Bill 958 adds a new chapter to NRS to provide for a state reclamation law. The bill establishes regulatory requirements and a permitting process for mining operations and exploration projects to be administered and enforced by the division of environmental protection in the state department of conservation and natural resources to ensure the reclamation of land disturbed by mining activities.

The state environmental commission is required to adopt regulations for the administration of the reclamation requirements by the division. Another member, who must possess expertise in performing mining reclamation, is added to the state environmental commission to be appointed by the governor.

The measure prohibits a person from engaging in an exploration project or a mining operation without a valid permit issued by the division of environmental protection. An applicant for a permit for a mining operation must submit a plan for reclamation to include specific information as specified in the bill. The division is required to provide the department of minerals with a copy of any conditions imposed upon an approved plan, and the security required, on the same day that information is sent to the operator.

The bill requires persons engaged in mining operations and exploration projects to file a reclamation bond or other surety with the division in a form and amount established by regulation. Nevada's department of minerals is required to develop and administer a bond pool program, which is to be self-sustaining, to assist operators in meeting the bonding requirements.

The reclamation program is established to be self-funded through permit fees and annual fees related to each acre of land affected by a mining operation. Mining operators are required to submit annual reports on the status and production of operations and to identify the acres of land affected and reclaimed by mining operations.

The bill establishes a deadline of October 1, 1990, for the adoption of regulations by the state environmental commission for the reclamation requirements and by the department of minerals for the bond pool program. Likewise, the regulatory provisions of the bill become effective October 1, 1990. A person already engaged in an exploration project or a mining operation on that date is required to file an approved reclamation plan by October 1, 1993, or before abandonment of the mining operation, whichever occurs first.

Land Transfers

S.B. 113 (chapter 724)

Senate Bill 113 expands the jurisdiction of the state land use planning agency to include planning for the state to acquire federal land. The bill also allows the Nevada legislature's committee on public lands to contract for consulting services for land planning and related activities. The measure further authorizes the public lands committee to apply for any available grants and accept any gifts, grants or donations to aid the committee in carrying out its duties.

Senate Bill 113 includes a policy statement to continue to seek the acquisition of federal lands within Nevada. In addition, the state land use planning agency is required, in preparing plans and policy statements, to identify lands suitable for acquisition for commercial, industrial or residential development; for the expansion of the property tax base including the potential for increased revenue by the sale and lease of lands; and for accommodating population increases in the state.

S.B. 132 (chapter 235)

Senate Bill 132 repeals the moratorium on the exchange or sale of state lands and requires the approval of the state board of examiners and the interim finance committee for the exchange, lease or sale of such lands.

The bill authorizes the state land registrar to make direct sales of state lands to public agencies in the state if the land is not needed by the state and is needed for a valid public use. Land transactions under this process must be sold at current fair market value and include the costs associated with the sale.

The measure also removes inaccurate references concerning the issuance of patents to convey certain land and clarifies

that patents must be used to convey title for state lands which are acquired by patent from the Federal Government.

A.B. 198 (chapter 111)

Assembly Bill 198 simplifies the process by which the state land registrar may transfer land or interest in land owned by the State of Nevada within the Lake Tahoe Basin. The bill directs the registrar to report all such transactions to the state board of examiners on a quarterly basis. The measure further specifies that the proceeds of these transactions are to be credited to the fund for the purchase of environmentally sensitive land in the Lake Tahoe Basin and used in this program.

A.B. 546 (chapter 175)

Assembly Bill 546 authorizes the state land registrar to offer a parcel of property in Carson City for sale subject to various restrictions. The restrictions include: (1) the sale of the land for fair market value; (2) preparation of an exact description of the property; (3) sale for the purpose of a roadway to be offered for dedication to Carson City after completion; (4) reversion to the state if the land ceases to be used for its intended purpose for 1 year; and (5) payment of the costs of the transaction by the applicant.

The proceeds of the sale must be deposited with the state treasurer for credit to the state permanent school fund. The bill waives the provisions of state law relating to the auction or bid process for the sale of state lands since the topography and location of this parcel of land makes it unsuitable for any other purpose. The act becomes effective upon passage and approval.

A.B. 830 (chapter 804)

Assembly Bill 830 authorizes the state land registrar to convey a 54.99-acre parcel of state-owned land to Clark County in exchange for land of equal value or utility to the state.

Water

S.B. 262 (chapter 186)

Senate Bill 262 expands the authority of the state engineer to issue subpoenas. Previous law permitted the state engineer to issue subpoenas only during the adjudication process. This measure expands the subpoena power of the

state engineer to include actions involving appropriations and enforcement. The act is effective upon passage and approval.

S.B. 263 (chapter 149)

Senate Bill 263 authorizes the state engineer to grant temporary changes in the diversion or use of water. The state engineer must approve applications seeking a temporary change if the application is accompanied by the prescribed fees, the temporary change is in the public interest, and it does not impair the water rights held by other persons. These temporary changes are valid for a period not to exceed 1 year.

If the state engineer determines that the temporary change may not be in the public interest or may impair the water rights of other persons, he must hold a hearing concerning the application and render a decision based on information received at the hearing. The act is effective upon passage and approval.

S.B. 271 (chapter 351)

Senate Bill 271 authorizes local governments which provide water service to use the facilities of a public utility to exchange, transport or treat water, under certain circumstances. The local government must apply to the public service commission of Nevada for authorization to use these facilities. The PSCN may issue an order directing the utility to make its facilities available to the local government.

The commission must determine how much the local government must pay to the utility for this service. In setting this rate, the commission must consider all direct and indirect costs associated with exchanging, transporting or treating the water. The commission may also impose conditions and requirements on the utility and the local government to ensure that the customers of the utility continue to receive adequate service at a reasonable price.

The local government is further required to file a copy of the application with the planning commission of each county and incorporated city which may be affected by its use of the facilities.

This bill specifically does not preclude a local government from bringing an action in eminent domain for the same purpose for which it is allowed to use the facilities of the public utility.

S.B. 335 (chapter 491)

Senate Bill 335 relates to the appropriation of water. In setting the time within which appropriated water must be put to beneficial use, the state engineer is directed by statute to allow at least 5 years (but not more than 10 years) for municipal or quasi-municipal use on land for which a final subdivision map has been recorded. Senate Bill 335 extends this provision to land for which a project master plan or planned unit development has been approved by the local government.

Likewise, the bill directs the state engineer to consider the time period contemplated for completion of such project master plans and planned unit developments when acting upon requests for extensions of time to apply water to a beneficial use.

A.B. 157 (chapter 628)

Assembly Bill 157 authorizes Clark County and the cities in Clark County to enact ordinances which prohibit or restrict the use of water and effluent for recreational purposes in any manmade lakes or streams located within their jurisdictions. The bill specifies, however, that its provisions do not apply to:

1. Water stored in a manmade reservoir for use in flood control, in meeting peak water demands or for purposes relating to the treatment of sewage;
2. Water used in a mining reclamation project; or
3. A body of water located in a recreational facility that is open to the public and owned or operated by the United States or the State of Nevada.

The measure also clarifies that suppliers of water in the county are authorized to abide by the local ordinances. In addition, the bill authorizes the establishment of rates in the Las Vegas Valley Water District which encourage the conservation of water.

A.B. 324 (chapter 219)

Assembly Bill 324 requires the state environmental commission to prescribe a schedule of reasonable fees for applications for permits for the discharge of water pollutants and the injection of fluids through a well to defray the costs of processing the applications and administering the permit program. The bill also authorizes the commission to establish reasonable fees for the review of plans and specifications by the director of the state

department of conservation and natural resources and for services provided by the division of environmental protection in the department. The act is effective upon passage and approval.

A.B. 332 (chapter 741)

Assembly Bill 332 revises and, in most cases, increases the fees collected by the state engineer for various applications, permits, filings and other related actions and documents pertaining to water rights and the uses of water. The bill also declares the use of water for wildlife purposes as a beneficial use. The act is made effective on July 1, 1989, and clarifies that the new fee structure applies to an action taken by the state engineer on or after that date.

A.B. 333 (chapter 579)

Assembly Bill 333 makes various changes concerning water resources planning and development including the establishment of a reporting requirement on new developments that involve the use of water, and creating an advisory board on water resources planning and development.

The bill cites legislative intent to provide for the reporting of all projects to ensure effective coordination for state water planning efforts. Projects are defined as any new, expanded or modified developments that require the use of 5 acre-feet or more of water per year and require local government approval.

The measure directs local governmental officers or agencies that approve projects to file a report on each approved project to the administrator of the division of water planning in the state department of conservation and natural resources. The report is to include specified information, and the owner or developer of an approved project may be required to fill out the report. Quarterly reports must be filed by local governments along with submission of a fee for each project report in the amount of \$75 plus 50 cents for each acre-foot of water required by the project. The fee is to be paid by the owner or developer of the project, plus an additional administrative fee of \$10 to be retained by the local government.

The bill further creates the advisory board on water resources planning and development within the division of water planning to advise the administrator and make recommendations to the governor and legislature. The board consists of 13 members including the five members of the existing board for financing water projects and eight other members appointed by the governor to represent county and

city governing bodies and each of the largest water utilities in the two largest counties in the state. Of the total membership, at least seven members must be residents of the county with the largest population (Clark) and at least three residents of the second largest county (Washoe).

In addition, the measure authorizes the administrator to develop water plans which affect a specified region, local governmental jurisdiction or the state. However, any such water plan must be approved by the legislature before it is implemented.

A.B. 512 (chapter 249)

Assembly Bill 512 facilitates the acquisition and retention of water rights by a public utility or political subdivision of the state. The bill defines as a beneficial use water appropriated from any stream system or underground water source by a political subdivision or public utility to serve the present or reasonably anticipated municipal, industrial or domestic needs of its customers for water.

The measure establishes certain conditions for these situations. The appropriation of water or acquisition or lease of appropriated water by these entities is subject to the existing law that requires good faith and reasonable diligence in efforts to perfect the appropriation by the holder of the permit. In addition, the needs for water in these cases must be determined in accordance with a master plan adopted under the state's planning and zoning laws or a plan approved by the state engineer.

A.B. 646 (chapter 250)

Assembly Bill 646 increases the limit on the assessment for water distribution expenses incurred by the state engineer. The limit is increased from 16 to 21 cents per acre-foot of water decreed for a stream system that irrigates more than 200,000 acres of land. Thus, the increased assessment only applies to the Humboldt River in northern Nevada.

A.B. 900 (chapter 617)

Assembly Bill 900 eliminates the restrictions on utilization of water meters in Washoe County under specified conditions.

The bill becomes effective only if a preliminary settlement agreement is entered into and implemented by Sierra Pacific Power Company and the Pyramid Lake Paiute Tribe. It is further specified that the conservation plan required by the agreement must not be made applicable to a local government unless that local government approves the plan.

Likewise, the measure does not go into effect unless federal legislation is enacted requiring the United States Secretary of the Interior to enter into contracts to carry out the provisions of the agreement. The public service commission of Nevada also must adopt a plan for financing the purchase and installation of water meters and related facilities for existing unmetered residences which does not place the costs on existing customers. The plan must provide that residences receiving new meters may not be charged a metered water rate until at least 90 percent of the unmetered residences have had meters installed. Likewise, the plan must specify that if the City of Reno or the City of Sparks does not mandate stage II drought control for years before the time that the newly metered residences are charged a metered rate, the base amount of nonfirm municipal and industrial water must be transferred to the Pyramid Lake Paiute Tribe.

The bill requires that water saved through the installation of water meters must be stored for municipal and industrial use in the Truckee Meadows and surrounding areas during drought periods, unless existing reserves are adequate. It further provides for the protection of existing water rights and the state engineer's jurisdiction and powers.

Wildlife

S.B. 130 (chapter 841)

Senate Bill 130 authorizes Nevada's department of wildlife to prevent and mitigate damage and compensate for certain losses caused by elk or game animals not native to this state.

The measure requires that a \$10 fee be charged for processing an elk tag, \$5 of which must be deposited in the wildlife account for use in the prevention and mitigation of damage caused by elk or game animals not native to Nevada.

The bill directs the NDOW to adopt regulations governing the disbursement of money to prevent and mitigate damage to private property and privately maintained improvements, and to compensate persons for grazing reductions and the loss of stored or standing crops caused by elk or nonnative game animals. The regulations must contain eligibility requirements for persons claiming damages. In addition, the regulations must contain procedures for the formation of local panels to assess damage caused by elk or game animals not

native to the state and to determine the value of the loss claimed if the claimant and the NDOW do not agree on the value.

The measure also requires the director of the NDOW to submit, by the fifth calendar day of each regular session of the legislature, a report summarizing the actions taken by the department to prevent or mitigate damage caused by elk or game animals not native to Nevada. The report must include a list of expenditures made for damages during the previous biennium.

The act appropriates from the state general fund \$25,000 for fiscal years 1989-1990 and 1990-1991 to implement the program. However, the director may not expend these funds unless an equal amount is committed from the wildlife account for the same purpose.

The bill becomes effective on July 1, 1989, and sunsets on July 1, 1991, if matching money from the wildlife account is not committed.

S.B. 386 (chapter 367)

Senate Bill 386 adopts the Wildlife Violator Compact. The purpose of the compact is to allow party states to participate in a reciprocal program that promotes compliance with the statutes and administrative rules relating to the management of wildlife resources in each state.

The compact requires party states to recognize the suspension of wildlife license privileges of any person and treat the suspension as if it had occurred in their state. It also allows a home state to recognize and treat wildlife convictions recorded for its residents in another party state as if the convictions had occurred in the home state.

To administer the compact, a board of compact administrators is established consisting of one representative from each party state. The representatives are appointed by the head of the licensing authority in each state. Nevada's representative is appointed by the director of the department of wildlife.

The compact becomes effective upon adoption by at least two states. A party state may withdraw from the compact at any time by giving official written notice to the other party states. Thus far, the compact has been adopted by the States of Colorado and Nevada, and it is under consideration in several other Western States.

S.B. 395 (chapter 888)

Senate Bill 395 makes various changes relating to the board of wildlife commissioners and county advisory boards to manage wildlife.

The measure increases the membership of the board of wildlife commissioners from seven to nine members by the appointment of two additional members who represent the interests of sportsmen. It also allows boards of county commissioners, at their discretion, to increase the membership of county advisory boards to manage wildlife from three to five members. Persons appointed to these boards must be residents of the county and be either a sportsman or engaged in farming or ranching.

In addition, the act creates the position of vice chairman of the board of wildlife commissioners and requires the board to meet at least nine times each year based on need and requests submitted by the county advisory boards. The bill further requires the chairman, vice chairman, or members of county advisory boards appointed by them to attend meetings of the board of wildlife commissioners at which seasons are set, or bag limits, hours or other regulations and policies are established.

Finally, the measure establishes a schedule for appointments of new members to the board of wildlife commissioners and to the county advisory boards to manage wildlife.

S.B. 413 (chapter 352)

Senate Bill 413 makes various changes to the statutes concerning the department of wildlife and the board of wildlife commissioners. The bill allows for consecutive periods of license revocation, and deletes the board's authority to establish policy concerning the establishment and operation of private and commercial game farms, hunting preserves, hatcheries and guide services.

The measure also provides that unclaimed equipment seized as evidence for wildlife law violations or court confiscated equipment becomes the property of the department, rather than the court. The department is given the option of selling the equipment in accordance with state law or retaining it for authorized use.

The bill further clarifies that it is unlawful to shoot, with any weapon, at any game animals or game birds from an aircraft, helicopter or motor-driven vehicle. Finally, the bill specifies that only certain persons who legally possess game animals are required to obtain a transportation permit.

Previous law required the person in possession and the person transporting game animals to appear to obtain the permit.

S.B. 414 (chapter 753)

Senate Bill 414 makes various changes in the laws relating to wildlife. The measure increases the civil penalties for unlawfully killing or possessing certain species of wildlife and authorizes Nevada's board of wildlife commissioners to enter into reciprocal hunting agreements with adjoining states.

The measure gives license agents of Nevada's department of wildlife the option of purchasing their inventory in advance of sales in lieu of furnishing a bond, or providing a cash bond in lieu of paying a premium for a bond. The service fee for a license agent is increased from 25 cents to 50 cents which is in addition to the fee for a license, tag or permit.

The bill also creates a combination fishing and hunting license for persons between the ages of 12 and 16 years which costs \$9. Previous law required a separate fishing and hunting license for both activities. A maximum administrative fee of \$5 is authorized for a duplicate certificate of successful completion of the hunter responsibility course.

The age at which a person may become a master guide is increased from 16 to 21 years, and for a subguide from 16 to 18 years. The measure exempts farming and grazing leases from the requirement that leases of state land receive approval of the state board of examiners and interim finance committee. A provision making it unlawful to molest or destroy any muskrat nest is repealed.

In addition, the bill revises the criteria for deposits of state money by the NDOW. Current law specifies that, when a state agency accumulates for deposit \$10,000 or more on any day, it must deposit the money not later than the next working day. This measure makes an exception for the NDOW by allowing it to make these deposits within 10 working days.

The sections of the act relating to license agents, reciprocal hunting agreements, the teenage combination license and the administrative fee become effective on March 1, 1990. The remainder of the act is effective on October 1, 1989.

S.B. 415 (chapter 476)

Senate Bill 415 requires Nevada's department of wildlife to issue restricted nonresident deer tags for the 1990 through 1993 hunting seasons. The department must set aside 15 percent of the deer tags allocated to nonresidents or 250 tags, whichever is less, for issuance to nonresident hunters.

The measure directs the department to conduct a drawing for the tags if the number of applicants exceeds the number of tags available. Applicants must submit a fee of \$250 for the tag. A restricted nonresident deer hunter must be accompanied at all times during the hunt by the licensed master guide who cosigned the person's application, or by one of his licensed subguides.

The number of restricted nonresident deer tags issued for any management area must not exceed 25 percent of the rifle deer tags issued to nonresidents for that management area. Any restricted deer tags that are not issued must be returned to the quota for nonresidents.

The law applies only to the 1990 through 1993 hunting seasons. It directs the department to prepare a report for the 1993 legislature evaluating the success of issuing restricted nonresident deer tags. The report must include any recommendations and suggested legislation for issuing these tags after the 1993 hunting season.

S.B. 446 (chapter 834)

Senate Bill 446 increases the membership of the commission for the preservation of wild horses from three to five members by adding two additional members from the general public. The measure also increases the compensation of the members from \$60 to \$80 for each day they are engaged in commission business.

S.B. 448 (chapter 751)

Senate Bill 448 makes various changes concerning the regulation of watercraft.

The measure authorizes a peace officer to seize a vessel or its contents if he has probable cause to believe that the vessel or contents contain evidence of a crime. If a criminal conviction is obtained as a result of the seizure, the person convicted must pay any storage fees. If a conviction is not obtained, Nevada's department of wildlife must pay those fees.

The bill also requires a person to operate a vessel in conformance with the pilot rules adopted by the board of

wildlife commissioners. An operator must maintain a proper lookout for other vessels, obstructions or hazards. A person who fails to do so and causes injury or damage is guilty of a misdemeanor.

The measure prohibits the mooring of a vessel to or tampering with any navigational aid. Penalty provisions based on the results of a violation are included in the bill.

S.B. 476 (chapter 594)

Senate Bill 476 requires a person who develops or maintains an artificial or man-made body of water containing chemicals or other substances in quantities which will cause the death of any wildlife to obtain a permit from Nevada's department of wildlife. A body of water maintained for agricultural or recreational purposes is exempt from this requirement.

The measure directs the board of wildlife commissioners to adopt regulations governing the provisions of the permit and its issuance, renewal and revocation. The NDOW is required, within 30 days after receiving an application, to issue a permit or deny the application. A permit may be valid for up to 5 years, and the board may establish a permit fee of not more than \$100 per year.

A person who fails to obtain a permit, or to comply with the provisions of the permit, is guilty of a misdemeanor for the first offense and a gross misdemeanor for any subsequent offense. A person who, on October 1, 1989, manages or owns a water body regulated by this act is required to obtain a permit by April 1, 1990.

A.B. 825 (chapter 637)

Assembly Bill 825 authorizes the board of wildlife commissioners to auction or accept sealed bids for one antelope tag and one elk tag each year. Current law allows the board to annually auction or accept bids for two bighorn sheep tags.

A.B. 865 (chapter 639)

Assembly Bill 865 increases the fees for certain hunting and fishing licenses issued by Nevada's department of wildlife as follows:

1. A hunting license for a resident is increased from \$15 to \$20;
2. A combined hunting and fishing license for a resident is increased from \$28.50 to \$33.50; and

3. A hunting license for a nonresident is increased from \$80 to \$90.

The act becomes effective on March 1, 1990.

Other Bills Generally Related to Natural Resources

S.B. 189 (chapter 785)

Senate Bill 189 proposes that a state bond issue of \$47.2 million be submitted to the voters at the 1990 general election. If approved, the state would issue general obligation bonds for the purposes of protecting, preserving and obtaining the benefits of natural resources. Of the total bond issue, \$34.2 million would be allocated to the division of state parks in the state department of conservation and natural resources. Of this amount, \$15.9 million is to be used for new state parks (property acquisition, development and feasibility planning); \$13.3 million is to be provided to Clark County to develop a county regional wetlands park at the Las Vegas Wash; and \$5 million is to be allocated to Washoe County to develop county regional parks.

An amount of \$13 million would be allocated to the department of wildlife for acquisition of fish and wildlife habitats and public access, or identification, inventory and protection of sensitive species and ecosystems (\$6 million); improvement of existing fish and wildlife habitats (\$2 million); and purchase or lease of water rights for protection of fish and game habitats (\$5 million).

The measure also authorizes the state board of examiners to use money from certain previously authorized general obligation bonds for the purchase of water rights and land.

S.B. 540 (chapter 735)

Senate Bill 540 provides that the state and its political subdivisions are immune from civil liability for damages caused by an alteration or disturbance of a riverbed or flooding sustained as a result of clearing a channel of a navigable river. The channel must be cleared in accordance with a permit granted by the division of state lands in the state department of conservation and natural resources and any other permits and approvals required by law.

The bill also allows any political subdivision to apply for a grant from the channel clearance, surveying and monumenting program if sufficient federal money is not available

for the proposed project. Previous law authorized these entities to apply for a grant only if no federal money is available.

This act "sunsets" on June 30, 1993.

A.B. 812 (chapter 446)

Assembly Bill 812 authorizes the department of motor vehicles and public safety to establish by regulation a program to award grants of excess money in the pollution control fund to air pollution control agencies. The agencies include the state department of conservation and natural resources and the health departments in Clark and Washoe counties. Excess money is defined as the money in excess of \$500,000 remaining in the pollution control fund at the end of the fiscal year.

The bill requires the regulations for the program to provide for the creation of an advisory committee consisting of representatives of the state and local agencies involved in motor vehicle emissions control. The committee is required to establish goals and objectives for the emission control program, identify areas for available funding, and review and make recommendations concerning applications for grants and the adoption of program regulations.

Proposed grants must be submitted to and approved by the chief of the registration division of the DMV&PS and the administrator of the division of environmental protection in the state department of conservation and natural resources. Grants must not be awarded until approved by the interim finance committee.

A.B. 827 (chapter 507)

Assembly Bill 827 directs the state department of agriculture and the department of wildlife to cooperate in a program to prevent the spread of communicable diseases in livestock and wildlife.

The measure requires department of wildlife personnel to report to the director any reasonable suspicion that a communicable disease may be present in wildlife in the state. The director is required to inform and provide any samples of the suspected disease to the director of the division of animal industry in the state department of agriculture.

A.B. 941 (chapter 685)

Assembly Bill 941 appropriates \$2,359,215 from the state general fund to the division of state parks, state

NATURAL RESOURCES (continued)

department of conservation and natural resources, for capital improvements and land acquisition in parks, recreation areas and historical monuments in Nevada. Nine state parks, two state recreation areas and two historical state monuments are listed in the bill for certain levels of funding. The measure also authorizes \$280,000 of the unobligated bonds issued for construction of the South Fork Reservoir to be used for improvements at the South Fork State Recreation Area. Money made available by the Federal Government for the conservation of land and water may be used to supplement the legislative appropriation for capital improvements at two sites specified in the bill.

PUBLIC OFFICERS AND EMPLOYEES AND
PUBLIC EMPLOYEES' RETIREMENT

Bill summaries within the topic of "Public Officers And Employees And Public Employees' Retirement" are categorized under the following subheadings:

1. Procedures Relating to State Employees;
2. Public Employees' Retirement; and
3. Salaries of Public Officials.

Procedures Relating to State Employees

S.B. 115 (chapter 495)

Senate Bill 115 requires that a person employed by the State of Nevada in the classified service must receive training before preparing the performance evaluation report of another employee. For newly appointed supervisory personnel, this training must be provided within 6 months after appointment.

The bill specifies the procedures to be followed for performance evaluations made during an employee's period of probation. Additionally, a report must be filed annually with the director of the state department of personnel regarding each permanent classified employee. For any classified employee receiving a substandard rating, an additional performance report must be prepared at least every 90 days until the performance improves to standard or until any disciplinary action is taken.

The measure also authorizes the department of personnel to expend money not appropriated from the state general fund in the amounts of \$56,540 for fiscal year 1989-1990 and \$619 for fiscal year 1990-1991.

S.B. 528 (chapter 591)

Senate Bill 528 clarifies certain provisions pertaining to the state personnel system. The director of the department of personnel is authorized to adopt regulations to provide for filling positions in the classified service without competition in cases involving the demotion or reappointment of a current employee, or the reemployment of a current or former employee adversely affected by layoff, military service or reclassification. The measure also ratifies certain appointments made without competition.

A.B. 50 (chapter 660)

Assembly Bill 50 increases the subsistence allowance for state officers and employees who are traveling on official state business. The allowance for a 24-hour period while traveling within Nevada is raised from \$47.50 to \$58 to cover both meals and lodging. For travel out of state, in addition to a reasonable room rate, the allowance for meals during a 24-hour period is increased from \$21 to \$24.

A.B. 295 (chapter 581)

Assembly Bill 295 addresses grievances within the state personnel system. Previously, written reprimands and performance evaluations were not appealable beyond the department head level. This bill provides that all grievances, including written reprimands and performance evaluations, are subject to adjustment and may be appealed to Nevada's employee-management committee for final decision.

This measure also defines a grievance and eliminates the review and recommendation of Nevada's department of personnel from the grievance process.

A.B. 491 (chapter 437)

Assembly Bill 491 authorizes creation of a "flex benefit" program for state employees as allowed under federal law. Such a program provides for pretax withholding of income to pay for approved services such as child care, unreimbursed dental and medical care, and group term life insurance.

The bill allows the program to be managed by a state employee organization or the director of the department of personnel. It authorizes the director to create an appropriate fund, delegate management to other agencies and contract for necessary services, among other things. The bill also provides that the participants in the program pay the costs of administration.

A.B. 505 (chapter 334)

Assembly Bill 505 establishes procedures through which state employees may transfer their annual and sick leave to other employees. Each appointing authority is authorized to establish an account for catastrophic leave. Guidelines are outlined whereby employees may transfer annual or sick leave into the account. Employees who are experiencing a catastrophic illness may request to use up to 1,040 hours in a calendar year from the account. The bill provides, however, that employees may not receive leave time from the account until they have used all of their accrued annual, sick and compensatory leave.

The measure requires that information concerning use of the accounts for catastrophic leave be maintained so the effectiveness, feasibility and costs associated with the program may be evaluated. The state's department of personnel is directed to report to the legislature's interim finance committee concerning these matters by October 1, 1990. The bill also contains a "sunset" provision whereby it expires by limitation on July 1, 1993.

A.B. 683 (chapter 433)

Assembly Bill 683 extends the period for payment of a state employee's unused annual leave.

Existing law provides that a state employee may not carry more than 30 days of annual leave from 1 calendar year into the next, or he forfeits the excess leave. He must, however, be paid for the excess leave if he requests and is denied permission to take the time off.

Under previous law, the employee was required to be paid for this excess leave with his first compensation after January 1. Assembly Bill 683 changes this deadline for payment to not later than January 31.

A.B. 859 (chapter 683)

Assembly Bill 859 relates to state employees who have been transferred, dismissed, demoted or suspended. The bill allows these people to request a hearing by mail and provides that the request will be considered timely if it is postmarked within 10 working days after the effective date of the employment action. Previous law did not specifically provide for such a request to be made through the mail.

A.B. 899 (chapter 715)

Assembly Bill 899 relates to state employees. The measure specifies that a leave of absence must be granted to any person holding a position in the classified service of the executive branch to permit acceptance of a position in the legislative branch during a legislative session. Such a person is entitled to be restored to his previous position in the classified service at the completion of the legislative session without loss of seniority or benefits.

The bill also allows employees in the unclassified service of the executive branch to transfer to the classified service under the same conditions as legislative employees and employees of the supreme court. Restrictions which apply to these types of transfers are prescribed.

The measure is made effective upon passage and approval, and its provisions are made applicable to employees hired for the 1989 session of the legislature.

Public Employees' Retirement

S.B. 147 (chapter 403)

Senate Bill 147 authorizes the department of administration to pay \$74.10 and \$99.35 per month in fiscal years 1989-1990 and 1990-1991, respectively, toward the cost of group insurance premiums for retired state employees.

S.B. 218 (chapter 533)

Senate Bill 218 increases minimum post-retirement benefits for certain retired public employees, or their beneficiaries, who are receiving relatively small monthly payments under Nevada's public employees' retirement system.

S.B. 229 (chapter 842)

Senate Bill 229 increases the pension available to the surviving spouse of a supreme court justice or district judge from \$1,150 to \$1,300 per month effective July 1, 1989.

S.B. 507 (chapter 592)

Senate Bill 507 directs the public employees' retirement board to conduct a comprehensive study of health care benefits provided to retired public employees, make progress reports at each meeting of the interim finance committee and submit a final report of the study to the 1991 legislative session. The board is authorized to contract with a national firm of consulting actuaries and to spend not more than \$70,000 in performing the study. This money must come from the public employees' retirement fund.

A.B. 87 (chapter 513)

Assembly Bill 87 relates to retirement benefits for legislators who are employed by public entities. The bill specifies that calculations of benefits are based upon the average of the legislator's 36 consecutive months of highest compensation, excluding each month during any part of which the legislature was in session.

A.B. 633 (chapter 671)

Assembly Bill 633 relates to the public employees' retirement system. The measure allows any member who has 5 years of creditable service to purchase up to 5 years of service. The member must, however, pay the full actuarial cost of the service.

The measure also clarifies several administrative provisions associated with the retirement system. It establishes or modifies definitions for the terms "compensation," "error in equity," "regular part-time employee," and "issue." It also creates the positions of operations officer and manager of information systems within PERS. The bill further provides that nurses who meet specified criteria concerning limited working hours and schedules are not eligible to become members of the system.

A.B. 820 (chapter 481)

Assembly Bill 820 relates to retirement for public employees and officers. The measure provides for retirement after 30 years of service at any age. Previous law required that a 30-year employee be at least 55 years old before he or she could draw retirement benefits. The bill also allows 5-year vesting, and it approximately doubles the benefits for surviving spouses and children of deceased active members. In addition, the measure reduces the penalty for early retirement and raises the cost-of-living increase for those who have been retired for at least 10 years.

The bill also updates the formula for legislator retirement benefits. This formula is changed from a fixed-dollar amount of \$25 per month for each year of service to a percentage of the legislator's average compensation. A legislator's contribution to the retirement system is increased from 15 to 20 percent of the gross compensation earned as a legislator effective January 1, 1993.

(Assembly Bill 820 was vetoed by the Governor, but the veto was not sustained by the legislature. Thus, the measure became law. The sections of the bill relating specifically to legislator retirement were subsequently repealed during a special legislative session--see the summary of Senate Bill 1 under the final chapter heading "Special Session - November 21, 1989," in this document.)

A.B. 922 (chapter 641)

Assembly Bill 922 requires the legislature's interim retirement committee to examine the next biennial actuarial study of the public employees' retirement system and submit the report to an independent actuary for review. The independent review must be submitted to the legislative commission on or before November 15, 1990, and the cost must be paid from money budgeted for administration of the PERS.

Salaries of Public Officials

S.B. 8 (chapter 14)

Senate Bill 8 amends subsection 5 of NRS 284.175 governing the salaries of the classified employees of the state. The bill specifies that the director of the state's department of personnel must consider factors such as the following in making recommendations during legislative sessions concerning salaries for the classified service:

1. Surveys of salaries of comparable jobs in government and private industry within the State of Nevada and Western States, where appropriate;
2. Changes in the cost of living;
3. The rate of turnover and difficulty of recruitment for particular positions; and
4. Maintaining an equitable relationship among classifications.

The legislature further declares that the legislative intent of the amended subsection, as it existed before the effective date of this act, was that the prevailing rates paid in government and industry for comparable jobs within the State of Nevada and Western States be used merely as a guide, where appropriate, in setting the salaries of employees in the state's classified service. And in addition, the legislature intended that other relevant factors also be considered, such as the salaries necessary to attract qualified personnel to fill certain positions in the classified service, and the financial constraints associated with the budget. Thus, the measure is made effective upon passage and approval, and it is declared to apply retroactively to July 1, 1987.

The bill also voids any salary increases or decreases awarded through court action in a matter concerning the amended subsection as it existed before the effective date of this act. It further declares that a party to a civil action concerning the amended subsection as it existed before the effective date of the act, whether brought before, on or after that date, is not entitled to have his salary increased pursuant to the subsection.

S.B. 64 (chapter 869)

Senate Bill 64 provides for longevity pay for district court judges and supreme court justices in addition to their established salaries. Service as a district judge or

supreme court justice, or any combination thereof, for at least 6 years entitles the judge or justice to additional compensation of 1 percent of his salary for each year of service, not to exceed 22 percent of his total salary. The measure appropriates a total of \$174,404 from the state general fund to the appropriate account or entity to provide for this longevity pay.

S.B. 154 (chapter 875)

Senate Bill 154 creates a commission to review the salaries of legislators and all other elected state and local government officers whose salaries are set by the legislature. The governor is to appoint the commission's seven members who must have diverse personal and professional interests and reside in various geographical areas of the state. Current state legislators and local government officers and employees are specifically excluded as members. The measure includes provisions for the internal operation of the commission.

The commission is required, after review and public hearings, to present its findings and any salary recommendations to the legislature on or before February 1 of each odd-numbered year. The bill also appropriates \$6,900 from the state general fund to the legislative fund to cover expenses incurred by the commission. The act includes a "sunset" provision for the commission to expire on June 30, 1991.

S.B. 316 (chapter 754)

Senate Bill 316 increases, from \$40 to \$80, the daily compensation for each member of the commission on judicial selection who is not a judicial officer.

S.B. 319 (chapter 795)

Senate Bill 319 increases the salaries and compensation prospectively of certain elected public officers. Annual salaries of the six constitutional officers in the executive branch will increase on the first Monday in January 1991, as follows: governor, \$77,500 to \$90,000; lieutenant governor, \$12,500 to \$20,000; secretary of state, \$50,500 to \$62,500; state treasurer, \$49,000 to \$62,500; state controller, \$49,000 to \$62,500; and attorney general, \$62,500 to \$85,000. The measure also provides prospective salary and compensation increases for justices of the supreme court and district court judges.

S.B. 532 (chapter 736)

Senate Bill 532 revises the maximum salary of members of state boards and commissions. Salaries generally must not exceed \$80 per day, as fixed by the appropriate board or

commission. The measure equalizes the maximum per diem allowance and travel expenses a member or employee of a state board or commission is entitled to receive at a rate set by the board or commission, not to exceed the rate provided in state law for state officers and employees generally. The act also exempts the employees of certain state licensing boards from the provisions of Nevada's state personnel system.

S.B. 552 (chapter 609)

Senate Bill 552 provides an across-the-board salary increase of approximately 5 percent, effective July 1, 1989, for certain public employees. Affected by this measure are state employees, personnel of the University of Nevada System and employees of the various public school districts. The bill appropriates a total of \$41.6 million in fiscal year 1989-1990 and \$43.8 million in fiscal year 1990-1991 to fund this salary increase.

The measure also allows an additional across-the-board salary increase of between 2 and 5 percent to these same employees, effective July 1, 1990. On or before May 31, 1990, the state board of examiners is required to project the unappropriated balance in the state general fund and the state distributive school account. If the projected balance meets or exceeds certain threshold levels specified in the bill, the additional salary increase will be provided. The additional cost is projected at \$18.4 million for a 2 percent increase, up to \$46 million for a 5 percent increase.

A.B. 447 (chapter 874)

Assembly Bill 447 increases the annual salaries of elected county officers in Nevada. The salaries of county district attorneys and sheriffs, excluding those in Lincoln County, are increased effective July 1, 1989. The salaries of all other county officers (county commissioners, clerks, assessors, recorders, treasurers and public administrators), excluding county commissioners in Lincoln County, are increased effective January 1, 1990. The measure also provides, effective January 1, 1990, salary increases for the offices of sheriff and district attorney in Clark, Eureka and Washoe counties, and sheriff in Esmeralda and Lincoln counties.

A.B. 960 (chapter 612)

Assembly Bill 960 increases the salaries of unclassified state employees by establishing new maximum levels of remuneration. Although there are several exceptions, most of these employees are to receive a salary increase of approximately 5 percent effective July 1, 1989.

PUBLIC SAFETY

Bill summaries within the topic of "Public Safety" are categorized under the following subheadings:

1. Procedures Associated with Police and Fire Protection;
2. Weapons and Firearms; and
3. Other Bills Generally Related to Public Safety.

Procedures Associated with Police and Fire Protection

S.B. 19 (chapter 280)

Senate Bill 19 authorizes a county fire protection district, fire department, fire protection training academy or training center to set a fire at a specific site for training purposes. A fire may not be set within an area in which an air pollution episode or emergency constitutes an imminent and substantial danger to persons' health.

The bill requires a permit for a training fire to be obtained from the county air pollution control agency in Clark or Washoe counties, or from the director of the state department of conservation and natural resources if a fire is to be set in other counties of the state.

S.B. 48 (chapter 55)

Senate Bill 48 specifies that a peace officer who is required to apply for appointment as a notary public as a condition of employment must not be required to disclose his residential address or telephone number on any document which will become available to the public.

S.B. 56 (chapter 144)

Senate Bill 56 requires that a portable manual mask and face shield for cardiopulmonary resuscitation be provided by employers of peace officers and firemen. Such devices assist in the prevention of the spread of communicable disease during resuscitation procedures.

The state board of health is required to adopt regulations to approve the types of devices to be used. Immunity from liability for injuries or illness associated with the use of these devices is also provided.

The bill requires that the appropriate regulations be adopted by July 1, 1989, and that all affected employers comply with the act by January 1, 1990.

S.B. 65 (chapter 113)

Senate Bill 65 authorizes the board of county commissioners, in any county with population less than 250,000, to submit to the voters the question of creating a taxing district to establish an emergency telephone number system within the county.

The bill defines the scope of the district, allows the board to delegate the operation of the system to a metropolitan police department, and requires a police department to submit its system's budget to the county commissioners by April 1 of each year.

The measure permits an increase in the maximum ad valorem tax rate for the support of this type of district if approved by the voters.

S.B. 525 (chapter 700)

Senate Bill 525 changes the date by which the state board of health must adopt certain regulations pursuant to S.B. 56, which was enacted earlier in the session. The date is changed from July 1, 1989, to October 1, 1989.

Senate Bill 56 requires the board to adopt by regulation the types of portable masks and face shields for cardiopulmonary resuscitation to be provided to certain firemen and peace officers to assist in the prevention of the spread of communicable diseases.

A.B. 202 (chapter 363)

Assembly Bill 202 directs the state fire marshal to establish a statewide training program for response to spills of hazardous materials and related fires. The measure requires persons who store hazardous materials to obtain a permit to do so, and it directs the state fire marshal to collect a surcharge of \$60 for each permit. The revenue from this surcharge is to be credited to the contingency fund for hazardous materials, and the permissible uses of the contingency fund are increased to include the operation of a training center for handling emergencies relating to hazardous materials and related fires.

In addition, the measure appropriates \$180,000 for fiscal year 1989-1990 and \$150,000 for fiscal year 1990-1991 from the surcharges authorized under the Rocky Mountain Low-Level

Radioactive Waste Compact to the budget account for the hazardous material training center.

A.B. 213 (chapter 473)

Assembly Bill 213 provides an increased penalty for assaulting an officer performing his duty. "Officer" is defined as a person who possesses some or all of the powers of a peace officer; a person employed in a full-time, salaried occupation of fire fighting; a member of a volunteer fire department; or a jailer, guard, matron or other correctional officer.

If an assault is committed upon an officer performing his duty and the person charged knew or should have known that the victim was an officer, and the assault is made with use of a deadly weapon, or the present ability to use a deadly weapon, the penalty is a felony. If a deadly weapon is not used, the penalty is a gross misdemeanor.

A.B. 336 (chapter 412)

Assembly Bill 336 expands the time within which appointed personnel of the Nevada highway patrol may exercise police powers. The intent of this measure is to clarify that highway patrolmen have peace officer status when they render law enforcement assistance while off-duty.

A.B. 492 (chapter 571)

Assembly Bill 492 requires security guards to obtain a work card from the sheriff of the county in which they are employed. The bill applies only to counties with 100,000 or more inhabitants, but the board of county commissioners in other counties may adopt the same requirement by ordinance. The sheriff may submit the fingerprints of anyone who applies for a work card to the Federal Bureau of Investigation and the central repository for Nevada records of criminal history in the department of motor vehicles and public safety to determine the applicant's criminal history. In addition, licensees of the private investigator's licensing board are required to obtain a work card. The act becomes effective on January 1, 1990.

A.B. 493 (chapter 450)

Assembly Bill 493 directs the legislative commission to authorize the Nevada Conference of Police and Sheriffs to construct or install a memorial to the law enforcement officers of the state on the capitol complex in an appropriate location to be determined by the legislative commission.

The measure outlines the procedure for approval by the legislative commission of the design of the memorial and specifies that no public money may be spent for the design, construction or installation of the memorial.

A.B. 494 (chapter 262)

Assembly Bill 494 authorizes the Nevada highway patrol division in the department of motor vehicles and public safety to communicate with the Federal Bureau of Investigation concerning the background and personal history of any person:

1. Who has applied to any agency of the state or any political subdivision for a license which it has the power to grant or deny;
2. With whom any agency of the state or any political subdivision intends to enter into a relationship of employment or a contract for personal services; or
3. About whom any agency of the state or any political subdivision has a legitimate need to have accurate personal information for the protection of the agency or the persons within its jurisdiction.

The bill requires the central repository for Nevada records of criminal history in the DMV&PS to submit the fingerprints of an employee to the FBI for a search of its records of criminal history when an employer has requested notice of information relating to sexual offenses committed by the employee and a search of the records of the central repository reveals no information.

In addition, each agency of criminal justice shall submit to the Nevada highway patrol division any information in its possession relating to the genetic markers of the blood and the secretor status of the saliva of a person who is convicted of sexual assault or any other sexual offense.

A.B. 500 (chapter 172)

Assembly Bill 500 requires a law enforcement agency which has custody of property which has been stolen or embezzled to send a letter to the owner of the property telling him where it is located and how he may claim it. This notification is required if the agency knows or can reasonably discover the owner's name and address. The letter must be sent when the person who committed the offense is convicted, the charges are dropped or the case is otherwise disposed of.

The bill also provides that if a metropolitan police department has custody of stolen or embezzled property and the property is not claimed, the sheriff may deliver it to the county treasurer and accept the proceeds from its sale in lieu of the expenses incurred by the department in preserving the property.

A.B. 586 (chapter 663)

Assembly Bill 586 makes additional requirements and expands the authority of the state fire marshal regarding certain training programs. The state fire marshal is required to establish a regional hazardous materials training facility and furnish training programs concerning hazardous materials for emergency personnel, agencies and other persons. The bill also allows the state fire marshal to enter into agreements for the procurement of necessary services or property; to accept gifts, grants, services or property for the training programs; and to charge fees for training programs, materials or services provided.

A.B. 622 (chapter 377)

Assembly Bill 622 directs public utilities to disclose the name and address of a customer to a law enforcement agency upon receiving a written request from the chief executive officer or acting chief executive officer of the agency. The bill specifies that the request must be made for the purposes of a criminal or civil investigation and it mandates the contents of such a request. The measure also authorizes the utility to charge a reasonable fee for administrative expenses associated with the disclosure and provides that such a disclosure made in good faith does not give rise to any action for damages relative to the disclosure.

A.B. 625 (chapter 299)

Assembly Bill 625 changes the name of a security officer of a school district to a school police officer.

A.B. 635 (chapter 722)

Assembly Bill 635 provides that every person who manufactures or knowingly sells or possesses a counterfeit badge or identification of any law enforcement agency is guilty of a gross misdemeanor.

A.B. 666 (chapter 508)

Assembly Bill 666 allows the board of directors of county fire protection districts to adopt and enforce regulations concerning fire prevention. The regulations may include provisions designed to protect life and property from:

1. The hazards of fire and explosion resulting from the storage, handling and use of hazardous materials; and
2. Hazardous conditions relating to the use or occupancy of any premises.

These regulations must not be inconsistent with any applicable federal requirements adopted by the board of county commissioners.

A.B. 693 (chapter 487)

Assembly Bill 693 prohibits a contractor from willfully or maliciously installing a fire protection system with the knowledge that the system is inoperable and from impairing the effectiveness of such a system in any structure. The bill provides penalties for violations and defines several terms used in the act.

A.B. 739 (chapter 456)

Assembly Bill 739 expands the definition of "peace officer" to include investigators of arson who are full-time, paid employees of fire departments when carrying out their official duties.

A.B. 755 (chapter 480)

Assembly Bill 755 relates to occupational diseases. The measure creates a conclusive presumption that heart and lung diseases arise out of the employment of a person who has been employed in a full-time continuous, uninterrupted and salaried occupation as a police officer or fireman for 5 years or more before the date of disablement. The bill provides, however, that failure to correct predisposing conditions which lead to the diseases, when ordered to do so by an examining physician, excludes the employee from the benefits of this section of state law if the correction is within the ability of the employee.

A.B. 796 (chapter 680)

Assembly Bill 796 expands the rights of a peace officer under investigation for an activity which could result in punitive action. Among other things, if a polygraphic examination is given to an officer under investigation, a sound or video recording must be made of the examination, preliminary interview and post-examination interview. The measure includes provisions to allow a peace officer to be reexamined by a polygraphic examiner of his choice, who is licensed or qualified to be licensed in Nevada, if the opinion of reviewing examiners does not agree with the initial examiner's opinion. In any event, a law enforcement agency

may not use the opinion of the polygraphic examiner regarding the veracity of an officer as the sole basis for disciplinary action.

The bill also expands the group of persons defined as "peace officers," under state law regarding the rights of this group, to include court bailiffs, constables and their deputies, and any other officer or employee of state or local government upon whom some or all of the powers of a peace officer are conferred by specific statute.

A.B. 802 (chapter 708)

Assembly Bill 802 makes various changes relating to the peace officers' standards and training committee in the department of motor vehicles and public safety. The measure increases the membership of the committee from five to seven members by the appointment of one member who represents category II peace officers and one member who represents category III peace officers.

Category I peace officers, which include sheriffs and highway patrolmen, have full police powers; category II peace officers, including bailiffs and special investigators, have limited police powers; category III peace officers work in correctional institutions.

In addition, the appointing authority is changed from the director of the department to the governor, who must make such appointments based on recommendations submitted by Clark and Washoe counties, professional organizations of sheriffs and police chiefs, and category II and III peace officers. The bill requires that the committee meet at the call of the chairman, rather than the director. The act also specifies that the chairman is elected by the members of the committee.

A.B. 926 (chapter 814)

Assembly Bill 926 creates a reserve balance in the budget account for the peace officers' standards and training committee in the department of motor vehicles and public safety.

The measure appropriates \$50,000 from the special account in the state general fund, for money collected from administrative assessments for misdemeanor offenses, to the budget account for the peace officers' standards and training program. The appropriation must be used for the expenses of the committee, and a balance must remain in the budget account to provide a sufficient cash-flow for the committee's duties at the beginning of each fiscal year.

Weapons and Firearms

S.B. 103 (chapter 11)

Senate Bill 103 provides for the forfeiture of all firearms which are in the possession of a person who commits a crime by consuming, manufacturing, possessing, selling, transporting or being under the influence of any controlled substance.

A.B. 147 (chapter 308)

Assembly Bill 147 reserves the power to regulate firearms to the state. The measure specifies, however, that the local governments may proscribe by ordinance or regulation the unsafe discharge of firearms.

The bill indicates that its provisions only limit local ordinances or regulations adopted on or after its effective date, and the measure becomes effective upon passage and approval.

A.B. 280 (chapter 52)

Assembly Bill 280 revises the provisions governing the disposition of confiscated weapons. It allows the chief administrator of a state law enforcement agency to take control and dispose of weapons taken from the possession of a person charged with the commission of a public offense or crime if possession of the weapons was detected by a member of the state agency. The previous law allowed only the head of the police force or sheriff of the county to take possession of such weapons.

The measure also allows the metropolitan police department to keep the money generated from the sale of weapons confiscated within its jurisdiction.

A.B. 329 (chapter 580)

Assembly Bill 329 prohibits the discharge of a firearm out of a motor vehicle. Violation of this law within an area designated by county or city ordinance as "populated" makes the offender subject to a 1- to 6-year prison sentence and/or a fine of up to \$5,000. In other areas of the state not designated as "populated," the penalty is a misdemeanor. Exceptions are provided for peace officers and for lawful hunting activities by paraplegics and certain amputees and paralyzed persons.

A.B. 344 (chapter 309)

Assembly Bill 344 makes it unlawful for any person to possess or use a machine gun or a silencer unless

authorized, licensed or permitted to do so pursuant to federal law. The measure also provides definitions for "machine gun" and "silencer."

A.B. 346 (chapter 311)

Assembly Bill 346 prohibits persons, other than peace officers or school security guards, from carrying or possessing dangerous weapons while on school property. The bill applies to the University of Nevada, the community colleges and public and private schools, including school vehicles. A person who violates this law is guilty of a gross misdemeanor. The measure also allows a person having written permission from the president of the university or community college or the principal of the school to carry or possess a dangerous weapon on school property. Each board of trustees or the board of regents must prescribe the rules for granting such permission.

Other Bills Generally Related to Public Safety

S.B. 438 (chapter 516)

Senate Bill 438 prohibits the use of flux, pipes or solder containing certain amounts of lead in public water systems. The measure requires that no county or city may allow the use of any flux or solder that contains more than 0.2 percent lead, or any pipe or pipe fitting that contains more than 8 percent lead, in the installation or repair of a public water system.

S.B. 508 (chapter 746)

Senate Bill 508 defines and regulates nuclear pharmacies. Such pharmacies compound and dispense radiopharmaceuticals for various medical purposes.

The measure requires that the managing pharmacist of a nuclear pharmacy meet the training requirements established by the federal Nuclear Regulatory Commission or the health division of the department of human resources. The bill also establishes procedures for the dispensing and refilling of prescriptions for radiopharmaceuticals.

Further, each nuclear pharmacy is required to contain current editions of specific formularies, regulations and textbooks.

A.B. 20 (chapter 87)

Assembly Bill 20 increases from \$45,000 to \$85,000 per year the amount paid to the Civil Air Patrol fund from the account for taxes on aviation fuel.

A.B. 559 (chapter 287)

Assembly Bill 559 amends the law to reduce the period of time that a pharmacy is required to retain on file prescriptions for controlled substances listed in schedule II. The bill reduces the period from 5 to 2 years. Controlled substances listed in schedule II are those drugs which have a legitimate medical use but also have a high potential for abuse and could lead to severe physical or psychic dependency.

A.B. 562 (chapter 469)

Assembly Bill 562 removes the statutory provision that required no special form of record for a person who legally dispenses dangerous drugs. The measure also establishes that completed federal forms required for distributing samples of dangerous drugs constitute a record of the disposition of such drugs.

A.B. 584 (chapter 464)

Assembly Bill 584 exempts volunteers from the statutory provisions concerning the criminal history of sexual offenses of persons who work with children. Previous law held employers liable to a child served by the employer for sexual offenses committed against the child by an employee or volunteer, if the employer failed to institute a background check from the central repository for Nevada records of criminal history. This liability caused employers to request background investigations relating to past sexual offenses for volunteers and prospective volunteers. Employers may still request this information with the written consent of the volunteer, but are no longer subject to the liability provisions of the law.

PUBLIC UTILITIES

S.B. 246 (chapter 312)

Senate Bill 246 authorizes a public utility to record and disclose the contents of telephone calls regarding emergencies and service outages. The utility may record calls which are received over a line specified for these types of calls. The listing of the emergency number in the directory must contain a notice that calls to that number may be recorded.

S.B. 272 (chapter 290)

Senate Bill 272 revises the method for determining the gross operating revenue of telephone utilities. The bill makes it clear that gross operating revenue includes all intrastate revenues that are considered by the public service commission of Nevada in setting rates, except the proceeds from furnishing service to other utilities. Gross operating revenues are the base for the annual mill levy for the support of the PSCN and the consumer's advocate.

S.B. 294 (chapter 277)

Senate Bill 294 requires the public service commission of Nevada to adopt an alternative plan for the regulation of public utilities which provide telecommunication services. The plan must allow for adjustment of rates charged by the public utilities which choose to be regulated under the alternative plan. It must also provide for flexibility of pricing for discretionary services and those that are competitive. Utilities regulated under the alternative plan are to be exempted from those provisions of chapters 704 and 707 of NRS specified in the plan.

The bill also allows the PSCN to exempt discretionary services provided by telecommunications facilities from regulation. Discretionary services do not include basic local exchange or access services provided to interexchange carriers.

The PSCN must adopt regulations implementing this bill by July 1, 1990. The commission must make a written report to the legislature regarding its alternative plan for regulation of telecommunications utilities on or before February 1, 1991. A second written report concerning the plan, including any recommendations for legislation, must be submitted to the legislature by the commission on or before February 1, 1993.

S.B. 359 (chapter 475)

Senate Bill 359 provides that a utility facility identified in a 3-year plan and accepted by the public service commission of Nevada for acquisition and construction is deemed to be a prudent investment. The bill, therefore, declares that the utility may recover all just and reasonable costs of planning and constructing such a facility.

The measure also increases from 105 days to 135 days the length of time which the PSCN has to accept a utility plan as filed or specify any portions of the plan deemed to be inadequate. This provision of the bill does not apply to a plan filed before October 1, 1989.

S.B. 441 (chapter 529)

Senate Bill 441 allows the public service commission of Nevada to authorize a public utility to issue variable rate securities. The measure also authorizes the PSCN to allow the utility to account for new or existing variable rate securities in such a way as to ensure that the utility will recover from its customers the costs of the interest or dividends paid. The PSCN may not require a utility to issue or maintain a variable rate security if it cannot recover those costs from rates charged to its customers.

S.B. 460 (chapter 478)

Senate Bill 460 amends the law relating to brokers, common and contract motor carriers and public utilities regulated by the public service commission of Nevada. The bill changes the date by which these entities must file their annual report with the commission from April 15 to May 15.

S.B. 497 (chapter 696)

Senate Bill 497 revises the determinations to be made by the public service commission of Nevada in reviewing the triennial plan submitted by an electrical utility to increase its supply of electricity or decrease demand.

The bill requires that these plans adequately demonstrate the economic, environmental, and other benefits to Nevada and to its customers of various measures and sources of supply. The plan must identify and take into account measures to improve energy efficiency. Provisions requiring that the plan consider conservation and load management are deleted. The commission must adopt regulations which determine the level of preference to be given to various measures and sources of supply considered in the plan.

A.B. 342 (chapter 358)

Assembly Bill 342 addresses generators of electricity which may be connected to an electrical system that is normally furnished by a public utility. The bill prescribes the procedure for installation of such generators. It also requires notices to explain the installation procedures and warn of the hazards of electrical backfeed into the utility's system.

A.B. 485 (chapter 284)

Assembly Bill 485 requires public utilities to pay certain subsistence and travel allowances incurred by the public service commission of Nevada. These assessments apply when the commission or its staff travels out of state to intervene on behalf of a utility or its customers in proceedings of the Federal Communications Commission, the Federal Regulatory Commission or other federal regulatory agencies.

The bill specifies that these assessments may not exceed \$50,000 per year. The commission is also directed to report the amount of the assessments to the legislature at the beginning of the legislative session.

The measure includes a "sunset" provision which declares that its amendatory provisions expire by limitation on October 1, 1991.

A.B. 668 (chapter 247)

Assembly Bill 668 amends the law relating to rural electrical cooperatives. The bill makes it clear that a cooperative formed by the consolidation of two or more existing cooperatives has the same powers and duties as other nonprofit cooperative corporations without stock, including the power to sell, lease or otherwise dispose of all or a substantial portion of its assets.

RADIOACTIVE AND HAZARDOUS MATERIALS MANAGEMENT

S.B. 238 (chapter 731)

Senate Bill 238 creates the fund for cleaning up discharges of petroleum and provides for its administration. The bill establishes a mechanism to assist small operators in meeting federal financial responsibility and insurance requirements to cover liability for any discharge of petroleum from primarily underground storage tanks.

The department of taxation is required to collect for deposit in the fund a fee of 0.6 cent per gallon of motor vehicle fuel, diesel fuel and other heating oil imported into or refined in the state for use or sale. The division of environmental protection in the state department of conservation and natural resources is required to collect for deposit in the fund an annual fee not to exceed \$50 for the registration of each storage tank.

The measure specifies that these fees are not to be collected when the balance in the fund exceeds \$7.5 million. If the balance falls below \$5 million, collection of the fees is to be resumed. Certain exemptions are provided and operators of exempted storage tanks have the option to participate in the fund.

The bill creates the board to review claims in the DEP. The board consists of seven members to include certain state agency officials, representatives of petroleum refiners and independent dealers and retailers, and a member of the general public. The board is required to adopt regulations, review claims against the fund and authorize payments.

The operator of a storage tank and every person who, for compensation, puts petroleum into a storage tank must report each discharge to the DEP. The division is required to undertake, or contract for, cleaning up the discharge unless the operator is already acting properly to clean it up. If the DEP cleans up the discharge, the operator must reimburse the division for his share of the costs.

An operator of a registered storage tank must have the tank tested under federal standards before it is eligible for the coverage provided by the fund. The measure further specifies limits for the cleaning up and liability for damages costs to be paid by the operator and the amounts to be paid from the fund for petroleum discharges from residential heating oil storage tanks and from other storage tanks.

The act becomes effective on July 1, 1989, for creating the fund, adopting regulations and requiring the reporting of discharges; on October 1, 1989, for imposing and collecting fees; and on April 1, 1990, for all other purposes.

S.B. 277 (chapter 371)

Senate Bill 277 provides for the regulation of storage tanks for hazardous materials. The purpose of the bill is to implement a program to regulate these tanks to replace the federal program administered by the United States Department of Environmental Protection.

The measure directs the state environmental commission in the state department of conservation and natural resources to adopt regulations, consistent with federal requirements, to administer the program. The commission may establish a permit system to operate storage tanks and set reasonable fees to be charged for the issuance of a permit.

The act creates the fund for the management of storage tanks that is supported from fees collected for the issuance of permits, if they are required, and all penalties and reimbursements recovered. The fund may be used only for the continuing observation or other management of storage tanks, or to investigate and clean up releases from such tanks where the responsible party cannot be found, refuses to act or does not act promptly.

The bill specifies enforcement actions for violations to include a court injunction or order, a maximum civil penalty of \$5,000 for each day of a violation and recovery of actual damages by the state.

In addition, the measure authorizes the state department of conservation and natural resources to delegate responsibility for enforcing the program to qualified local agencies. It also clarifies that money in the fund for the management of hazardous waste may be used to provide matching money for any federal grant relating to the program.

S.B. 543

Senate Bill 543 (no chapter number, measure vetoed) limits the amount of hazardous waste that may be incinerated annually within the state or in any county, and establishes conditions for the granting and denial of a permit for the operation of a hazardous waste incineration facility.

The state department of conservation and natural resources is prohibited from granting a permit if the effect of the action is to authorize the annual incineration of an amount

of hazardous waste exceeding the statewide or county ceilings. The statewide ceiling for hazardous waste incineration is set at 50,000 tons of waste, and the county ceiling is 25,000 tons.

The department may not deny a permit if the facility complies with the state's hazardous waste laws and regulations unless a violation of the ceilings would result. The measure includes a presumption that the facility is needed to serve industry in the state if the granting of the application will not result in a violation of the ceilings.

These provisions do not apply to the operation of a facility permitted or authorized before October 1, 1989, at its existing capacity. The statewide and county ceilings must be calculated excluding the operations of these facilities at or below the capacity existing on that date.

The bill prohibits a person from increasing the capacity of a hazardous waste incineration facility without first obtaining authorization from the board of county commissioners of the county in which the facility is located.

(Senate Bill 543 was vetoed by the Governor and will be returned to the 1991 legislative session.)

A.B. 204 (chapter 73)

Assembly Bill 204 provides that authenticated photographs, samples, and written descriptions of the measurements of hazardous waste and hazardous materials are admissible in evidence in lieu of the property in any criminal or civil proceeding.

The bill also adds dangerous drugs and immediate precursors to the procedures which exist for the weighing, storage and destruction of controlled substances.

A.B. 222 (chapter 866)

Assembly Bill 222 makes it unlawful for any person or governmental entity to store high-level radioactive waste in Nevada. The preamble of the bill cites the severe threat to the health and safety of current and future generations of Nevadans because of the extremely dangerous nature of high-level radioactive waste and the persistence of that danger for an extended period of time.

A.B. 424 (chapter 162)

Assembly Bill 424 amends the laws relating to hazardous materials. The bill requires that toxic chemical release

forms filed pursuant to 42 U.S.C. section 11023 must also be submitted to governmental agencies in Nevada designated by the governor.

A.B. 425 (chapter 122)

Assembly Bill 425 prohibits political subdivisions of the state from adopting ordinances or other regulations governing the transportation of hazardous materials which conflict with existing state laws or regulations, or that require a license, permit or fee. The bill also eliminates the requirement that each motor vehicle used to transport hazardous materials obtain a permit.

A.B. 585 (chapter 222)

Assembly Bill 585 adds a specialist in hazardous materials to the state board of fire services. The primary responsibility of this board is to provide advice to the state fire marshal in the department of commerce on matters relating to the training of firemen.

A.B. 691 (chapter 633)

Assembly Bill 691 authorizes the state environmental commission to grant a variance from its regulations relating to the management of hazardous wastes. The commission may grant a variance, after a public hearing, only if it finds from a preponderance of the evidence that a hazardous waste facility, under the worst adverse conditions, will not endanger the environment and human health or safety and that compliance with the regulations would produce a serious hardship without equal or greater benefits to the environment or public.

The bill requires the commission to consider the interests of the public, affected property owners and the applicant in that order of priority before granting a variance. The measure further allows the commission to impose conditions, establishes procedures for renewal, and authorizes the commission to adopt regulations governing applications for a variance.

A.B. 734 (chapter 650)

Assembly Bill 734 requires the state environmental commission to adopt regulations for the certification of consultants who are involved in the response to and cleanup of leaks, spills or accidents regarding hazardous material, hazardous waste or a regulated substance; or the management of hazardous waste. The bill defines a regulated substance to include petroleum-based substances, such as fuels and lubricants, and petroleum substances or chemicals that are regulated under federal law and contained in a storage tank.

The regulations may require the person responsible for a hazardous waste leak, spill or accident to obtain advice on the proper handling of the incident from a certified consultant or a full-time employee of the offending business who is certified by the Federal Occupational Safety and Health Administration to manage waste materials or substances; establish standards for the education, experience, performance and financial responsibility required for the certification of consultants; and set fees to pay the cost of certification.

The measure also authorizes use of the money in the fund for the management of hazardous waste to establish and maintain a program for the certification of consultants; to respond to leaks involving hazardous materials, hazardous waste or a regulated substance; or to pay the costs of services rendered by certified consultants in response to a leak, spill or accident involving hazardous waste. Money in the fund may also be utilized as matching money required as a condition of any federal grant for activities pursuant to this legislation. A leak of hazardous waste also is added to current law which requires reimbursement of the fund from the responsible person for the money expended to clean up a leak.

A.B. 927 (chapter 643)

Assembly Bill 927 authorizes the state department of conservation and natural resources to impose civil penalties for violations of the law or regulations relating to the transportation of hazardous waste.

RESOLUTIONS

All joint and concurrent resolutions approved during the legislative session are summarized under this topic.

S.J.R. 3 (File No. 49)

Senate Joint Resolution No. 3 proposes to amend the Nevada constitution to remove the limit on authorized reimbursement of legislators for postage, stationery and other expenses. The proposal also removes the additional allowances for leaders of the legislature.

This measure will be returned to the 1991 session.

S.J.R. 5 (File No. 50)

Senate Joint Resolution No. 5 urges Congress to expedite ratification of the amendments to the Tahoe Regional Planning Compact as approved by the States of California and Nevada.

S.J.R. 6 (File No. 82)

Senate Joint Resolution No. 6 urges Congress to require that the current formula for grazing fees be continued. The resolution also urges the Secretaries of the United States Department of Agriculture and the U.S. Department of Interior to recommend the continuation of the current formula for fees.

S.J.R. 7 (File No. 172)

Senate Joint Resolution No. 7 urges Congress or the Secretary of the Interior to modify guidelines relating to sanctuaries for unadoptable wild horses and burros to authorize a pilot program for the establishment of sanctuaries on a combination of public and private lands in this state.

S.J.R. 10 (File No. 125)

Senate Joint Resolution No. 10 urges Congress to respect the fiscal integrity of state and local governments, and refrain from enacting legislation which imposes a tax upon the interest earned upon state and local bonds. The resolution highlights the increasing intrusion of the Federal Government upon the states, and further urges Congress to respect state sovereignty.

S.J.R. 11 (File No. 70)

Senate Joint Resolution No. 11 proposes to amend the constitution of the State of Nevada to provide for the election of the chief justice by the justices of the state's supreme

court and to establish a term of office of 4 years. This measure will be returned to the 1991 session of the legislature.

S.J.R. 12 (File No. 98)

Senate Joint Resolution No. 12 proposes to amend the constitution of the State of Nevada to create a court of appeals which would be intermediate between the district courts and the state supreme court.

This measure will be returned to the 1991 legislature and must be passed again in identical form before it may be submitted to the voters for final approval or disapproval at the 1992 general election.

S.J.R. 13 (File No. 80)

Senate Joint Resolution No. 13 proposes to amend the constitution of the State of Nevada to clarify and extend the jurisdiction of the district courts relating to the writs of prohibition and habeas corpus.

The proposed amendment expressly provides that the district courts have the power to issue writs of prohibition. It also allows a person who has been convicted of a crime, and has not completed the sentence imposed, to seek a writ of habeas corpus from the court that entered the judgment of conviction and imposed the sentence.

The resolution will be returned to the 1991 legislative session.

S.J.R. 14 (File No. 108)

Senate Joint Resolution No. 14 proposes to amend the constitution of the State of Nevada to remove the justices of the supreme court from the state board of pardons commissioners. It would require the legislature to designate five nonjudicial officers to serve on the board. This resolution must again be adopted by the 1991 Nevada legislature and then submitted to the voters for approval in 1992.

S.J.R. 15 (File No. 113)

Senate Joint Resolution No. 15 urges Congress to pass S. 434 and H.R. 1227 which would prohibit each state from imposing an income tax on the pension income of any person who is not a resident of that state.

S.J.R. 17 (File No. 142)

Senate Joint Resolution No. 17 urges Congress to authorize an immediate study of the interregional transfer of water

to meet the industrial, municipal and wildlife requirements of the arid Southwest.

The resolution cites the rapid growth and limited supply of water which, in some areas, is endangering wildlife habitation and the existence of established agricultural areas. It points out that several projects have been proposed to bring water to this region, but no study of the inter-regional transfer of water has been made in recent years. The measure further cites the United Western Investigation Report which indicates that there are large amounts of surplus water flow that could be harnessed to meet the needs of the people and wildlife of the Southwest.

S.J.R. 20 (File No. 141)

Senate Joint Resolution No. 20 urges Congress to provide additional funding for the full implementation of the Superfund Amendments and Reauthorization Act of 1986 (SARA), Title III.

The resolution cites the importance of the program in assisting the creation of a safe environment for the hazardous materials industry in Nevada. It points out that the state already has implemented important parts of the act by establishing a state emergency response commission and local emergency planning commissions.

The next step calls for implementation of local emergency response plans for hazardous chemical incidents that will provide the information necessary for the optimum protection for Nevada's citizenry. However, additional funding is necessary for the act to be fully implemented, and the resolution urges Congress to provide this funding.

S.J.R. 23 (File No. 126)

Senate Joint Resolution No. 23 urges the California Legislature to enact a law allowing a Nevada peace officer to retain jurisdiction over a prisoner that the officer is transporting into California to receive emergency medical treatment. Nevada law currently extends this same authority to California peace officers.

S.J.R. 24 (File No. 163)

Senate Joint Resolution No. 24 urges Congress to enact legislation to continue the authority for states to issue certain qualified tax-exempt bonds. The measure requests that the authority to issue private activity bonds and mortgage bonds continue beyond the scheduled sunset date of December 31, 1989.

RESOLUTIONS (continued)

Tax-exempt private activity bonds are issued to assist economic diversification efforts and to create new jobs. Qualified mortgage bonds are issued to provide a stable source of mortgage loans for persons of low and moderate income.

S.J.R. 22 - 64th Session (File No. 33)

Senate Joint Resolution No. 22 of the 64th legislative session proposes to amend the constitution of the State of Nevada to establish a tax on the net proceeds of mines at a rate different from the tax on property. The measure specifies that the legislature is to provide by law for the tax at a rate not to exceed 5 percent of the net proceeds. It also declares that no other tax may be imposed upon a mineral or its proceeds until the identity of the proceeds as such is lost. In addition, the measure provides for the distribution of the revenue generated by the tax and specifies how patented mines and mining claims are to be taxed.

This proposal was approved by the voters at a special election held on May 2, 1989.

S.J.R. 24 - 64th Session (File No. 26)

Senate Joint Resolution No. 24 of the 64th session proposes to amend the constitution of the State of Nevada to allow the establishment of family courts. If enacted, this measure will allow the legislature to provide, by law, for the establishment and jurisdiction of a family court as a division of any district court. The proposal will be placed on the 1990 ballot for consideration of the voters.

S.C.R. 1 (File No. 3)

Senate Concurrent Resolution No. 1 commends the staff members of the buildings and grounds unit and the stockroom of the legislative counsel bureau for their dedicated service in preparing the legislative building and the surrounding grounds for the 1989 session of the legislature.

S.C.R. 2 (File No. 189)

Senate Concurrent Resolution No. 2 amends the Joint Rules of the Senate and Assembly to require early introduction of bill drafts requested by state agencies and local governments.

S.C.R. 4 (File No. 190)

Senate Concurrent Resolution No. 4 limits the number of requests that may be submitted to the legislative counsel

RESOLUTIONS (continued)

for drafting for the 1991 legislative session. The resolution also specifies the method of introduction for certain measures.

S.C.R. 5 (File No. 191)

Senate Concurrent Resolution No. 5 directs the legislative counsel bureau to conduct an interim study of the classification of peace officers.

S.C.R. 6 (File No. 42)

Senate Concurrent Resolution No. 6 encourages the state public works board and the state fire marshal division, in the department of commerce, to use as guidelines the chapter of the Uniform Code for Building Conservation relating to historic structures and the U.S. Secretary of the Interior's Standards for Historic Preservation when dealing with the state's historic resources.

S.C.R. 7 (File No. 20)

Senate Concurrent Resolution No. 7 recognizes that counties pay a large portion of the cost of housing a juvenile at a regional facility for children or at a regional halfway house for juveniles. Due to the cost of housing in such a facility, there is incentive to place the juvenile in a more restrictive environment than may be necessary.

The resolution directs the department of human resources to determine the costs of committing a child to these types of facilities. It further directs the department to establish a formula in cooperation with affected entities, including the state department of education, the welfare division and the youth services division of the department of human resources, county governments, judges of the juvenile courts and juvenile probation officers, setting forth the percentage of the costs that the state shall pay, and the percentage of the costs to be paid by the county of the child's residence. The resolution also requires the department to submit a report on the formula, or its progress toward developing the formula, to the members of the legislature before adjournment of the 1989 session.

S.C.R. 8 (File No. 38)

Senate Concurrent Resolution No. 8 encourages the county school districts to increase their use of techniques to test and diagnose conduct-disordered and emotionally disturbed children.

S.C.R. 10 (File No. 21)

Senate Concurrent Resolution No. 10 recognizes that county governments provide the majority of financial support for

RESOLUTIONS (continued)

the juvenile divisions of the district courts and the related services provided to juveniles. It further explains that judges of the district court appoint the members of probation committees which advise the juvenile divisions of the district courts on matters relating to the control and management of facilities which are administered or financed by the county for the temporary detention of children.

The resolution encourages the judges of the district courts to consider persons recommended by the boards of county commissioners of their respective counties when appointing members of their probation committees.

S.C.R. 11 (File No. 15)

Senate Concurrent Resolution No. 11 commends the members of the Junior Leagues of Nevada for their unselfish contributions to the people of Nevada and to the Nation, and it declares January 30, 1989, to be "Junior League Day."

S.C.R. 12 (File No. 83)

Senate Concurrent Resolution No. 12 urges the University of Nevada-Reno and the University of Nevada-Las Vegas to continue to address the problem of whether credits earned for required courses taken at a community college in this state should be accepted by the universities.

S.C.R. 14 (File No. 17)

Senate Concurrent Resolution No. 14 commends the Boy Scouts of the Nevada Area Council and the Boulder Dam Area Council for their interest in government and declares February 6, 1989, to be Boy Scout Government Day.

S.C.R. 15 (File No. 39)

Senate Concurrent Resolution No. 15 commemorates African-American History Month and directs that it be celebrated throughout Nevada in February. The resolution requests the citizens of the state to join in this celebration and observance of a specific portion of American history which confers special meaning on the goal of brotherhood in American life and especially in Nevada.

S.C.R. 18 (File No. 27)

Senate Concurrent Resolution No. 18 commends Frank E. Scott on his 69th birthday for his outstanding public service and contributions to the State of Nevada.

S.C.R. 19 (File No. 36)

Senate Concurrent Resolution No. 19 declares the month of March 1989 to be "Mental Retardation Month" and urges the residents of Nevada to give their full support to efforts of

RESOLUTIONS (continued)

local associations for retarded citizens toward enabling persons with mental retardation to live productive lives and achieve their full potential.

S.C.R. 20 (File No. 40)

Senate Concurrent Resolution No. 20 commends the Sierra Nevada Girl Scout Council and the Frontier Girl Scout Council for their interest in government and declares March 14, 1989, to be Girl Scout Government Day.

S.C.R. 21 (File No. 96)

Senate Concurrent Resolution No. 21 requests the Western States Water Council to study the development and inter-regional transfer of water resources in the Western States to meet the needs of wildlife and the people who live in the arid Southwest. The resolution cites the rapid growth of population and the limited supply of water which, in some areas, is endangering wildlife habitation and threatening the existence of established agricultural areas. The measure further emphasizes the need for a regional effort to determine the most equitable means for meeting the present and future water requirements of each area of the West.

S.C.R. 22 (File No. 46)

Senate Concurrent Resolution No. 22 memorializes the late Senator James I. Gibson for his service to the State of Nevada, its legislature and the Nation's legislative organizations.

S.C.R. 23 (File No. 47)

Senate Concurrent Resolution No. 23 commemorates the 30th anniversary of the Desert Research Institute of the University of Nevada System.

S.C.R. 24 (File No. 192)

Senate Concurrent Resolution No. 24 directs the legislative commission to conduct an interim study of the laws, regulations and policies relating to water and waste water resources in the state.

S.C.R. 26 (File No. 55)

Senate Concurrent Resolution No. 26 commends Robert Barrett on his 50th birthday and upon his retirement from the Clark County Fire Department for his outstanding service and contributions to his community.

S.C.R. 27 (File No. 58)

Senate Concurrent Resolution No. 27 memorializes the late Dr. Mary Ruth Fulstone, a long-time country physician and devoted friend of the state.

RESOLUTIONS (continued)

S.C.R. 28 (File No. 62)

Senate Concurrent Resolution No. 28 memorializes the former senator and statesman Alan Harvey Bible.

S.C.R. 29 (File No. 66)

Senate Concurrent Resolution No. 29 commends the participants and volunteers who contributed their time and skills to help make the 1989 International Winter Special Olympics Games in Reno, Nevada, a success.

S.C.R. 30 (File No. 69)

Senate Concurrent Resolution No. 30 commends Philip F. Anschutz for purchasing the Southern Pacific Transportation Company and thereby guaranteeing its continued operation in Nevada.

S.C.R. 31 (File No. 71)

Senate Concurrent Resolution No. 31 congratulates Dr. Dwight Billings for receiving the Nevada Medal given by Desert Research Institute in recognition of outstanding scientific, engineering and technical achievements.

S.C.R. 32 (File No. 78)

Senate Concurrent Resolution No. 32 commends the parent-teacher associations in Nevada for their outstanding contributions to education in the state.

S.C.R. 38 (File No. 90)

Senate Concurrent Resolution No. 38 memorializes the late Donald A. Moody.

S.C.R. 39 (File No. 91)

Senate Concurrent Resolution No. 39 memorializes the late William H. Heinrich.

S.C.R. 41 (File No. 193)

Senate Concurrent Resolution No. 41 directs the legislative commission to conduct an interim study of the treatment of traumatic head injuries.

The resolution indicates that there are people in the state who have suffered traumatic head injuries and who do not receive support from any source. It points out that the establishment of a program for the treatment of these injuries would involve a significant cost, and that the coordination of services and available resources is necessary to ensure the success of such a program.

S.C.R. 42 (File No. 165)

Senate Concurrent Resolution No. 42 declares that it is a policy of the state that historical records created by past and present generations are important cultural and informational resources which should be preserved and made readily accessible to present and future generations. The measure states that the preservation of records be in accordance with the recommendations of Preserving Nevada's Documentary Heritage.

S.C.R. 43 (chapter 100)

Senate Concurrent Resolution No. 43 commends the Economic Opportunity Board of Clark County and the Community Services Agency of Washoe County for their continued leadership in efforts to eliminate poverty in Nevada. These agencies have helped poor people overcome unemployment, hunger, homelessness and lack of access to such remedial and vital services as health care, education and transportation.

S.C.R. 44 (File No. 194)

Senate Concurrent Resolution No. 44 creates a committee to study the state budget process, outlines the parameters of the study, and directs the committee to report its findings and recommendations to the next session of the legislature.

S.C.R. 45 (File No. 103)

Senate Concurrent Resolution No. 45 designates the week of June 1 to June 7, 1989, as "Polio Awareness Week" in Nevada. This designation is made in conjunction with "National Polio Awareness Week" as resolved previously by Congress. The measure also commends the work of the International Polio Network and local support groups, and urges residents of the state to observe this week with appropriate ceremonies and activities.

S.C.R. 46 (File No. 195)

Senate Concurrent Resolution No. 46 directs the legislative commission to conduct an interim study of alternative methods of resolving disputes.

The resolution cites the voluminous caseload that burdens the calendar of the state's courts. It also points out that many persons desire alternatives to traditional courtroom litigation, such as mediation, arbitration and expedited court procedures, because of the rising costs of, and growing time delays for, resolving litigation.

S.C.R. 47 (File No. 196)

Senate Concurrent Resolution No. 47 directs the legislative commission to appoint a subcommittee, comprised of three

members of both houses of the legislature, to conduct an interim study on the use of bicycles in the state.

The study is to include an evaluation of:

1. The current status of bicycle safety;
2. The feasibility of mandatory licensing of bicycles and the use of locally collected license fees to support bicycle safety programs;
3. The desirability of establishing a statewide master plan of bicycle trails to be established and carried out by Nevada's department of transportation; and
4. The cost of implementing such a plan.

S.C.R. 49 (File No. 136)

Senate Concurrent Resolution No. 49 approves the execution of a lease for grazing rights on certain state land in Lincoln County from April 15, 1989, to December 31, 1993.

S.C.R. 50 (File No. 110)

Senate Concurrent Resolution No. 50 designates May 25 as National Missing Children's Day to promote public awareness regarding child abduction. This measure further urges all Nevada parents to instruct their children to learn their full names, addresses and telephone numbers and to avoid potentially dangerous situations.

S.C.R. 51 (File No. 111)

Senate Concurrent Resolution No. 51 memorializes former state legislator, the late Harvey R. Humphrey, and extends condolences to his family.

S.C.R. 52 (File No. 197)

Senate Concurrent Resolution No. 52 directs the legislative commission to conduct an interim study of the youth services division of the department of human resources and the juvenile justice system in Nevada, including the detention, probation, parole and education of youthful offenders.

The study is to include an evaluation of:

1. The estimated number of youthful offenders in the future, the expected severity of their offenses and the projected costs for placement and rehabilitation;

RESOLUTIONS (continued)

2. The demand on the state's judicial system created by youthful offenders and the state's ability to provide adequate facilities, services and funding for placement and rehabilitation;
3. The operation of the youth services division, the types of offenders served and its ability to manage the case-load;
4. Existing state and county facilities and services for the placement and rehabilitation of youthful offenders, including management methods, costs of operation and sources of funding;
5. Current alternatives, including their cost and availability, for the placement and rehabilitation of youthful offenders in the community; and
6. Possible future alternatives.

S.C.R. 53 (File No. 117)

Senate Concurrent Resolution No. 53 memorializes former Nevada State Assemblyman, the late Eric Palludan, and extends condolences to the members of his family.

S.C.R. 54 (File No. 120)

Senate Concurrent Resolution No. 54 urges America West Airlines to provide affordable, efficient and economical air transportation between Reno and Las Vegas in the absence of competition for this air route.

S.C.R. 55 (File No. 121)

Senate Concurrent Resolution No. 55 designates March 1, 1990, as Conservation Day in Nevada in order to focus public attention upon the need for conservation programs.

S.C.R. 56 (File No. 152)

Senate Concurrent Resolution No. 56 authorizes the state land registrar in the state department of conservation and natural resources to offer for dedication to Elko County the lands within the South Fork State Recreation Area which contain the county road. Upon acceptance of the offer, the registrar is authorized to transfer to the county all of the state's right, title and interest in the lands.

The resolution notes that the development of a state park facility in the South Fork State Recreation Area resulted in the relocation of the county road through the park. The

RESOLUTIONS (continued)

state wishes to dedicate the new road alignment to Elko County which has indicated that it will accept the offer and continue to maintain the road.

S.C.R. 58 (File No. 198)

Senate Concurrent Resolution No. 58 directs the legislative commission to conduct an interim study of mandated health insurance benefits and self-insured employers.

The study specifically is to include:

1. Health insurance benefits required by law;
2. The effects of required and proposed health insurance benefits on the cost of health care and insurance;
3. Laws governing self-insured employers;
4. Any problems concerning health insurance experienced by employees of self-insured employers; and
5. The effects of current billing practices of health care providers, other than hospitals, on the cost of health care.

The subcommittee to be appointed by the legislative commission to conduct this study is to consist of the chairman of the senate standing committee on commerce and labor who is to serve as chairman of the subcommittee, two senators from that committee, and three assemblymen from the assembly committee on commerce.

S.C.R. 60 (File No. 151)

Senate Concurrent Resolution No. 60 commends the Churchill County Telephone and Telegraph System for its dedication over the last 100 years in providing exemplary telephone service for the residents of Churchill County.

S.C.R. 61 (File No. 199)

Senate Concurrent Resolution No. 61 creates a committee to study the merit pay program of the University of Nevada System, outlines the parameters of the study, and directs the committee to report the results of its study and any recommended legislation to the interim finance committee not later than September 1, 1990.

S.C.R. 63 (File No. 200)

Senate Concurrent Resolution No. 63 commends Senator Lawrence E. Jacobsen for his many years of dedicated service as a member and chairman of the legislative commission.

RESOLUTIONS (continued)

A.J.R. 1 (File No. 24)

Assembly Joint Resolution No. 1 urges Congress to establish more effective programs for the interdiction of illegal drugs and to appropriate additional money to the United States Coast Guard to assist in this effort. The resolution cites the increasing problem of the sale and use of illegal drugs, its damaging effect on youth and its responsibility for a growing percentage of the violent crime in this country.

A.J.R. 4 (File No. 74)

Assembly Joint Resolution No. 4 expresses the legislature's adamant opposition to the placement of a high-level nuclear waste repository in the State of Nevada.

A.J.R. 5 (File No. 174)

Assembly Joint Resolution No. 5 proposes to amend the constitution of the State of Nevada to require that the governor and lieutenant governor be affiliated with the same political party and that they be elected on the same ballot. It specifies that a vote for the governor in any election shall be deemed a vote for the lieutenant governor. A provision is added to clarify that if a vacancy occurs in the office of the lieutenant governor, the person appointed by the governor would hold the office until the next general election in which the governor is elected.

The proposal also would remove the lieutenant governor from the position of president of the senate. The resolution further places the president of the senate, rather than the president pro tempore, next in the line of succession after the lieutenant governor for a vacancy in the office of the governor.

This measure will be returned to the 1991 session of the Nevada legislature and, if adopted, submitted to the voters for approval at the general election in 1992.

A.J.R. 6 (File No. 73)

Assembly Joint Resolution No. 6 expresses the legislature's refusal to consent to the placement of a repository for high-level radioactive waste in Nevada.

A.J.R. 7 (File No. 13)

Assembly Joint Resolution No. 7 congratulates George Bush on his election to the office of President of the United States.

RESOLUTIONS (continued)

A.J.R. 10 (File No. 75)

Assembly Joint Resolution No. 10 urges Congress to extend the current ceiling on the amount of tax credit for low-income housing allowable in each state beyond the date provided by the Tax Reform Act of 1986.

The resolution points out that the ceiling on the tax credit will be reduced to zero after 1989. It further cites the critical shortage of low-income housing in Nevada and estimates that the tax credit will result, by the end of the year, in the availability of up to 1,200 housing units for low-income residents in the state.

A.J.R. 11 (File No. 94)

Assembly Joint Resolution No. 11 urges Congress to enact legislation allocating federal land for affordable mobile home parks in Nevada.

A.J.R. 14 (File No. 95)

Assembly Joint Resolution No. 14 urges the Federal Government and the United States Forest Service to cooperate with the State of Nevada to exchange environmentally sensitive lands in the Tahoe Basin.

A.J.R. 15 (File No. 51)

Assembly Joint Resolution No. 15 urges Congress not to use or increase the federal excise tax on gasoline to reduce the deficit in the federal budget. The measure also urges Congress to remove transactions relating to the Highway Trust Fund from the unified budget of the Federal Government.

A.J.R. 17 (File No. 72)

Assembly Joint Resolution No. 17 urges Congress to supplement its financial support for the Essential Air Service Subsidy Program to maintain the full level of passenger air service to Ely.

A.J.R. 22 (File No. 88)

Assembly Joint Resolution No. 22 ratifies a proposed amendment to the United States Constitution providing that increases in compensation for Senators and Representatives shall take effect only after an election of Representatives has intervened. The resolution recognizes that this amendment has been ratified by 26 states since it was originally proposed by the First U.S. Congress on September 25, 1789.

A.J.R. 23 (File No. 169)

Assembly Joint Resolution No. 23 proposes to amend the constitution of the State of Nevada to eliminate the

RESOLUTIONS (continued)

prohibition against lending the money or credit of the state to a private business. Approval of the amendment would allow the legislature to outline the types of investments which could be made in this area.

This measure will be returned to the 1991 session of the Nevada legislature and, if adopted, submitted to the voters for approval at the general election in 1992.

A.J.R. 25 (File No. 102)

Assembly Joint Resolution No. 25 urges Congress not to reduce payments to Medicare providers below the current level for fiscal year 1990 to enable the Medicare program to meet the necessary costs of providing elderly Nevadans with continued access to high quality health care. The measure also urges Congress to reconsider the use of differing rates for reimbursement of Medicare providers.

A.J.R. 26 (File No. 87)

Assembly Joint Resolution No. 26 urges Congress to adopt legislation to transfer federal land near the Apex area of the Dry Lake Valley to Clark County for heavy industrial use.

A.J.R. 28 (File No. 104)

Assembly Joint Resolution No. 28 proposes to repeal article XVIII of the constitution of the State of Nevada. This antiquated provision prohibits withholding the rights of suffrage and officeholding from any male citizen of the United States by reason of his color or previous condition of servitude.

This measure will be returned to the 1991 session of the Nevada legislature and, if adopted, submitted to the voters for approval at the general election in 1992.

A.J.R. 30 (File No. 138)

Assembly Joint Resolution No. 30 acknowledges the historical California and Pony Express Trails for their significance to the settlement of the West and the development of the Nation. The measure urges Congress to designate the California National Historic Trail and the Pony Express National Historic Trail as components of the National Trails System. The resolution further specifies that if private lands are to be included in the National Trails System, Congress is urged to acquire those lands at fair market value with the consent of the owners.

A.J.R. 31 (File No. 160)

Assembly Joint Resolution No. 31 urges Congress to require the amount of nutritive carbohydrate sweeteners in foods to be listed on all containers of packaged food.

A.J.R. 32 (File No. 139)

Assembly Joint Resolution No. 32 urges Congress to amend federal law to expedite review by the federal courts of capital cases originating in the state courts. The resolution notes that the process of review in federal courts is extended and repetitive and has effectively prevented the execution of death sentences imposed by the State of Nevada.

A.J.R. 33 (File No. 129)

Assembly Joint Resolution No. 33 urges Congress to pass a Coinage Act. The resolution declares that such an act could prohibit the minting of dollars, half dollars, quarters and dimes made of a copper/nickel alloy. It could also authorize the United States Secretary of the Treasury to mint and issue gold coins which would result in a direct economic benefit to the State of Nevada.

A.J.R. 34 (File No. 128)

Assembly Joint Resolution No. 34 urges Congress to support and pass a Mint Act to reestablish a branch of the United States Mint in Carson City. The resolution recalls that a mint was once located in Carson City. It also points out that Nevada is a leading producer of gold and silver and that passage of such a Mint Act would result in a direct economic benefit to the state.

A.J.R. 38 (File No. 134)

Assembly Joint Resolution No. 38 urges Congress to adopt S. 43 which is proposed legislation to repeal the Medicare Catastrophic Coverage Act of 1988. The resolution notes that the supplemental insurance premiums imposed by this act are a serious financial burden for many retired individuals.

A.J.R. 39 (File No. 162)

Assembly Joint Resolution No. 39 urges the Federal Communications Commission to award permits for the construction of cellular radio communication services in rural Nevada. The resolution notes that the introduction of cellular radio in rural Nevada would serve the convenience of the public and improve emergency services.

A.J.R. 40 (File No. 149)

Assembly Joint Resolution No. 40 urges Congress and the National Guard Bureau to establish a training center, along with a multi-purpose range complex, at Hawthorne for the

training of Reserve and National Guard units. The resolution cites the need for this type of training center; the ideal location and climate of the proposed site; and the economic benefits of this facility to the Hawthorne area.

A.J.R. 41 (File No. 143)

Assembly Joint Resolution No. 41 urges the California State Legislature, in any action to designate the East Fork of the Carson River as Wild and Scenic, to recognize and provide for retaining, for a period of 12 years, the prerogative of Nevada interests to construct facilities in Nevada which may inundate segments of the river and adjacent lands in California.

The resolution acknowledges legislation in the California Legislature which has been introduced to designate the East Fork of the Carson River as Wild and Scenic. It also points out the plans and management programs enacted by the Nevada legislature and the Carson Water Subconservancy District which include upstream storage options that may encroach onto the California segments of the river.

A.J.R. 42 (File No. 140)

Assembly Joint Resolution No. 42 urges Congress to impose appropriate trade and other economic sanctions against countries that fail to cooperate with the United States in efforts to control the production and distribution of illegal drugs.

The resolution specifies certain "friendly" countries that are major producers of illegal drugs or serve as conduits for the drug traffic. It also points out that the problem of drug abuse in this country is aggravated by the failure of these countries to take positive, consistent action against the producers and traffickers of illegal drugs.

A.J.R. 43 (File No. 201)

Assembly Joint Resolution No. 43 urges Congress to extend the deadline contained in the Vietnam Era G.I. Bill to allow veterans of the Vietnam era 10 years within which to use their educational benefits.

The resolution points out that expiration of the Vietnam Era Veterans' Readjustment Assistance Act of 1974 will leave many veterans without the benefit of being able to use the 10-year period generally granted veterans after release from service in the Armed Forces to use their educational benefits.

RESOLUTIONS (continued)

A.J.R. 1 - 64th Session (File No. 56)

Assembly Joint Resolution No. 1 of the 64th session proposes to amend the constitution of the State of Nevada to allow the legislature to authorize charitable and nonprofit organizations to operate lotteries in the form of drawings or raffles on their own behalf. This proposal will be placed before the voters in 1990.

A.J.R. 34 - 64th Session (File No. 34)

Assembly Joint Resolution No. 34 of the 64th legislative session proposes to amend the constitution of the State of Nevada to raise the limit of indebtedness which the state may incur from 1 percent to 2 percent.

This proposal was approved by the voters at a special election held on May 2, 1989.

A.C.R. 1 (File No. 1)

Assembly Concurrent Resolution No. 1 adopts the joint rules of the senate and assembly for the 65th session of the legislature.

A.C.R. 2 (File No. 2)

Assembly Concurrent Resolution No. 2 commemorates the Reverend Martin Luther King, Jr., and his dream of justice, peace and righteousness.

A.C.R. 7 (File No. 31)

Assembly Concurrent Resolution No. 7 urges the boards of trustees of the county school districts of the State of Nevada to provide the necessary resources for the occupational education of children with special educational needs.

A.C.R. 8 (File No. 32)

Assembly Concurrent Resolution No. 8 urges the board of regents of the University of Nevada System to review programs for the education of teachers of occupational education and increase the availability of these programs.

A.C.R. 9 (File No. 30)

Assembly Concurrent Resolution No. 9 urges the state board of education and the boards of trustees of the county school districts to require that pupils be given the opportunity to participate in youth organizations or clubs for occupational education.

A.C.R. 10 (File No. 79)

Assembly Concurrent Resolution No. 10 urges the boards of trustees of the county school districts of Nevada to allow academic credit for occupational courses of study, pursuant

to NAC 389.672 which is the state board of education's regulation regarding academic credit for occupational courses of study.

The resolution also urges the board of regents of the University of Nevada System to accept those courses for which academic credit is allowed toward the requirements for admission to the University of Nevada.

A.C.R. 12 (File No. 12)

Assembly Concurrent Resolution No. 12 urges Delta Airlines to adopt a policy that encourages legislative service by its employees in every state in the Nation. It further urges Delta Airlines to reverse its decision with regard to Assemblyman James A. Gibbons and grant his request for an unpaid leave of absence to serve in the Nevada legislature, without loss of seniority or benefits.

A.C.R. 14 (File No. 45)

Assembly Concurrent Resolution No. 14 encourages the county school districts to seek sources of money for programs which provide children whose parents are employed during the time the children are home from school with the opportunity to participate in various activities in a supervised and structured environment.

A.C.R. 15 (File No. 176)

Assembly Concurrent Resolution No. 15 directs the legislative commission to study the requirements for reapportionment in this state in conjunction with the data from the 1990 decennial census. The study is to include:

1. A continuing examination and monitoring of any redistricting systems established or recommended by the legislature to accomplish reapportionment;
2. A review of the case law concerning the legal requirements for redistricting;
3. A review of other states' programs concerning planning for reapportionment;
4. The continuation of the state's participation in the United States Census Bureau's programs; and
5. The participation in a Census Bureau program to increase the awareness of the general public about the census to ensure a complete and accurate count of all Nevadans in 1990.

RESOLUTIONS (continued)

The resolution also authorizes the legislative commission to enter into contracts or other necessary agreements to establish and test redistricting programs and computer equipment to provide for the timely and efficient commencement of data processing for reapportionment before the legislature convenes in 1991. The results of the study, any action taken in preparation for reapportionment and any recommendations on redistricting are to be reported to the 66th session of the Nevada legislature.

A.C.R. 17 (File No. 170)

Assembly Concurrent Resolution No. 17 urges local governments in the state to revise their zoning ordinances and building codes to encourage the construction of more affordable housing. The resolution cites recent reductions in federal assistance for the provision of affordable housing. It also estimates that the State of Nevada has 90,000 to 100,000 low-income families who are currently in need of affordable housing.

A.C.R. 18 (File No. 19)

Assembly Concurrent Resolution No. 18 expresses the mutual consent of the assembly and the senate to an adjournment from Wednesday, March 8, 1989, to Monday, March 13, 1989.

A.C.R. 19 (File No. 22)

Assembly Concurrent Resolution No. 19 congratulates the Las Vegas Convention and Visitors Authority on the 30th anniversary of the Las Vegas Convention Center.

A.C.R. 20 (File No. 25)

Assembly Concurrent Resolution No. 20 commends the Air Force Association on the 30th anniversary of its world-famous World Congress of Flight.

A.C.R. 21 (File No. 97)

Assembly Concurrent Resolution No. 21 urges public officers of the state, members of Nevada's congressional delegation, state legislators and other residents to develop a good neighbor policy for blind persons by affording them the same opportunities to be active, contributing members of society as are afforded all other residents of the state.

A.C.R. 22 (File No. 28)

Assembly Concurrent Resolution No. 22 declares the week of February 27, 1989, to be Nevada Thunderbird Week.

A.C.R. 23 (File No. 67)

Assembly Concurrent Resolution No. 23 commends Basic High School's Marine Corps Junior Reserve Officers' Training

Corps for being selected as the top unit in the Nation after having competed with 92 other units in the areas of community service, public affairs, school activities, competitive events, cadet citizenship and scholastic achievement.

A.C.R. 24 (File No. 41)

Assembly Concurrent Resolution No. 24 recognizes and honors all veterans and proclaims March 15, 1989, as Veterans' Affairs Day.

A.C.R. 27 (File No. 43)

Assembly Concurrent Resolution No. 27 congratulates the University of Nevada School of Medicine for its accomplishments on its 20th anniversary and pays tribute to its creators and supporters.

A.C.R. 28 (File No. 44)

Assembly Concurrent Resolution No. 28 declares March 20, 1989, as Kiwanis Day in Nevada.

A.C.R. 29 (File No. 52)

Assembly Concurrent Resolution No. 29 urges the National Cowboy Hall of Fame to induct Henry Van Sickle based upon his pioneering activities as an American cowboy in the Nevada territory.

A.C.R. 30 (File No. 53)

Assembly Concurrent Resolution No. 30 commemorates March 28, 1989, as Optimists International Day.

A.C.R. 31 (File No. 54)

Assembly Concurrent Resolution No. 31 welcomes Zheng Wanzhen, Consul General of the People's Republic of China, to Nevada and encourages further social, educational and cultural exchanges between the United States and China.

A.C.R. 32 (File No. 177)

Assembly Concurrent Resolution No. 32 directs the legislative commission to conduct an interim study to determine methods to reduce the number of unwanted teenage pregnancies in the state.

The study is to include but not be limited to:

1. Determining the adequacy of the educational and social services available to teenagers at risk;
2. Recommending programs to discourage unwanted teenage pregnancies; and

3. Identifying potential sources of revenue to finance any recommended programs.

A.C.R. 33 (File No. 57)

Assembly Concurrent Resolution No. 33 commends Madam Jehan Sadat for her contributions to her country and the world and for her continuing quest for peace.

A.C.R. 34 (File No. 64)

Assembly Concurrent Resolution No. 34 congratulates the Carson High School's girls' basketball team for winning the state "AAA" championship with an undefeated season record of 31-0 and ranking No. 20 in the Nation.

A.C.R. 36 (File No. 60)

Assembly Concurrent Resolution No. 36 congratulates the Boulder City High School's boys' basketball team for winning the state "AA" championship.

A.C.R. 37 (File No. 61)

Assembly Concurrent Resolution No. 37 congratulates the Rancho High School's football team for winning the state "AAA" championship.

A.C.R. 38 (File No. 65)

Assembly Concurrent Resolution No. 38 congratulates the Elko High School's girls' basketball team for winning the state "AA" championship.

A.C.R. 40 (File No. 101)

Assembly Concurrent Resolution No. 40 approves the leasing, by the division of state lands in the state department of conservation and natural resources, of a parcel of state land consisting of .282 acres in Carson City. The resolution points out that the parcel does not adjoin other state land, and that the lease will make the land productive and bring revenue to the state.

A.C.R. 41 (File No. 76)

Assembly Concurrent Resolution No. 41 congratulates the Mineral County High School's girls' basketball team for winning the state "A" championship.

A.C.R. 42 (File No. 77)

Assembly Concurrent Resolution No. 42 commends Hugh H. O'Young on his tireless efforts in promoting Sino-American relations and confers upon him and his wife honorary residency in the State of Nevada.

RESOLUTIONS (continued)

A.C.R. 43 (File No. 81)

Assembly Concurrent Resolution No. 43 commends Hugh O'Brian and the Hugh O'Brian Youth Foundation for years of devotion to the youth of this Nation and the World through its Youth Seminar program which has benefited the lives of tens of thousands of high school sophomores.

A.C.R. 44 (File No. 84)

Assembly Concurrent Resolution No. 44 congratulates the Yerington High School's boys' basketball team for winning the state "A" championship.

A.C.R. 45 (File No. 112)

Assembly Concurrent Resolution No. 45 encourages the purchase and sale of local agricultural and dairy products. The resolution specifically:

1. Encourages domestic and foreign institutions, wholesalers and retailers doing business in the state to purchase and sell agricultural and dairy products which are grown, produced, packed, processed or raised in Nevada;
2. Encourages wholesalers and retailers to give fair and equal exposure to these agricultural and dairy products through advertising, promotion and the allocation of space within their establishments;
3. Directs appropriate state regulatory agencies to foster the purchase and use of agricultural and dairy products grown, produced, packed, processed or raised in the state; and
4. Directs the executive director of the state department of agriculture to distribute this resolution to wholesalers, retailers, schools and other institutions in the state who sell, distribute or consume agricultural and dairy products.

Similar legislation has been adopted by each session of the Nevada legislature since 1983 and it has proven to be effective in promoting Nevada's agricultural and dairy products.

A.C.R. 47 (File No. 178)

Assembly Concurrent Resolution No. 47 directs the legislative commission to conduct a comprehensive study of the availability of affordable child care in the state.

RESOLUTIONS (continued)

The study is to include:

1. An examination of methods used in other states to ensure the availability of affordable child care;
2. An examination and evaluation of child care programs funded or operated by state and local governments;
3. An examination and evaluation of child care programs funded or operated by private employers and employee organizations; and
4. An evaluation of the projected need for child care in Nevada.

A.C.R. 48 (File No. 158)

Assembly Concurrent Resolution No. 48 directs the executive director of the department of employment security to develop contingency plans for alternative employment of the workers at the Nevada Test Site in case employment at the site is substantially reduced or it is closed.

The resolution cites the significant number of workers and their economic contributions to southern Nevada from employment at the Nevada Test Site. It also points out the enormous impact on the economy of southern Nevada that would result from the closing of or substantial reduction in the work force at the site due to various proposals made to the Federal Government to cut back or eliminate nuclear testing.

A.C.R. 49 (File No. 166)

Assembly Concurrent Resolution No. 49 urges the preservation of historical records in Nevada. The resolution declares that it is the policy of this state for historical records to be preserved and made readily accessible to present and future generations in accordance with the recommendations of Preserving Nevada's Documentary Heritage.

A.C.R. 50 (File No. 92)

Assembly Concurrent Resolution No. 50 commemorates the Mexican holiday, Cinco de Mayo.

A.C.R. 51 (File No. 99)

Assembly Concurrent Resolution No. 51 congratulates Dr. Steven P. Shearing of Las Vegas on being selected as the Nevada Inventor of the Year for 1989 and also on being inducted into the Nevada Inventors' Hall of Fame. Doctor Shearing's work on lens implantation has revolutionized the science and practice of eye cataract surgery.

RESOLUTIONS (continued)

A.C.R. 52 (File No. 179)

Assembly Concurrent Resolution No. 52 directs the legislative commission to conduct a comprehensive study of the mental hygiene and mental retardation division of the department of human resources, its management and its treatment of clients, with particular emphasis on outpatient services and community-based services.

A.C.R. 54 (File No. 180)

Assembly Concurrent Resolution No. 54 directs the legislative counsel to take all actions necessary to complete 1,000 bill drafts before the first day of the 66th session of the Nevada legislature. It also directs the legislative commission and the committee to consult with the legislative counsel to take all actions necessary to allow the legal division of the legislative counsel bureau to achieve this goal.

The resolution points out that the approval of various measures this session to provide additional time for bill drafting during the interim, combined with proposed changes in internal procedures, should allow the legal division to complete approximately 1,000 bill drafts before the start of the next session. This increase in bill production would have a positive effect on the legislative process by allowing the legislature to address more bills earlier in the session and thereby reducing the length of session.

A.C.R. 55 (File No. 159)

Assembly Concurrent Resolution No. 55 requires Nevada's department of transportation to conduct a study of school zones and school crossings.

The resolution directs the NDOT to study this subject in consultation with local county, city and police administrators; the Nevada highway patrol division in the department of motor vehicles and public safety; parent-teachers' associations; school boards and traffic engineers. The study must consider a workable schedule for the installation of any new signs and devices, the proper agency responsible for supervising and administering school crossing guard programs, plans for programs to promote public safety awareness and any necessary changes in state regulations.

The NDOT must report the results of the study and any recommended legislation to the 1991 legislature.

A.C.R. 56 (File No. 130)

Assembly Concurrent Resolution No. 56 authorizes the state public works board to use certain federal money for the

architectural and engineering design phase of the Combined Support Maintenance Shop project in Carson City.

A.C.R. 57 (File No. 181)

Assembly Concurrent Resolution No. 57 directs the legislative commission to conduct an interim study on the problems of owners of mobile homes who rent space in mobile home parks.

The study is to include an evaluation of issues such as:

1. Providing incentives for owners of mobile home parks to accept older mobile homes in their parks;
2. Developing solutions to problems of owners of older mobile homes with tenancy in mobile home parks who are evicted and cannot comply with current codes when they attempt to move into other parks;
3. The feasibility and desirability of developing state-owned, low-income parks for those persons who cannot afford other housing; and
4. Creating incentives for local governments and private industries to develop mobile home parks that provide spaces at reasonable rents.

A.C.R. 59 (File No. 106)

Assembly Concurrent Resolution No. 59 designates May 19, 1989, as National Employee Health and Fitness Day in Nevada. The measure recognizes the benefits to American workers from proper exercise and fitness.

A.C.R. 60 (File No. 145)

Assembly Concurrent Resolution No. 60 approves the leasing of a parcel of state land consisting of approximately 62 acres in Washoe County for a term of 1 year with an option to annually extend the term for a period not to exceed 5 years.

A.C.R. 61 (File No. 146)

Assembly Concurrent Resolution No. 61 expresses the intent of the legislature that courses offered in subjects such as art, drama, music and physical education not be reduced by school districts in response to the enactment of additional requirements for occupational education programs.

The resolution points out that several measures under consideration by the legislature propose to enhance occupational education programs by adding requirements and

RESOLUTIONS (continued)

increasing monetary support. However, it cautions that the state educational system would suffer if these enhancements resulted in a decrease of attention to other academic and extracurricular courses.

A.C.R. 63 (File No. 119)

Assembly Concurrent Resolution No. 63 memorializes former state Assemblyman Richard J. Ronzone, and expresses condolences to his family.

A.C.R. 64 (File No. 109)

Assembly Concurrent Resolution No. 64 commends the Las Vegas Gold Swim Team for the success it achieved in the recent statewide and national competitions.

A.C.R. 66 (File No. 114)

Assembly Concurrent Resolution No. 66 commends head basketball coach Jerry Tarkanian and all of the members of the Runnin' Rebels of the University of Nevada-Las Vegas for their outstanding 1988-1989 season.

A.C.R. 67 (File No. 115)

Assembly Concurrent Resolution No. 67 congratulates the University of Nevada-Las Vegas baseball coach, Fred Dallimore, and the 1988 Hustlin' Rebels on their successful season and commends all the members of the 1989 team.

A.C.R. 68 (File No. 116)

Assembly Concurrent Resolution No. 68 commends the University of Nevada-Las Vegas women's basketball team, the Lady Rebels, and the coaching staff for completing its seventh consecutive season winning at least 20 games.

A.C.R. 70 (File No. 150)

Assembly Concurrent Resolution No. 70 urges the American Society of Heating, Refrigerating and Air-Conditioning Engineers to encourage manufacturers to:

1. Preset the thermostats of residential water heaters at no more than 49 degrees centigrade (120 degrees Fahrenheit); and
2. Affix warning labels to water heaters explaining the hazards of excessively high water temperatures and urging the conservation of water and energy by residential users.

A.C.R. 71 (File No. 182)

Assembly Concurrent Resolution No. 71 directs the interim retirement committee to conduct a study concerning

post-retirement increases and group health insurance for retired public employees.

The committee specifically is directed to conduct or oversee a study to determine:

1. Any viable methods available to increase post-retirement allowances other than increasing the rates of contribution to the public employees' retirement system;
2. The impact of these methods on the solvency of the public employees' retirement fund and the police and firemen's fund; and
3. The efficiency, effectiveness and desirability of the current programs or plans of group health insurance available for retired public employees.

The results of the study and any recommended legislation are to be submitted to the 66th session of the Nevada legislature.

A.C.R. 72 (File No. 154)

Assembly Concurrent Resolution No. 72 directs the legislative commission to complete by August 15, 1990, all the interim studies assigned to it by the 65th session of the Nevada legislature.

A.C.R. 73 (File No. 122)

Assembly Concurrent Resolution No. 73 memorializes the late William W. "Bill" Galloway, former Clark County treasurer, and expresses condolences to his family.

A.C.R. 74 (File No. 164)

Assembly Concurrent Resolution No. 74 instructs the director of the legislative counsel bureau to grant 3 days of paid administrative leave to employees of the legislative counsel bureau in recognition of their services to the 65th session of the Nevada legislature.

A.C.R. 75 (File No. 123)

Assembly Concurrent Resolution No. 75 declares June 1, 1989, as Nevada Speakers' Day to honor past and present Speakers of the Nevada Assembly.

A.C.R. 76 (File No. 153)

Assembly Concurrent Resolution No. 76 urges the board of regents of the University of Nevada System to establish a cooperative program of education relating to alternative sources of energy in the engineering and other related

RESOLUTIONS (continued)

schools of the University of Nevada-Las Vegas and the University of Nevada-Reno. The board of regents also is urged to seek grants from the United States Department of Energy to help fund the program.

The resolution points out that the Department of Energy is actively involved in the development of alternative energy sources and that a cooperative program of education involving the University of Nevada System and the Department would directly benefit the state by encouraging academically talented students to remain in Nevada.

A.C.R. 78 (File No. 131)

Assembly Concurrent Resolution No. 78 memorializes Mabel Hoggard, Nevada's first African-American school teacher. Ms. Hoggard taught for 24 years in the Clark County School system.

A.C.R. 79 (File No. 132)

Assembly Concurrent Resolution No. 79 memorializes John D. Brooks. Mr. Brooks was a long-time Nevada conservationist and fish and game agent.

A.C.R. 80 (File No. 133)

Assembly Concurrent Resolution No. 80 congratulates Bertha Scott on her 100th birthday. Ms. Scott is a resident of Dayton.

A.C.R. 81 (File No. 137)

Assembly Concurrent Resolution No. 81 memorializes Claude Pepper, United States Senator from Florida. The resolution notes that Senator Pepper was a national advocate for the elderly and was instrumental in securing the passage of the Medicare Catastrophic Coverage Act of 1988.

A.C.R. 82 (File No. 183)

Assembly Concurrent Resolution No. 82 amends the joint rules of the senate and assembly to place limits on bill requests by legislators and to require the introduction of certain measures by standing committees.

After the convening of a regular legislative session, each assemblyman is limited to five bill draft requests and senators are limited to 10 requests. Existing provisions are retained concerning the approval of bill draft requests by a two-thirds vote of a house or a standing committee.

The resolution requires the following instruments to be introduced by a standing committee:

RESOLUTIONS (continued)

1. Measures drafted at the request of executive branch agencies and officers, local governments, the courts and other authorized nonlegislative requestors;
2. Measures requested by interim legislative studies; and
3. Measures requested by a standing committee, or by persons designated to request bills on behalf of a standing committee during the interim.

Bills requested by or on behalf of a standing committee must be introduced by that committee.

A.C.R. 83 (File No. 144)

Assembly Concurrent Resolution No. 83 commends Captain David Cronin for his ability and composure in landing a damaged Boeing 747 and saving the lives of 346 passengers on board.

A.C.R. 84 (File No. 147)

Assembly Concurrent Resolution No. 84 commends Michael "Chub" Drakulich, on his retirement from the University of Nevada-Las Vegas, for outstanding service and contributions to his community.

A.C.R. 85 (File No. 148)

Assembly Concurrent Resolution No. 85 acknowledges the 774th anniversary of the Magna Carta.

A.C.R. 86 (File No. 155)

Assembly Concurrent Resolution No. 86 commends Bert L. Cooper for his public service in education within the state.

A.C.R. 89 (File No. 161)

Assembly Concurrent Resolution No. 89 commends the organizers of Hot August Nights and declares the week of July 29, 1989, through August 5, 1989, as Old Car Week and August 3, 1989, through August 6, 1989, as Hot August Nights.

A.C.R. 91 (File No. 184)

Assembly Concurrent Resolution No. 91 directs the legislative commission to conduct a comprehensive study of the laws relating to transportation. The study is to include the effect of the changes made by Assembly Bill 943 and related matters such as the feasibility of establishing designated points of entry and a review of the manner and efficacy of the regulation of motor carriers by the public service commission of Nevada.

RESOLUTIONS (continued)

A.C.R. 92 (File No. 173)

Assembly Concurrent Resolution No. 92 commends the superintendent and staff of the state printing and micrographics division in the department of general services for their fine work during the legislative session.

A.C.R. 93 (File No. 185)

Assembly Concurrent Resolution No. 93 provides for the compensation of the clergy for services rendered during the legislative session.

A.C.R. 94 (File No. 186)

Assembly Concurrent Resolution No. 94 memorializes the popular Las Vegas television personality, Gus Giuffre.

STATE GOVERNMENT

Bill summaries within the topic of "State Government" are categorized under the following subheadings:

1. State Financial Administration; and
2. State Government Generally.

State Financial Administration

S.B. 127 (chapter 733)

Senate Bill 127 directs the state board of examiners to pay the expenses of issuing general obligation bonds approved by the legislature during the 1989 session from the proceeds of the bonds. If the money available from the proceeds is insufficient, the board may apply to the interim finance committee for a distribution of up to \$365,000 from the contingency fund.

S.B. 149 (chapter 534)

Senate Bill 149 repeals the offenders' employment fund and authorizes the deposit of any wages earned during the incarceration of an offender into the prisoners' personal property fund. Provisions are included for withdrawals from the fund by prisoners during their incarceration and upon release. The measure also eliminates the reference to the offenders' employment fund contained in section 3 of Assembly Bill 389 of the 1989 session.

S.B. 210 (chapter 146)

Senate Bill 210 is a technical "cleanup" measure recommended by Nevada's legislative auditor. The bill makes various changes concerning the administration of certain public funds and accounts.

S.B. 254 (chapter 256)

Senate Bill 254 requires that revenue raised by the department of prisons through the leasing of space, facilities or equipment to private employers be deposited in the fund for prison industries.

S.B. 342 (chapter 432)

Senate Bill 342 allows the Colorado River commission to issue additional bonds for facilities associated with the Southern Nevada Water Project. The measure authorizes the commission to issue bonds:

STATE GOVERNMENT (continued)

1. Up to \$8,910,000 to defray the cost of acquiring, improving and equipping laboratory, maintenance, operations and administrative facilities;
2. Up to \$3,930,000 to defray the cost of restoring and replacing the communications network of the Southern Nevada Water System; and
3. Up to \$100,000,000 to repay the Federal Government, at a discount, the remaining unpaid reimbursable costs of the federal facilities.

S.B. 387 (chapter 255)

Senate Bill 387 delays until June 30, 1991, the reversion of a \$237,000 appropriation made during the 1987 legislative session to the department of museums and history for the purchase of antique railroad equipment.

S.B. 462 (chapter 595)

Senate Bill 462 revises the fair market value of collateral used to secure deposits of public money. The fair market value of any collateral consisting of promissory notes with first mortgages or first deeds of trust is increased from 50 percent to 75 percent of the unpaid principal of the notes.

S.B. 486 (chapter 879)

Senate Bill 486 makes various changes in Nevada law pertaining to state purchasing. State agencies are allowed to purchase used vehicles of the Nevada highway patrol on a priority basis. The bill also provides that surplus property from Nevada's department of transportation which has not been purchased by governmental entities as authorized by statute must be offered at public auction before being transferred at no cost to Indian tribes in the state. In addition, the measure eliminates the 2-year waiting period before the Nevada Indian commission may transfer title to this property to an Indian tribe. The bill also eliminates the requirement that the purchasing division in the department of general services notify the NDOT of the names of purchasers of the agency's surplus property.

S.B. 542 (chapter 744)

Senate Bill 542 increases the additional fee for motor vehicle registrations which must be accounted for in the highway patrol special fund from \$5 to \$6. This fund is used to hire supplemental Nevada highway patrol troopers each fiscal year. The measure becomes effective on September 1, 1989.

S.B. 550 (chapter 776)

Senate Bill 550 authorizes, under certain circumstances, a temporary advance from the state general fund to the senior services program budget account in the division of aging services in the department of human resources. The administrator of the division may request an advance if he determines that current claims exceed the amount of money available because revenue from billed services has not been collected. An advance is limited to 25 percent of the revenues expected to be received in the current fiscal year from any source other than legislative appropriation. The measure also provides the procedures for submittal, review and approval of a request for an advance, and its repayment.

S.B. 551 (chapter 608)

Senate Bill 551 is the authorized expenditures act. This act authorizes expenditures by various officers, departments, boards, agencies, commissions and institutions in the state for fiscal years 1989-1990 and 1990-1991 from funds other than the general fund or the highway fund. The money whose expenditure is authorized by this act includes funds from federal grants, interagency fees, fines, licenses and other miscellaneous services. Expenditures for the biennium authorized by this act total about \$2.3 billion.

A.B. 143 (chapter 886)

Assembly Bill 143 relates to the investment of state funds. The measure authorizes the investment of state money in repurchase agreements and specifies the conditions under which these types of agreements may be executed. The investment of state funds, except for those funds held by the public employee retirement system or the state industrial insurance system, in reverse-repurchase agreements is forbidden. The measure also authorizes the private sale of bonds and the use of certain investments related to mortgages on real property as collateral for uninsured deposits of state money.

A.B. 286 (chapter 772)

Assembly Bill 286 establishes conditions under which the commission on economic development may expend money for opening and maintaining an office and showroom in the Taipei World Trade Center in Taiwan. Such expenditures are authorized only if the commission receives contributions each fiscal year of \$25,000 from the Las Vegas Convention and Visitors Authority and \$10,000 from the Reno-Sparks Convention Authority to support the project. In addition, the commission and both convention authorities must agree on a plan for all project expenditures.

A.B. 312 (chapter 132)

Assembly Bill 312 requires that the \$2,500 fee for an application to operate a project for the recharge, storage and recovery of water and any penalty assessed for the delinquent filing of the annual report of such projects be deposited in the account for projects for recharge, underground storage and recovery of water in the state general fund. Previous law was silent with regard to where the money collected from the application fees and penalties should be deposited.

A.B. 319 (chapter 266)

Assembly Bill 319 creates a fund for the use of the state gaming control board in conducting undercover investigations related to alleged or suspected violations of regulations concerning cash transactions of gaming licensees. The fund for investigating cash transactions of gaming licensees is a continuing fund, and its money may not revert to the state general fund at any time. The bill appropriates \$20,000 to this fund.

A.B. 489 (chapter 572)

Assembly Bill 489 creates a trust fund for low-income housing. Money deposited in the fund may be used to:

1. Acquire, construct or rehabilitate housing for low-income households;
2. Provide financial and technical assistance to organizations seeking to provide low-income housing;
3. Provide or guarantee the payment of rent and security deposits for low-income persons; and
4. Defray the costs incurred by the housing division of the department of commerce in administering the fund.

Fifteen percent of the money must be distributed to the welfare division of the department of human resources to provide emergency assistance to needy families with children. The remainder must be distributed to nonprofit organizations, housing authorities and local governments for projects to supply low-income housing. The organizations must use the money to benefit households whose income does not exceed 60 percent of median income for the county. At least 15 percent of the housing units provided must be affordable to persons below poverty level.

A.B. 502 (chapter 389)

Assembly Bill 502 authorizes the state treasurer to deposit warrants directly through an electronic transfer.

A.B. 549 (chapter 216)

Assembly Bill 549 authorizes the director of the mental hygiene and mental retardation division of the department of human resources to request a temporary advance from the state general fund for the payment of authorized expenses, if current claims exceed the amount of money available because revenue from billed services has not been collected.

The advance request may be approved by the director of the department of administration for the division's residential placement fund and northern and southern Nevada mental retardation services. An advance is limited to 25 percent of the revenues expected in the current fiscal year from any source other than legislative appropriation and must be repaid by August 31 following the end of the immediately preceding fiscal year.

A.B. 723 (chapter 399)

Assembly Bill 723 repeals the state's revenue sharing trust fund. It transfers the fund's liabilities and unencumbered assets to the state distributive school fund.

A.B. 742 (chapter 455)

Assembly Bill 742 raises the estimated cost threshold from \$10,000 to \$25,000 for the provision requiring the state public works board to advertise for sealed bids for construction projects.

A.B. 760 (chapter 636)

Assembly Bill 760 consolidates and eliminates various public funds which do not need to operate as independent fiscal and accounting entities. The measure redesignates several special revenue funds as accounts within other funds. It also creates a single data processing fund for the state, and it provides for transfer of the remaining balances in the funds previously associated with data processing.

A.B. 826 (chapter 443)

Assembly Bill 826 authorizes an officer or employee of the state department of agriculture to mail to the department a check, rather than currency, for the amount of money collected in currency for tax payments, fees or other charges in a remote area of the state.

A.B. 851 (chapter 336)

Assembly Bill 851 requires each county in Nevada, except Clark County, to pay an assessment to the youth services division of the department of human resources for the support of regional facilities for children. The measure includes a formula for the calculation of the assessment.

The assessment is to be paid in quarterly installments, beginning in August 1989. Funds raised by the county to pay this assessment are not subject to revenue limitations.

Regional facilities for children include the China Springs youth camp and any other institutions which the legislature may establish for this purpose, except the Nevada youth training center and the Nevada girls training center.

A.B. 951 (chapter 653)

Assembly Bill 951 increases the allowable size of petty cash accounts of state agencies from \$100 to \$250.

State Government Generally

S.B. 14 (chapter 229)

Senate Bill 14 requires the division of historic preservation and archeology within the state department of conservation and natural resources to maintain an inventory of Nevada's historic, archeological and architectural resources. It further directs the division to designate repositories for the materials included in the inventory.

In the past, the division has provided federal grant money to the department of museums and history and the University of Nevada-Las Vegas for maintenance of this type of inventory. It is anticipated that the program will continue to function in this manner.

S.B. 16 (chapter 837)

Senate Bill 16 provides for the annual election of the chairman of the advisory board for historic preservation and archeology by the membership. The measure also specifies that the administrator of the division of historic preservation and archeology, in the state department of conservation and natural resources, is the secretary of the advisory board and does not vote. Under previous law, the administrator served as chairman of the board and voted in the event of a tie.

S.B. 178 (chapter 91)

Senate Bill 178 adds two nonvoting legislative members to the Nevada commission on aging. These members, one from the senate and one from the assembly, are to be appointed by the legislative commission with appropriate regard to their experience and knowledge of matters relating to older persons. The bill provides for compensation of these members.

The measure also allows the commission to recommend appropriate legislation directly to the legislature. Under previous law, legislation was developed through the aging services division of the department of human resources.

S.B. 197 (chapter 524)

Senate Bill 197 revises the calculation of the maximum allowable combined revenue of local governments to include the assessed value of all real property, possessory interests and mobile homes owned by the state within the boundaries of a local government (except a fire protection district) when it exceeds 5 percent of the total assessed valuation of the local government. In these situations, an amount equal to any increase over the preceding fiscal year in the assessed valuation of the described state property must be added to the sum determining the maximum allowable revenue from the supplemental city-county relief tax and taxes ad valorem, combined.

If property which was shown on the assessment roll used to determine the amount of taxes allocated to the taxing agencies is transferred to the state and becomes exempt from taxation, the assessed valuation of the property is withdrawn from the calculation of funds allocated to a redevelopment area.

The executive director of the department of taxation is authorized to increase once the maximum allowable revenue from taxes ad valorem of a local government whose revenue from the supplemental city-county relief tax is reduced as a direct result of this act by the amount lost. Any increase must be included in the basis for the calculation of the maximum allowable revenue from taxes ad valorem in all future years.

S.B. 211 (chapter 147)

Senate Bill 211 requires a state officer or the superintendent of the state printing and micrographics division in the department of general services to notify the chief of the purchasing division in the department of general services whenever printing orders cannot be performed or produced by

the state, including orders which cannot be promptly executed. The chief of purchasing must then contract for the work to be performed in a commercial printing establishment.

S.B. 247 (chapter 730)

Senate Bill 247 establishes a telecommunications division within the department of general services. A nine-member advisory board on telecommunications also is created. The division, with the advice of the board, is responsible for the planning, development and use of telecommunications by state government and a state telecommunications system. The bill also makes an appropriation of \$45,000 from the state general fund to the department of general services.

S.B. 275 (chapter 150)

Senate Bill 275 revises the procedure for electing certain officers of the state welfare board. The measure provides for the election of the board's chairman and vice chairman at the first meeting following the adjournment of any regular legislative session. The term of office for each officer is set to expire at this same time. The bill also establishes a procedure for filling unexpired terms for these officers.

Previous law provided that officers were elected whenever a new member was appointed to the board.

S.B. 290 (chapter 187)

Senate Bill 290 transfers certain duties relating to state publications from the office of community services to the department of administration. These duties include the preparation, publication and distribution of the state's biennial report and the statistical abstract. The bill revises the mandatory and optional topics to be addressed in the biennial report.

S.B. 320 (chapter 182)

Senate Bill 320 expands the occasions for which the governor may order into active service the Nevada National Guard. In addition to the situations specified in previous law, the governor is allowed to activate the Nevada National Guard for the welfare of the public. This language gives the governor more flexibility in nonemergency situations. For example, the guard may be activated for community assistance efforts or for crowd control at major events.

S.B. 321 (chapter 522)

Senate Bill 321 adds additional circumstances concerning the use of a Nevada National Guard armory by other groups or

persons. As provided in the bill, an armory may not be used if there is a risk of a breach of the peace or harm to persons.

S.B. 328 (chapter 337)

Senate Bill 328 conforms state law for the appointment of the United States Property and Fiscal Officer for Nevada to existing federal law. This position, which must be filled by a qualified commissioned officer of the Nevada National Guard, is made subject to the governor's recommendation rather than his appointment. Under this bill and federal law, actual appointment is to be made by the Chief of the National Guard Bureau.

S.B. 344 (chapter 429)

Senate Bill 344 modifies the previous requirement that the governor approve all contracts of the Colorado River commission pertaining to power and water. This measure limits the requirement to only contracts for the sale or purchase of power and/or water.

S.B. 345 (chapter 430)

Senate Bill 345 clarifies that the Colorado River commission has the authority to acquire facilities for the generation or transmission of electricity. Previous law could have been interpreted to allow acquisition only when both generation and transmission facilities were involved. This measure specifies that the law applies for either generation or transmission.

S.B. 346 (chapter 431)

Senate Bill 346 grants the Colorado River commission general authority to adopt necessary regulations. Previous law limited the rulemaking authority of the commission to specific topics only.

S.B. 354 (chapter 393)

Senate Bill 354 creates the state historical records advisory board consisting of nine members. The bill specifies the qualifications for members appointed to the board by the governor, their duties, lengths of terms and number of meetings. The board is required to examine and assess archives and public records programs, facilities and staff; prepare a biennial report to the governor and legislative commission; review, evaluate and make recommendations on grant applications; and publish appropriate material on its work.

The measure also creates the account for historical records in the state general fund to be administered by the state

librarian. Funds in the account may be expended only for grants to promote and preserve historical recordkeeping and for carrying out this law. The bill appropriates \$50,000 to the account.

S.B. 450 (chapter 335)

Senate Bill 450 provides immunity for the State of Nevada, its employees and officers from damages caused by a minor driver while in the legal custody of the state. The immunity also applies in cases when an officer or employee of the state has signed for a minor's instruction permit or driver's license when the minor was in the legal custody of the state.

S.B. 521 (chapter 833)

Senate Bill 521 provides that the director of the department of commerce may be considered a member of the staff of any division of the department for the purpose of budget administration and carrying out his administrative duties.

A.B. 12 (chapter 305)

Assembly Bill 12 requires the division of mental hygiene and mental retardation of the department of human resources to adopt regulations relating to the abuse and neglect of a client of the division. The measure provides that the regulations include detailed definitions of abuse and neglect, and it mandates that the division establish policies and procedures for reporting abuse or neglect of a client.

The bill also amends the previous statute governing the abuse of a client of the division. It adds "standard practice" to the provisions of the law and defines this term as "the skill and care ordinarily exercised by prudent medical personnel." The measure further provides that any act or omission to act which meets the standard practice for care and treatment does not constitute either abuse or neglect.

A.B. 15 (chapter 198)

Assembly Bill 15 requires the mental hygiene and mental retardation division of the department of human resources to carry out a vocational and educational program for the certification of mental health-mental retardation technicians, including forensic technicians, employed by the division. The program also applies to other division employees who perform similar duties but are classified differently. The program must be carried out in cooperation with the University of Nevada System.

The measure defines mental health-mental retardation technician, specifies the authority and responsibilities of this position within the division, and requires the division to adopt regulations relating to these technicians and their certification. The bill further requires the division to submit to the 66th session of the Nevada legislature a plan specifying the vocational and educational program for the certification of persons employed by the division as required under this act.

This measure also removes the requirement that the administrator of the division appoint a person to receive and investigate complaints concerning violations of clients' rights in each of the division's facilities.

The certification provisions of the bill become effective on July 1, 1991.

A.B. 74 (chapter 835)

Assembly Bill 74 relates to historic preservation and archeology.

The bill authorizes the director of the Nevada state museum to delegate the program for permitting archeological activities in the state to another agency of state government. The measure specifically authorizes the agency which receives this delegation to adopt regulations necessary to administer the program.

The bill also increases the penalty for vandalism of historic or prehistoric sites to be proportionate to the value of the property damaged or destroyed.

A.B. 301 (chapter 178)

Assembly Bill 301 authorizes the director of the department of administration to designate one of the appeals officers in the hearings division to supervise the administrative, technical and procedural activities of the division.

A.B. 363 (chapter 860)

Assembly Bill 363 creates a 13-member commission on substance abuse education, prevention, enforcement and treatment. The members of the commission are appointed by the governor as follows:

1. Three members who represent law enforcement and are knowledgeable in the areas of the penal system, parole and probation, and the judicial system;

2. Three members who represent the state board of education, local school districts, teachers and programs for the prevention of abuse of drugs and alcohol;
3. Three members who are managers of programs accredited by the state to treat persons who abuse drugs and alcohol; and
4. Four members who represent the general public.

At least three of the commission members each must represent northern Nevada, southern Nevada and rural Nevada. The director of the department of human resources, superintendent of public instruction, attorney general and director of the department of motor vehicles and public safety are ex officio nonvoting members of the commission.

The measure creates a special revenue fund and designates that money from the fund may be used only to make grants for substance abuse programs and carry out other provisions of the act. The bill establishes the office of coordinator of the program for substance abuse education, prevention, enforcement and treatment. The governor must appoint as coordinator a person who has 5 years of experience working in the area of substance abuse education, prevention, enforcement or treatment or administration.

In addition, the bill authorizes the department of human resources to accept gifts and grants to establish a program for child care.

A.B. 409 (chapter 103)

Assembly Bill 409 creates a commission to celebrate the 125th anniversary of Nevada's admission to the Union. The commission consists of nine members appointed by the governor.

The bill outlines the authorities and duties of the commission. It also provides that money placed in the account for Nevada's 125th anniversary may be transferred into the secretary of state's operating general fund budget account and used to enable the commission to perform its functions. The commission may accept money by gift or from other sources to carry out its stated purposes, but the legislature intends that no state appropriations be made.

A.B. 456 (chapter 619)

Assembly Bill 456 creates the position of chief research and statistical analyst in the health division of the department

of human resources. The measure also contains specific provisions governing the appointment of and qualifications for the position.

The chief research and statistical analyst is required to:

1. Develop a program to evaluate the effectiveness of state health care programs;
2. Identify health problems requiring research and resolution;
3. Respond to DHR requests for specialized data and information; and
4. Publish informational reports regarding Nevada's health problems.

A.B. 465 (chapter 882)

Assembly Bill 465 defines the duties of the division of planning and research of the department of data processing, excluding the University of Nevada System and the Nevada criminal justice information computer operated by the Nevada highway patrol division of the department of motor vehicles and public safety.

The measure authorizes state agencies and elected officers to hire data processing personnel upon approval of the governor and the director of data processing. Regulations, policies, standards and guidelines adopted under the state's data processing law must be developed after consultation and coordination with state agencies that are not required to use the services or equipment of the department.

A.B. 466 (chapter 258)

Assembly Bill 466 increases the maximum size of a county eligible to receive a grant from the commission on tourism without matching funds. The bill requires the population for such a county to be less than 18,000. The previous maximum population limit was set at 17,000. This change allows Elko County to be eligible for such grants. The bill also repeals the prospective expiration of the authority of the commission on economic development to keep certain records confidential.

A.B. 481 (chapter 620)

Assembly Bill 481 relates to the membership of the Nevada Indian commission. The measure removes a restriction which provides that any person who is in a policymaking position of a governmental agency which receives federal funds for

the benefit of Indians is ineligible to be a member of the commission. Thus, a member of the Inter-Tribal Council may be appointed to the commission, if the governor so chooses.

A.B. 560 (chapter 630)

Assembly Bill 560 amends the laws relating to pharmacy. The bill authorizes two persons designated as agents by the state board of pharmacy to supervise the destruction of unsafe pharmaceutical chemicals, drugs or preparations. The agents must include an inspector of a health care board, a licensed practitioner of a health care board, or a peace officer of an agency which enforces drug laws. Under previous law, only a member of the board or an inspector employed by the board could supervise this activity.

A.B. 561 (chapter 674)

Assembly Bill 561 provides that records and information obtained by the state board of pharmacy in the course of an investigation are confidential until the investigation is completed. At that time, the records become public if a disciplinary action is imposed by the board, or the person who was investigated submits a written request that the records be made public.

A.B. 578 (chapter 662)

Assembly Bill 578 revises the statutory provisions governing the administration of the department of museums and history.

The measure defines the difference between private money and state money, and it specifies the way that the private money is to be managed. In addition to the administrative procedures, the bill requires that a report be submitted semiannually to the interim finance committee concerning investment and expenditure of the private money. A separate statement concerning the anticipated amount and proposed expenditure of the private money must also be submitted, in conjunction with the proposed budget for the department of museums and history, to the budget division in the department of administration. The bill further declares that the statutory requirements on the expenditure of public money in chapters 333, 338, 341 and 344 of NRS do not apply to the expenditure of private money.

The bill also allows the governor additional discretion in making appointments to the board of museums and history. In addition, the duties of the board are outlined more precisely. The measure specifies that children under the age of 18 years must be admitted free of charge to the

facilities of the department, and it repeals several sections of NRS which are incorporated into the general statutory provisions.

A.B. 706 (chapter 361)

Assembly Bill 706 authorizes Nevada Magazine to trade advertising services for travel services required by the magazine or for advertising services with other publications.

A.B. 707 (chapter 678)

Assembly Bill 707 addresses the state controller's responsibilities associated with federal revenue and income tax laws as they relate to state payroll deductions. The measure allows the controller to maintain access to, rather than physically keep, all records in connection with administration of and compliance with these laws.

A.B. 716 (chapter 376)

Assembly Bill 716 increases, from 9 to 10 members, the size of the state board of agriculture by adding one member who is actively engaged in the petroleum industry. A quorum for the board also is increased from five to six members.

A.B. 784 (chapter 504)

Assembly Bill 784 provides uniformity in the forms of security required to be posted to ensure the performance of persons who collect money on behalf of the state. In lieu of any cash payment or surety bond, the person required to provide such security may deposit with the state treasurer government bonds; a letter of credit from a bank or savings and loan association situated in Nevada; or a savings or investment certificate or a certificate of deposit.

A.B. 803 (chapter 489)

Assembly Bill 803 allows the bureau of services for child care of the youth services division of the department of human resources to issue an initial license for a child care facility for a period less than 1 year. A license that is renewed by the bureau is effective for 1 year from the date of renewal.

A.B. 869 (chapter 872)

Assembly Bill 869 creates the Nevada commission on sports. The commission consists of nine members appointed by the governor and two nonvoting members selected from the legislature. The bill outlines the qualifications of the commission members, and it provides the commission's authorities in the areas of general administration, promotion of sports, and construction and use of sports

facilities. A fund for physical fitness and sports is created, and the commission is directed not to meet until sufficient financing has been obtained.

A.B. 881 (chapter 600)

Assembly Bill 881 authorizes the rehabilitation division of the department of human resources to expand its program for telecommunication to enable persons with impaired speech or hearing to communicate with persons who do not have access to specialized equipment. The measure specifically allows money from the appropriate fund to be used for establishment and maintenance of a dual-party relay system whereby impaired persons can communicate through third parties with people who do not have special devices.

A.B. 895 (chapter 684)

Assembly Bill 895 repeals the statute which exempted certain persons from service in the state militia. These exemptions included persons exempted by federal law, religious ministers, students of the ministry and persons whose religious tenets or conscientious scruples forbid them to bear arms.

A.B. 901 (chapter 807)

Assembly Bill 901 relates to the provision of services to children. The bill authorizes the divisions of the state's department of human resources to share confidential information with agencies of local governments which are responsible for aiding the department in its official duties. The confidentiality of the information, however, must be otherwise maintained under the terms and conditions required by law.

The measure also changes the name of the Nevada girls training center to the Caliente youth center. In addition, it abolishes the minimum age of 2 years associated with an emotionally disturbed child's eligibility to be treated by the state. It also changes the superintendents of the northern and southern Nevada children's homes from the state's unclassified service to the classified service.

A.B. 929 (chapter 601)

Assembly Bill 929 advances the effective date (to the date of passage and approval) of Senate Bill 355 of the 1989 session, which reduces the age at which a person becomes eligible to receive public transportation free or at a reduced rate from 65 to 60 years of age.

TAXATION

Bill summaries within the topic of "Taxation" are categorized under the following subheadings:

1. Property Taxes;
2. Sales and Use Taxes; and
3. Other Bills Generally Related to Taxation

Property Taxes

S.B. 20 (chapter 228)

Senate Bill 20 prohibits the division of land into lots or parcels unless the required map is accompanied by a written statement, signed by the local county treasurer, indicating that no property taxes on the land are delinquent.

S.B. 165 (chapter 496)

Senate Bill 165 amends the law regarding property tax assistance to senior citizens. The bill changes the date by which the county assessor or the department of taxation must notify the claimant of the amount of credit which may be applied toward payment of his property tax bill. The date is changed from June 30 to 30 days after the local tax rate is certified. The date by which renters must be paid the refund to which they are entitled is changed from August 15 to 45 days after the local tax rate is certified.

The bill also provides that the amount of a claim which has been paid and later denied may be recovered from any real or personal property of the claimant. Previously, it could be recovered only from real property used as the claimant's home.

A.B. 8 (chapter 65)

Assembly Bill 8 exempts slide-in campers and camper shells from property taxes. The bill also clarifies that household goods and furniture, other than appliances and furniture which are owned by a person who engages in the business of renting the appliances and furniture to other persons, are exempt from property taxes.

A.B. 45 (chapter 783)

Assembly Bill 45 increases the rate of property tax levied for the support of county indigents from 3.75 cents to a maximum of 11.5 cents for every \$100 of assessed valuation.

The measure requires that counties increase property taxes for indigent care from the present 3.75 cents to 7.50 cents for each \$100 of assessed property value. However, counties are authorized to adopt an additional 4 cents per \$100 increase.

The bill also clarifies residency provisions of law by defining "county of residence" as the last county in which the person resided for 6 consecutive weeks. "Reside" is further defined to mean physically present at a place at least 4 days a week.

The act exempts counties with populations greater than 400,000 from the required calculation of the amount allocated for indigent medical care. Under previous law, all counties made this calculation by increasing the amount budgeted the previous year by 4.5 percent.

A.B. 155 (chapter 766)

Assembly Bill 155 amends the laws relating to the assessment of real and personal property. The measure revises the procedure for adding property to the secured tax roll. The procedure for recapturing taxes owed upon property which has been converted from agricultural use to another use is also changed. In addition, the bill provides that land occupied by a residence may be considered agricultural real property if it is a part of a qualified agricultural parcel.

The Nevada tax commission is required to establish separate standards for the assessment of billboards. The measure specifies the rate of depreciation to be allowed for billboards for fiscal years 1990-1991 and 1991-1992.

Persons and firms who own taxable personal property are required to provide the assessor with a description of the location and cost of the property.

The bill also changes the provisions relating to the exemption of certain patented mining claims and makes various other technical revisions.

A.B. 205 (chapter 173)

Assembly Bill 205 provides for the taxation of exempt real estate which is leased, loaned or otherwise made available to and used by a natural person, association, partnership or corporation as a residence.

The bill also provides additional exceptions from the required taxation. These exceptions include the use of exempt property by a public employee in the course of public

employment, a parsonage owned by a recognized religious organization, and property owned by a charitable or religious organization which is used as a residence of a person carrying out the activities of the organization.

A.B. 262 (chapter 110)

Assembly Bill 262 exempts from property taxation all property owned by charitable foundations established by institutions in the University of Nevada System. The measure, however, provides that the property is subject to taxation when it is used for any purpose other than carrying out the legitimate functions of the foundation.

A.B. 328 (chapter 323)

Assembly Bill 328 authorizes school districts, with the approval of the voters, to impose a property tax for the renovation, replacement and construction of capital facilities. The tax may not be imposed or collected if the amount in the fund for the replacement of capital assets is equal to 30 percent or more of the value of the school district's capital assets. The act also provides that the rate of this tax, when combined with the rate of the tax presently levied for the construction of schools and other projects, cannot exceed 50 cents per \$100 of assessed valuation in counties with fewer than 25,000 pupils or 35 cents per \$100 in counties with more than 25,000 pupils.

A.B. 542 (chapter 346)

Assembly Bill 542 requires county assessors to mail forms to widows, orphans, veterans, disabled veterans and blind persons for the renewal of their property tax exemptions. The forms must be designed to facilitate their return by mail.

A.B. 572 (chapter 319)

Assembly Bill 572 amends the laws relating to the assessment of property. The bill requires the county assessor to reduce the computed taxable value of a piece of property if he discovers, during his physical appraisal of the property, facts which would warrant a reduction. Previously, the assessor was not required to make such a reduction. He was allowed to do so only if the owner of the property brought those facts to his attention or he otherwise became aware of them.

A.B. 956 (chapter 706)

Assembly Bill 956 requires county treasurers to mail a notice of a pending sale of property for delinquent taxes to the owner of the property and the holders of any recorded liens. The notice must be sent by certified mail, return receipt requested, not less than 90 days before the sale.

If the receipt is returned unsigned, the treasurer must make a reasonable attempt to locate the person to whom the notice was addressed.

Sales and Use Taxes

S.B. 141 (chapter 97)

Senate Bill 141 revises the procedures associated with granting a deferral of the payment of sales taxes on capital goods. The bill specifies procedures for applying to the commission on economic development for such a deferral.

The measure also adds a condition to the commission's certifying a person's eligibility for deferment. Under previous law, the commission was directed to find that the purchase was consistent with its plan for industrial development and diversification. Senate Bill 141 adds that the commission must also determine that the deferment of taxes is a significant factor in the decision of a person to locate or expand a business in this state.

S.B. 416 (chapter 477)

Senate Bill 416 provides for the submission to the voters of Nevada the question of whether the Sales and Use Tax Act of 1955 should be amended to provide an exemption for the sale, storage, use or other consumption of gold, silver, platinum, or nonprecious metal medallions or bars which are authorized by law to bear the state seal.

If this question is approved by the voters, the legislature has provided that the Local School Support Tax Law and the City-County Relief Tax Law will be amended to provide the same exemption.

The question will appear on the ballot at the general election on November 6, 1990.

S.B. 444 (chapter 658)

Senate Bill 444 requires mail order firms which engage in business in this state to collect use taxes on sales to Nevada residents. The bill defines in detail those activities which constitute engaging in business in Nevada.

A.B. 413 (chapter 177)

Assembly Bill 413 includes personal property in the scope of liens recorded for nonpayment of sales and use taxes. The bill also authorizes the department of taxation to record a lien for a deficiency determination for nonpayment of taxes owed on controlled substances. The lien may be recorded in

the same manner as a lien imposed for nonpayment of sales and use taxes. In addition, the measure requires the sellers of tangible personal property to pay to the department the expenses incurred by an employee of the department when examining records of the seller kept outside the state.

A.B. 737 (chapter 391)

Assembly Bill 737 proposes to exempt textbooks sold within the University of Nevada System from sales and use taxes. The bill provides for the question to be submitted to a vote of the people at the general election held on November 6, 1990.

A.B. 757 (chapter 447)

Assembly Bill 757 creates a presumption that sales and use taxes have been paid on any used mobile or manufactured home for which a certificate of ownership has been issued in Nevada.

A.B. 833 (chapter 546)

Assembly Bill 833 amends the laws relating to sales and use taxes. The bill increases the penalty for fraud or intentional tax evasion from 25 percent to three times the deficiency for the tax imposed on any aircraft, vehicle or vessel. The penalty for other cases and cases which are not a result of fraud or intentional tax evasion remains at 25 percent of the deficiency.

The bill also authorizes the department of taxation to disclose the identity of persons who attempt to evade the use tax on an aircraft, vehicle or vessel.

A.B. 877 (chapter 525)

Assembly Bill 877 authorizes the governing body of an Indian reservation or colony to impose a sales and use tax. If this tax is imposed at a rate equal to or greater than that imposed off the reservation and a copy of the approved tribal tax ordinance is filed with the department of taxation, the department is not to collect sales and use taxes on the reservation.

Other Bills Generally Related to Taxation

S.B. 61 (chapter 25)

Senate Bill 61 implements S.J.R. 22 of the 1989 legislative session concerning the taxation of net proceeds of mines.

The measure provides for a net proceeds tax from 2 to 5 percent depending on the ratio of net to gross proceeds of the

mine. It specifies, however, that in no case may this tax fall below the combined ad valorem tax rate levied in the jurisdiction where the mine is located.

The bill also effectuates the "hold harmless" provision of S.J.R. 22 relative to local governments and school districts. Each jurisdiction is to receive an appropriation from the state equivalent to the amount which would have been received under ad valorem property taxes. The bill, in addition, declares that the money which each jurisdiction receives through this appropriation must be used for the purposes for which the ad valorem levy was authorized.

The measure is made effective as soon as the supreme court certifies that the voters have approved S.J.R. 22 at the special election in May of 1989. It also guarantees that a full year's revenue will be received by the state in fiscal year 1989-1990 if S.J.R. 22 is approved.

S.B. 225 (chapter 422)

Senate Bill 225 amends the laws regarding taxes on transient lodging. The bill provides that these taxes are to be collected from paying guests and may be shown as an addition to the rental charge. The person offering transient lodging is responsible for the payment of the tax regardless of whether it is actually collected from the guests.

The bill also requires that each county and city submit an annual report to the department of taxation stating the rate of the taxes imposed, the amount collected and the manner in which the proceeds were used.

S.B. 307 (chapter 690)

Senate Bill 307 reduces the rate of the tax on the sale or use of compressed natural gas from 20 cents per gallon to 18 cents per gallon. Other special fuels will continue to be taxed at 20 cents per gallon.

S.B. 347 (chapter 654)

Senate Bill 347 provides for an increase in the county motor vehicle fuel tax. The measure permits certain boards of county commissioners to impose, by ordinance, a tax on motor fuel sold in the county not to exceed 9 cents per gallon. Previous law limited this tax to no more than 4 cents per gallon.

If the proposed tax exceeds 4 cents per gallon, the bill requires a board to submit the proposal to the registered voters of the county for their approval.

S.B. 353 (chapter 692)

Senate Bill 353 amends the laws relating to taxes on tobacco. The bill repeals a provision which imposed a penalty of 25 percent plus interest of 1 percent per month on delinquent cigarette tax payments. The bill also changes the basis for calculating credits against the tax on tobacco products other than cigarettes. Previously, dealers had been allowed a credit of 30 percent of the tax for any products which were returned to the manufacturer. The bill provides for the refund of 30 percent of the wholesale price, the full amount of the tax, less a 2 percent allowance for collection costs.

S.B. 432 (chapter 656)

Senate Bill 432 amends the law relating to the real estate transfer tax. The bill repeals a provision which allowed escrow holders to tender a deed for recordation without paying the tax, providing the tax was paid within 3 months afterward. The bill also requires that all deeds presented for recordation must be accompanied by a declaration of value made on a form prescribed by the Nevada tax commission. Previously, deeds which did not go through escrow had used another form.

A.B. 65 (chapter 143)

Assembly Bill 65 requires the governor to appoint an additional person to the Nevada tax commission. The additional commissioner must have at least 10 years experience in mining.

A.B. 68 (chapter 64)

Assembly Bill 68 clarifies the existing statutory requirement that counties and cities must impose a 1 percent room tax on the gross receipts from the rental of transient lodging, and that this tax is in addition to any other similar license fee or tax.

A.B. 154 (chapter 68)

Assembly Bill 154 addresses the situation in which a state other than Nevada is seeking a judgment against a person's property within this state as a result of the person's failure to pay the other state's income tax or benefits received from a pension or other retirement plan. The bill exempts such property from execution.

A.B. 462 (chapter 387)

Assembly Bill 462 allows the department of taxation to charge a fee for returned checks.

A.B. 656 (chapter 665)

Assembly Bill 656 revises the definition of "dealer" for the purposes of taxes on fuels. The definition includes persons who manufacture, refine or otherwise produce ethyl alcohol for use in a petroleum-ethanol mixture, as well as those who sell or distribute ethyl alcohol in Nevada. The measure allows the department of taxation to collect taxes on the production and sale of this product.

A.B. 704 (chapter 770)

Assembly Bill 704 increases from 3 percent to 3.5 percent the tax paid by insurers on net premiums and considerations.

A.B. 770 (chapter 667)

Assembly Bill 770 amends the laws relating to the taxation of minerals.

The bill creates the permanent net proceeds fund as a trust fund. If the state's portion of the revenues from the tax on net proceeds of mines for fiscal years 1989-1990 and 1990-1991 exceeds \$57,200,000, the state controller is to transfer the excess to this fund. After August 16, 1991, the controller is to annually transfer 5 percent of the state's share to this fund. On each odd-numbered year, if the state's share of revenues from this tax for the 2 previous fiscal years exceeds \$55 million, the state controller is to transfer the excess to this fund. Money may be removed from this fund only by a direct legislative appropriation which must receive a two-thirds majority vote in each house of the legislature.

The measure also establishes a penalty for underestimating the payments due under this tax. If the amount estimated and paid at the beginning of the year is less than 90 percent of the actual amount due, the taxpayer is subject to a penalty of 10 percent of the additional amount due. Taxpayers are allowed to file quarterly reports of actual amounts of production, gross yield, and net proceeds and pay any additional taxes which may be due. If they file these quarterly reports, the additional tax liability on which the penalty is based is to be determined by comparing the amounts shown on the quarterly reports with the estimate made at the beginning of the year.

In addition, the bill provides that operations whose net proceeds exceed \$4 million per year are to be taxed at a rate of 5 percent, regardless of the ratio of their net proceeds to their gross proceeds.

Finally, the measure allows counties to retain a commission of 3 percent of revenues from this tax which are distributed to other local entities.

A.B. 776 (chapter 521)

Assembly Bill 776 removes the requirement of voter approval of a county ordinance that imposes an additional excise tax of 1 cent per gallon on motor vehicle fuel. This measure allows a board of county commissioners to impose or repeal such a tax without approval of the voters. If a county adopts an ordinance imposing the additional 1-cent excise tax, it must immediately notify the Nevada tax commission of its action.

A.B. 940 (chapter 652)

Assembly Bill 940 imposes a tax on the transfer of property for which a credit on the federal generation-skipping transfer tax may be claimed. The federal generation-skipping transfer tax is analogous to the estate tax, except that it involves the transfer of property to persons at least two generations younger than the testator. As in the case of the estate tax, taxpayers may claim a credit against their federal tax liability for taxes paid to the state. This bill is intended to allow Nevada to take advantage of this credit.

The bill also revises provisions governing liens for estate taxes owed to the state.

A.B. 942 (chapter 887)

Assembly Bill 942 repeals a "sunset" provision passed by the legislature in 1987 which would have reduced the cigarette tax from 10 mills per cigarette (20 cents per pack) to 7.5 mills per cigarette (15 cents per pack) on July 1, 1989. The bill also increases the cigarette tax from 10 mills to 17.5 mills (35 cents per pack). This increase is to "sunset" on July 1, 1991.

A provision which imposed a minimum tax of 20 cents on packages of fewer than 20 cigarettes is repealed. Manufacturers who wish to market cigarettes in packages of fewer than 20 are required to notify the department of taxation. The bill also makes several changes in the way in which the tax is collected.

In addition, the measure requires the governor to submit, along with his executive budget, a separate document analyzing any new programs or enhancements of existing programs which are being recommended and any new or increased revenues recommended. The document must show total cost of new or enhanced programs categorized by department or agency.

VARIOUS OTHER BILLS

S.B. 4 (chapter 4)

Senate Bill 4 increases the value of the exemption for homestead from \$90,000 to \$95,000, thereby providing increased protection to homeowners from the forced sale of their dwelling by creditors.

S.B. 67 (chapter 48)

Senate Bill 67 ratifies technical corrections made to sections of NRS. It also makes technical modifications in the 1985 and 1987 Statutes of Nevada. The bill does not make any substantive changes in the statutes.

S.B. 142 (chapter 282)

Senate Bill 142 makes technical corrections to inappropriate or inaccurate statutory terms, clarifies ambiguous provisions, and deletes obsolete provisions.

S.B. 264 (chapter 890)

Senate Bill 264 imposes a fee of 50 cents on each ticket sold for admission to a professional boxing contest, match or exhibition. Collected fees must be used by the Nevada athletic commission to award grants to organizations which promote amateur boxing contests or exhibitions in the state.

S.B. 422 (chapter 515)

Senate Bill 422 designates the desert tortoise (*Gopherus agassizi*) as the official state reptile of the State of Nevada. The native habitat of the desert tortoise covers most of southern Nevada.

A.B. 41 (chapter 7)

Assembly Bill 41 changes the name of the Sierra Nevada Museum of Art, Inc., to the Nevada Museum of Art, Inc., in the statutory section which authorizes the museum's tax exempt status.

A.B. 55 (chapter 95)

Assembly Bill 55 requires the owner of a storage facility to evict any person who uses the facility as a residence. The bill requires that a rental agreement contain a provision stating that it is unlawful to use the storage facility as a residence.

The measure also provides a procedure for summary eviction. When a person is using a facility for storage as a residence, the owner or his agent must serve a notice in writing directing the person to cease using the facility as

a residence no later than 24 hours after receiving the notice. If the person does not cease using the facility as a residence within 24 hours after receiving the notice, the owner or his agent is directed to apply to the justice of the peace for summary eviction. The justice of the peace then must issue an order directing the sheriff or constable of the county to remove the person, but not the person's personal property, within 24 hours after receipt of the order.

A.B. 95 (chapter 17)

Assembly Bill 95 authorizes and requests the governor to proclaim the fourth Friday of September as Nevada Indian Day in commemoration of the Indian people and their efforts to maintain their culture, customs and traditions.

A.B. 209 (chapter 217)

Assembly Bill 209 amends the law relating to the disposal of garbage. The bill allows a county to recover money expended to remedy certain conditions which are a threat to public health and safety. These conditions could include the presence of a dangerous structure, garbage or weeds. A county may recover its expenses through the use of a lien against the property upon which the condition is located.

The measure also provides that a person remains the legal owner of his garbage until he transfers it to a person authorized to dispose of solid waste or disposes of it himself at a municipal disposal site. When garbage is illegally dumped and the original owner can be identified, it may be reasonably inferred that the owner is the person who dumped it. The actual act of dumping need not be witnessed to identify the owner.

The bill further allows persons who enforce the law against illegal dumping to request information from state and local agencies, credit reporting agencies, employee organizations, employers, financial institutions and public utilities to identify the owners of illegally dumped garbage. These organizations are required to cooperate and are exempted from liability for disclosures made in good faith.

A.B. 235 (chapter 80)

Assembly Bill 235 repeals various antiquated provisions of NRS. Subjects of the repealed sections include:

1. Toll roads and bridges, which were significant topics in the 1800's when toll roads and bridges were an important part of the state's transportation system;

VARIOUS OTHER BILLS (continued)

2. Restrictions on the grazing of sheep in certain areas, including within a 3-mile radius of a post office in a town having a population of 50 or more;
3. Outdated laws requiring all grubstake contracts and prospecting agreements to be recorded in the appropriate county recorder's office; and
4. Superseded and outdated requirements relative to the use of fumigating materials within buildings in cities and towns.

None of these laws has been amended substantively since its original enactment: toll roads and bridges - 1865; sheep grazing - 1901; grubstakes - 1907; and fumigation - 1941.

A.B. 285 (chapter 327)

Assembly Bill 285 authorizes and requests the governor to issue a proclamation annually designating the second Monday in October as "Columbus Day." The bill also declares October 12, 1992, to be a legal holiday in celebration of the 500th anniversary of the arrival of Cristoforo Columbo in the New World.

A.B. 357 (chapter 71)

Assembly Bill 357 provides a standard for measuring the performance of a trustee (fiduciary). Nevada has adopted the "prudent man rule" to govern acquiring, investing, exchanging, retaining, selling and managing property for the benefit of another. This bill sets standards for determining whether the trustee's conduct is consistent with that of a "prudent man."

The standards set forth in the bill are that the propriety of an investment decision is to be determined by what the trustee knew or should have known at the time of the decision about the investment, the portfolio, the economy, and the needs and objectives of the beneficiaries. Any determination of the liability of the trustee for the performance of his investments must be made giving consideration not only to the performance of a particular investment, but also to the performance of the portfolio as a whole.

A.B. 421 (chapter 321)

Assembly Bill 421 limits the liability of referees and other sports officials for civil damages. The measure provides that a sports official who officiates a sporting event at any level of competition in Nevada is not liable for any civil damages as a result of any unintended act or omission,

not amounting to gross negligence, in the execution of his officiating duties within the facility where the sporting event takes place.

A.B. 440 (chapter 306)

Assembly Bill 440 requires a trustee or other person authorized by a deed of trust to record a notice of default or exercise a power of sale to give notice of default and sale to any person with a subordinate interest of record in the property.

The bill also amends the laws relating to homesteads to make it clear that the homestead exemption applies to the value of equity in the property. Equity is defined as the market value of the property less any liens excepted by law from the homestead exemption.

The law governing summary administration of estates is amended to eliminate the requirement of publication of notice of a petition for the probate of a will and the issuance of letters testamentary or for letters of administration.

Finally, the bill allows an estate of \$25,000 or less to be set aside when there is no surviving spouse or minor children of the deceased.

A.B. 507 (chapter 232)

Assembly Bill 507 allows an estate for years to be encumbered by a deed of trust unless the instrument which created the estate prohibits such an encumbrance. Previously, the law prohibited the encumbrance of an estate for years by a deed of trust unless the instrument which created the estate specifically authorized it.

A.B. 529 (chapter 798)

Assembly Bill 529 creates the fund for local cultural activities as a special revenue fund to be administered by the trustee of the Music Performance Trust Funds in New York City, New York. The act appropriates \$100,000 from the state general fund to this fund.

The trustee is authorized to use money from the fund for local activities to support concerts, operas, ballets and public dances which are presented in public facilities with no fee charged for attendance. Under certain expenditure and employment limitations specified in the bill, the trustee is allowed to expend the money for compensating musicians, singers and necessary technicians, and to pay the cost of their transportation to and from performances.

A.B. 623 (chapter 300)

Assembly Bill 623 directs all public and private entities which are subject to the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act to provide appropriate relocation assistance and to implement such other policies and procedures as are necessary to comply with the requirements of the federal act.

The bill requires the director of Nevada's department of transportation to adopt the regulations that are necessary to enable the state to comply with the federal requirements. In addition, the measure repeals several statutory provisions which are inconsistent with the decision to approach the issue through regulation rather than specific statute.

A.B. 794 (chapter 483)

Assembly Bill 794 clarifies that the ichthyosaur of the genus *Shonisaurus* is the official state fossil. This genus was more prevalent in Nevada. Previous law used the broader classification of Ichthyosauria to identify the prehistoric marine reptile for state designation.

A.B. 884 (chapter 716)

Assembly Bill 884 relates to administrative law as outlined in the Nevada Administrative Procedure Act (chapter 233B of NRS). The measure specifies the procedures associated with judicial review of administrative decisions. In addition to outlining the general provisions, the measure stipulates the procedure for applying for a stay of an agency decision, and it provides the circumstances under which additional evidence may be presented. The bill further clarifies the identification of parties who are eligible to file petitions for judicial review.

The measure also exempts the office of state engineer from the requirements of NRS chapter 233B. The bill further provides that certain persons aggrieved by an act, determination or omission of the bureau of services to the blind in the department of human resources is entitled to a fair hearing before a hearing officer and, if necessary, judicial review pursuant to chapter 233B.

The measure also conforms statutory references within other chapters of NRS to the provisions contained in the Nevada Administrative Procedure Act. Procedures related to specific agencies which perform special functions, however, are not modified.

VARIOUS OTHER BILLS (continued)

A.B. 954 (chapter 812)

Assembly Bill 954 makes technical, bill drafting corrections to measures previously approved during the 1989 legislative session.

SPECIAL SESSION - NOVEMBER 21, 1989

The 16th special session of the Nevada legislature was held on November 21, 1989. During the 1-day special session, two bills were enacted.

S.B. 1 (chapter 1)

Senate Bill 1 repeals sections 11 through 15 of Assembly Bill 820 (chapter 481, Statutes of Nevada, 1989). These sections relate specifically to legislator retirement. The effect of enacting S.B. 1 is to return the statutory provisions concerning legislator retirement to their status before they were amended during the 1989 regular session.

In addition, the measure directs the public employees' retirement system to cease payment of higher benefits calculated pursuant to the repealed sections. It also requires the system to refund money paid to purchase additional service credit during the period the repealed provisions were in effect and directs the system to revoke the purchased credit.

A.B. 2 (chapter 2)

Assembly Bill 2 appropriates \$12,000 from the state general fund to the legislative fund to pay the costs associated with the special session.

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SENATE STANDING COMMITTEES

Sixty-fifth Session, 1989

(The Chairman is named first on each committee; the Vice Chairman is named second on each committee.)

COMMERCE AND LABOR—

Townsend, O'Connell, O'Donnell, Getto, Vergiels, Shaffer, Coffin.

FINANCE—

Raggio, Jacobsen, Rawson, Rhoads, Beyer, Mello, Hickey.

GOVERNMENT AFFAIRS—

O'Connell, Wagner, Raggio, Joerg, Smith, Hickey, Horn.

HUMAN RESOURCES AND FACILITIES—

Rawson, O'Donnell, Townsend, Malone, Neal, Mello, Titus.

JUDICIARY—

Wagner, Smith, Malone, Joerg, Neal, Horn, Titus.

LEGISLATIVE AFFAIRS AND OPERATIONS—

Malone, Rawson, Raggio, Wagner, Neal, Horn, Titus.

NATURAL RESOURCES—

Getto, Rhoads, Beyer, Jacobsen, Vergiels, Shaffer, Coffin.

TAXATION—

Joerg, Beyer, O'Connell, Getto, Smith, Shaffer, Coffin.

TRANSPORTATION—

Rhoads, Townsend, Jacobsen, O'Donnell, Mello, Hickey, Vergiels.

PRESIDENT PRO TEMPORE—

Lawrence E. Jacobsen.

MAJORITY FLOOR LEADER—

William J. Raggio.

ASSISTANT MAJORITY FLOOR LEADER—

Raymond D. Rawson.

MAJORITY WHIP—

William R. O'Donnell.

MINORITY FLOOR LEADER—

Joseph M. Neal, Jr.

ASSISTANT MINORITY FLOOR LEADER—

Donald R. Mello.

ASSEMBLY STANDING COMMITTEES

Sixty-fifth Session, 1989

(The Chairman is named first on each committee; the Vice Chairman is named second on each committee.)

COMMERCE—

Jeffrey, Callister, Fay, Nevin, Porter, Schofield, Sedway, Thompson, Myrna Williams, Wisdom, DuBois, Humke, Kerns, McGaughey.

ECONOMIC DEVELOPMENT, SMALL BUSINESS AND TOURISM—

Wendell Williams, Kissam, Arberry, Garner, Sheerin, Swain, Triggs, Bogaert, Humke, McGaughey, Spriggs.

EDUCATION—

Spinello, Wendell Williams, Adler, Brookman, Chowning, Garner, Gaston, Kissam, Swain, Carpenter, Gibbons, Lambert, McGinness.

ELECTIONS—

Swain, Wisdom, Diamond, Evans, Porter, Sheerin, Bergevin, DuBois, Lambert.

GOVERNMENT AFFAIRS—

Thompson, Garner, Adler, Banner, Brookman, Fay, Freeman, Nevin, Schofield, Sheerin, Bergevin, Bogaert, Lambert, McGaughey.

HEALTH AND WELFARE—

Arberry, Freeman, Brookman, Diamond, Kissam, Porter, Sedway, Wisdom, Gibbons, McGaughey, McGinness.

JUDICIARY—

Sader, Porter, Chowning, Diamond, Gaston, Kissam, Regan, Triggs, Wendell Williams, Wisdom, Carpenter, Gibbons, McGinness, Spriggs.

LABOR AND MANAGEMENT—

Banner, Thompson, Fay, Jeffrey, Price, Wendell Williams, Bogaert, Carpenter, Gibbons.

LEGISLATIVE FUNCTIONS—

Myrna Williams, Brookman, Dini, Jeffrey, Nevin, Price, Sader, Bergevin, DuBois, Humke, Kerns.

NATURAL RESOURCES, AGRICULTURE AND MINING—

Adler, Triggs, Diamond, Freeman, Regan, Sader, Schofield, Spinello, McGinness, Marvel, Spriggs.

TAXATION—

Price, Gaston, Callister, Regan, Sheerin, Triggs, Myrna Williams, Bergevin, Lambert, Marvel, Spriggs.

TRANSPORTATION—

Nevin, Fay, Banner, Chowning, Evans, Garner, Bogaert, Carpenter, Kerns.

WAYS AND MEANS—

Sedway, Spinello, Arberry, Callister, Dini, Evans, Jeffrey, Price, Swain, Myrna Williams, DuBois, Humke, Kerns, Marvel.

SPEAKER—

Joseph E. Dini, Jr.

SPEAKER PRO TEMPORE—

Myrna T. Williams.

MAJORITY FLOOR LEADER—

John E. (Jack) Jeffrey.

ASSISTANT MAJORITY FLOOR LEADER—

Leonard V. Nevin.

MAJORITY WHIP—

Robert M. Sader.

MINORITY FLOOR LEADER—

Louis W. Bergevin.

ASSISTANT MINORITY FLOOR LEADER—

John DuBois.