NEVADA LEGISLATURE

SIXTY-SEVENTH SESSION

1993

SUMMARY OF LEGISLATION



PREPARED BY

RESEARCH DIVISION

LEGISLATIVE COUNSEL BUREAU

(O)-852

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INTRODUCTION

The 1993 Nevada Legislature considered 1,608 legislative measures. Of this total, 669 bills were enacted and 191 resolutions were adopted. Five bills were vetoed by the Governor. These will be returned to the 1995 Legislative Session for reconsideration.

The *Summary of Legislation* reviews each of the bills and concurrent and joint resolutions, including the vetoed bills, passed by the 1993 Legislature. These summaries do not constitute legal analyses and are not intended for use by the legal community in place of the actual statutes.

In addition, committee referrals, house votes, and effective dates are included for each bill. The first number in the voting series indicates the "aye" votes and the second, the "no" votes. The third number includes legislators who were absent, excused, or not voting.

Occasionally, descriptions of "current" or "existing" law are used to illustrate the changes resulting from a bill. These descriptions refer to the law in effect prior to the passage of new legislation. In many cases, the "current" law so referenced will already have been changed at the time of this document's publication.

Thorough coverage of appropriations acts is available in a document entitled *Nevada Legislative Appropriations Report*, prepared by the Fiscal Analysis Division of the Legislative Counsel Bureau.

Please consult the "Table of Contents," "Numerical Index," and "Subject Index" for references to legislation enacted within specific topic areas.

Research Division
Legislative Counsel Bureau
August 1993

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APPROPRIATIONS

S.B. 1 (Chapter 1)

Senate Bill 1 transfers $5 million from the State General Fund to the Legislative Fund to provide finances for the 1993 Legislative Session.

SENATE VOTE: 18-0-0*
***Senators whose elections were contested had not been seated at that time.**
ASSEMBLY VOTE: 41-0-1
Effective January 22, 1993

S.B. 18 (Chapter 161)

Senate Bill 18 extends, from June 30, 1993, to June 30, 1995, the time within which money previously appropriated may be spent to temporarily relocate the staff and equipment of the offices of Nevada's Supreme Court in Las Vegas during an asbestos abatement program.

Referred to Senate Committee on Finance
SENATE VOTE: 18-1-2
Referred to Assembly Committee on Ways and Means
ASSEMBLY VOTE: 42-0-0
Effective May 21, 1993

S.B. 21 (Chapter 162)

Senate Bill 21 makes a supplemental appropriation of $12,191.59 for district judges' salaries and judicial pensions. This appropriation supplements that made in 1989.

Referred to Senate Committee on Finance
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Ways and Means
ASSEMBLY VOTE: 42-0-0
Effective May 21, 1993

S.B. 32 (Chapter 8)

Senate Bill 32 appropriates $30,000 from the General Fund to the Legislative Fund for initial expenses related to Nevada hosting the 1993 Western Legislative Conference.

Referred to Senate Committee on Finance
SENATE VOTE: 19-0-2
Referred to Assembly Committee on Ways and Means
ASSEMBLY VOTE: 42-0-0
Effective March 10, 1993

S.B. 107 (Chapter 526)

Senate Bill 107 appropriates $132,700 from the State General Fund to the Legislative Fund for computer equipment and data processing software for the Legislative Counsel Bureau.

Referred to Senate Committee on Finance
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Ways and Means
ASSEMBLY VOTE: 42-0-0
Effective June 30, 1993

S.B. 194 (Chapter 163)

Senate Bill 194 makes a supplemental appropriation of $134,919 for district judges' salaries and judicial pensions. This appropriation supplements those made in 1991.

Referred to Senate Committee on Finance
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Ways and Means
ASSEMBLY VOTE: 42-0-0
Effective May 21, 1993

S.B. 238 (Chapter 341)

Senate Bill 238 makes a supplemental appropriation of $4,333 from the State General Fund to the Supreme Court of Nevada for the support of the Commission on Judicial Selection.

Referred to Senate Committee on Finance
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Ways and Means
ASSEMBLY VOTE: 42-0-0
Effective June 30, 1993

S.B. 264 (Chapter 156)

Senate Bill 264 appropriates $100,000 to the Budget Division of the Department of Administration for reimbursing the Legal Division of the

Legislative Counsel Bureau for preparing legislation requested by state agencies.

Referred to Senate Committee on Finance
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Ways and Means
ASSEMBLY VOTE: 42-0-0
Effective May 21, 1993

S.B. 266 (Chapter 155)

Senate Bill 266 appropriates $1,632 to the Nevada Equal Rights Commission for the payment of an employee's unprocessed merit salary increase.

Referred to Senate Committee on Finance
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Ways and Means
ASSEMBLY VOTE: 42-0-0
Effective May 21, 1993

S.B. 306 (Chapter 237)

Senate Bill 306 appropriates $129,000 from the State General Fund to the State Public Works Board for two capital improvement projects. The appropriation provides $83,041 for roof repair and replacing a cooling tower at the Southern Nevada Adult Mental Health Services facility and $45,959 for fencing repairs at the Southern Nevada Correctional Center.

Referred to Senate Committee on Finance
SENATE VOTE: 19-0-2
Referred to Assembly Committee on Ways and Means
ASSEMBLY VOTE: 42-0-0
Effective June 16, 1993

S.B. 329 (Chapter 85)

Senate Bill 329 makes a supplemental appropriation of $51,035,894 from the State General Fund to the State Distributive School Account for the 1992-93 fiscal year. This action offsets shortfalls in the revenues school districts received from the local school support tax and in revenue to the Distributive School Account from the annual slot tax, out-of-state sales tax, revenue from mineral leases on Federal lands and interest earned on the Permanent School Fund. The supplemental appropriation is needed to meet the revised guaranteed levels of basic support for local school districts for the remaining portion of the 1992-93 school year.

The measure also reduces the guaranteed basic support per pupil for the 1992-93 school year from a statewide average of $3,312, as approved by the 1991 Legislature, to $3,231. In addition, the bill adjusts the amount authorized for non-prison, adult high school diploma programs to reflect a savings of $1.1 million. These reductions in basic support and adult programs amount to $18.1 million in cost savings which the Governor requested from the school districts over the 1991-93 biennium.

Referred to Senate Committee on Finance
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Ways and Means
ASSEMBLY VOTE: 40-0-2
Effective April 28, 1993

S.B. 335 (Chapter 263)

Senate Bill 335 extends until June 30, 1994, the date for reverting any funds to the State General Fund remaining from a 1991 legislative appropriation to the Department of Taxation for an automated tax collection system. The contract for the new system was approved by the State Board of Examiners for implementation in two phases. The first phase is scheduled to be completed by December 31, 1993. This measure allows the department to utilize the one-shot funds authorized by the 1991 Legislature to complete the first phase of the project. Separate funding for the second phase was requested in the Executive Budget for the 1993-1995 biennium.

Referred to Senate Committee on Finance
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Taxation
ASSEMBLY VOTE: 41-0-1
Effective June 18, 1993

S.B. 362 (Chapter 508)

Senate Bill 362 revises the State Personnel System by bringing the system into compliance with the Federal *Family and Medical Leave Act of 1993* and the *Fair Labor Standards Act of 1938*, 29 U.S.C. §§ 201 *et seq.* (FLSA). In addition, the measure makes appropriations to the State Board of Examiners for certain unbudgeted costs.

Among other provisions, the measure repeals the requirement that an officer or employee who is not eligible to earn overtime at time and one-half must account for part-day absences by using applicable accrued leave, compensatory time, or administrative leave with pay. The bill also requires the Department of Personnel to determine which positions in the classified and unclassified

service of the State must be paid on a salary basis, are not entitled to overtime compensation, and are not subject to disciplinary suspensions for less than 1 week.

Further, S.B. 362 permits entities that make appointments in the classified or unclassified service to enter into agreements with an employee or with a designated state employee organization that authorize compensatory vacation time instead of monetary payment for overtime. The measure specifies that overtime must be approved in advance by the appointing authority and that only department directors or chairmen of boards, commissions or similar bodies may authorize their own overtime. The Budget Division of the Department of Administration is directed to review all overtime worked by executive department employees and report quarterly to the State Board of Examiners the amount of overtime worked within the various agencies of the State.

Finally, for the fiscal years beginning July 1, 1993, and July 1, 1994, $4,106,880 and $5,856,940, respectively, are appropriated from the State General Fund to the State Board of Examiners to meet any deficiencies that may be created between the appropriated money of the respective departments, commissions and agencies of the State and the requirements for salary of the personnel of those entities. Additionally, for the fiscal years beginning July 1, 1993, and July 1, 1994, $314,525 and $455,126, respectively, are appropriated from the State Highway Fund to the Board of Examiners to meet deficiencies created between appropriated money of the Department of Motor Vehicles and Public Safety, the Public Service Commission of Nevada, and the Office of the Attorney General and the requirements of affected personnel. Deficiencies may occur as a result of approved employee merit increases that were not budgeted, additional costs of overtime not budgeted, additional costs of complying with the FLSA, or for payments for compensatory time balances of employees exempt from overtime provisions pursuant to the FLSA.

Referred to Senate Committee on Finance
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Ways and Means
ASSEMBLY VOTE: 41-0-1
Effective July 1, 1993

S.B. 385 (Chapter 334)

Senate Bill 385 makes an appropriation of $5,000 from the State General Fund to the prison revolving account and increases from $5,000 to $10,000 the balance of money required in this account. Further, the bill expands the permitted uses of money in the account to include assistance of certain newly

released or paroled offenders. Finally, the measure repeals an existing provision which allows use of money in the account for the payment of small prison bills.

Referred to Senate Committee on Finance
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Ways and Means
ASSEMBLY VOTE: 38-0-4
Effective June 29, 1993

S.B. 492 (Chapter 241)

Senate Bill 492 appropriates $1,521,000 from the State General Fund to the Legislative Fund.

Referred to Senate Committee on Finance
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Ways and Means
ASSEMBLY VOTE: 41-0-1
Effective June 17, 1993

S.B. 507 (Chapter 474)

Senate Bill 507 appropriates $61,413 from the State General Fund to the Nevada Racing Commission for the payment of certain operating expenses. The bill allows contractors and vendors who conducted business with the commission to be paid before that entity is abolished by another legislative measure.

Referred to Senate Committee on Finance
SENATE VOTE: 20-1-0
Referred to Assembly Committee on Ways and Means
ASSEMBLY VOTE: 37-4-1
Effective July 9, 1993

S.B. 567 (Chapter 423)

Senate Bill 567 appropriates $25,323,436 in fiscal year (FY) 1993-94 and $27,741,608 in FY 1994-95 from the State General Fund to the trust fund for class-size reduction. The money must be used, to the extent possible, to achieve the pupil-teacher ratios mandated by state law. A portion of each year's allocation must be transferred to the University and Community College System of Nevada to provide scholarships to students pursuing teaching degrees.

In addition, the measure requires the Department of Education to submit an annual report concerning pupil-teacher ratios to the Budget Division of the Department of Administration and the Fiscal Analysis Division of the Legislative Counsel Bureau.

Senate Bill 567 includes a statement of legislative intent concerning class-size reduction. The goals for pupil-teacher ratios stated are:

- No more than 15 pupils per teacher or 30 pupils per two teachers in kindergarten and grades 1, 2, and 3;
- No more than 22 pupils per teacher in grades 4, 5, and 6; and
- No more than 25 pupils per teacher in grades 7 through 12.

Referred to Senate Committee on Finance
SENATE VOTE: 18-2-1
Referred to Assembly Committee on Ways and Means
ASSEMBLY VOTE: 41-1-0
Effective: The section of the bill containing the 1994-95 appropriation is effective on July 1, 1994. All other sections are effective July 1, 1993.

S.B. 569 (Chapter 447)

Senate Bill 569 appropriates $340,358,172 for fiscal year (FY) 1993-1994 and $368,052,061 for FY 1994-1995 from the State General Fund to provide support for the state school system. In addition to the General Fund allocations, $68,490,712 is appropriated for FY 1993-1994 and $69,036,760 for FY 1994-1995 from other taxes and revenue sources.

The bill also increases the average statewide basic support per pupil from $3,231 in FY 1992-1993 to $3,320 in FY 1993-1994 and $3,323 in FY 1994-1995. However, the measure includes a provision allowing the reduction of per pupil expenditure to reserve funds for unforeseen emergencies.

In addition, S.B. 569 requires school districts to report the amount spent per employee for group insurance, fringe benefit rates of licensed employees, and the amount paid for extra duties, supervision of extracurricular activities, and supplemental pay.

Referred to Senate Committee on Finance
SENATE VOTE: 17-3-1
Referred to Assembly Committee on Ways and Means
ASSEMBLY VOTE: 41-0-1
Effective July 1, 1993

A.B. 316 (Chapter 246)

Assembly Bill 316 appropriates $3,791,296 from the State General Fund to the State Board of Examiners for the payment of overtime costs for certain state employees and attorneys' fees as determined in the *Benzler v. State of Nevada* case.

Referred to Assembly Committee on Ways and Means
ASSEMBLY VOTE: 38-0-4
Referred to Senate Committee on Finance
SENATE VOTE: 19-0-2
Effective June 18, 1993

A.B. 318 (Chapter 75)

Assembly Bill 318 makes a supplemental appropriation of $62,726 from the State General Fund to the Division of Child and Family Services for the payment of outstanding obligations incurred in fiscal year 1990-91 by the Welfare Division and the Youth Services Division.

Referred to Assembly Committee on Ways and Means
ASSEMBLY VOTE: 39-3-0
Referred to Senate Committee on Finance
SENATE VOTE: 20-0-1
Effective April 20, 1993

A.B. 377 (Chapter 187)

Assembly Bill 377 makes two supplemental appropriations to the Department of Commerce, totaling $699.62, for certain expenses related to employee reimbursement and salary adjustments.

Referred to Assembly Committee on Ways and Means
ASSEMBLY VOTE: 42-0-0
Referred to Senate Committee on Finance
SENATE VOTE: 21-0-0
Effective June 3, 1993

A.B. 406 (Chapter 313)

Assembly Bill 406 appropriates the sum of $1,365,637 from the General Fund to the State Board of Examiners to restore the account balances in the emergency account, the stale claims account, and the statutory contingency account.

Referred to Assembly Committee on Ways and Means
ASSEMBLY VOTE: 41-0-1
Referred to Senate Committee on Finance
SENATE VOTE: 21-0-0
Effective June 28, 1993

A.B. 536 (Chapter 537)

Assembly Bill 536 appropriates $75,414 from the State General Fund to the Legislative Counsel Bureau for the cost of reproducing certain older *Nevada Reports*, *Statutes of Nevada*, and the *Nevada Constitutional Debates and Proceedings 1864*. Any remaining balance reverts to the General Fund after June 30, 1995, with the exception of money previously committed.

Referred to Assembly Committee on Ways and Means
ASSEMBLY VOTE: 42-0-0
Referred to Senate Committee on Finance
SENATE VOTE: 21-0-0
Effective June 30, 1993

A.B. 634 (Chapter 320)

Assembly Bill 634 extends from July 1, 1993, to July 1, 1994, the expiration date for Assembly Bill 286 (Chapter 631, *Statutes of Nevada 1991*). This measure appropriated $50,000 to the Department of Commerce in 1991 to develop the plan for a program to invest venture capital in new enterprises. Additionally, A.B. 634 specifically extends the date by which the money must be committed for expenditure from June 30, 1993, to June 30, 1994.

Referred to Assembly Committee on Ways and Means
ASSEMBLY VOTE: 41-0-1
Referred to Senate Committee on Finance
SENATE VOTE: 21-0-0
Effective June 28, 1993

A.B. 747 (Chapter 558)

Assembly Bill 747 amends provisions relating to the Real Estate Division in the Department of Commerce. The bill increases certain fees which must be paid to the division. A provision regarding exemptions from laws governing the

sale of subdivided land is clarified, and representatives who assist in the sale of time shares are forbidden to change their association to another developer or another location without obtaining a transfer of registration from the division.

The bill also appropriates $19,090 in fiscal year 1993-94 and $3,500 in fiscal year 1994-95 for the development of a data processing system in the division.

Referred to Assembly Committee on Ways and Means
ASSEMBLY VOTE: 38-0-4
Referred to Senate Committee on Finance
SENATE VOTE: 20-0-1
Effective July 1, 1993

A.B. 748 (Chapter 557)

Assembly Bill 748 appropriates $72,008 for fiscal year (FY) 1993-1994 and $74,903 for FY 1994-1995 from the State Highway Fund to the Nevada Highway Patrol Division for the pilot program for the Alliance for Uniform HazMat Transportation Procedures. The measure requires the chairman of the Public Service Commission of Nevada to report periodically to the Legislative Commission regarding the status of the program and recommendations for legislation.

Referred to Assembly Committee on Ways and Means
ASSEMBLY VOTE: 42-0-0
Referred to Senate Committee on Finance
SENATE VOTE: 21-0-0
Effective July 12, 1993

A.B. 787 (Chapter 350)

Assembly Bill 787 is the general appropriations act to support Nevada State Government over the 1993-1995 biennium. All agencies of the State and the University and Community College System of Nevada are affected by this bill. Appropriations for the support of grades kindergarten through 12 in public schools are provided in separate legislation.

This measure appropriates more than $1.3 billion for the operation of State Government in the next biennium. Approximately $636.6 million is allowed for fiscal year 1993-1994 and over $684.9 million for fiscal year 1994-1995. The total appropriation represents an increase of about 4.9 percent over the amount approved for the preceding biennium.

Referred to Assembly Committee on Ways and Means
ASSEMBLY VOTE: 41-0-1
Referred to Senate Committee on Finance
SENATE VOTE: 12-9-0
Effective July 1, 1993

A.B. 788 (Chapter 351)

Assembly Bill 788 makes appropriations and authorizes the issuance of general obligation bonds for certain capital improvement projects. The total amount of money approved is approximately $81 million and includes the following:

- An amount of $17.4 million appropriated from the State General Fund. Of this amount, $10 million is provided to the University and Community College System of Nevada (UCCSN) for campus improvements. Over $2 million is for furnishings, equipment, and site improvements for the new state office building in Las Vegas. The remainder is allocated to various projects throughout the State.

- An amount of $56.9 million funded from general obligation bonds. This includes $19.7 million that is redirected from previous bond issues and $37.2 million in new bond issues for projects at UCCSN community colleges. Of the total funding from the bond issues, an amount of $2.3 million is provided for statewide projects to bring state facilities into compliance with the Federal Americans with Disabilities Act.

- An amount of $6.7 million appropriated from the State Highway Fund. This includes, among other things, money to remodel the Reno office of the Department of Motor Vehicles and Public Safety and to construct a commercial drivers' license/express office in Las Vegas.

This measure also establishes a statewide property tax rate of 15 cents on each $100 of assessed value per year for fiscal years 1993-1994 and 1994-1995. This tax rate will provide money for redemption of existing and other state bonds, including the bonds relating to the capital improvement program authorized by the 1993 Legislature. The tax rate is increased from .1440 cents to .1500 cents, an increase of .006 cents which results in an increase in the property tax paid on a $100,000 home of $2.10 per year.

The bill authorizes, from the consolidated bond interest and redemption account, the expenditure of approximately $64.5 million in fiscal year 1993-1994 and $62.2 million in fiscal year 1994-1995 of the sums not appropriated from the State General Fund or the State Highway Fund.

Referred to Assembly Committee on Ways and Means
ASSEMBLY VOTE: 42-0-0
Referred to Senate Committee on Finance
SENATE VOTE: 14-7-0
Effective June 30, 1993

COMMERCE

S.B. 152 (Chapter 291)

Senate Bill 152 requires the owner of real property who records a notice of completion to furnish a copy of the notice to any party who requests such notice prior to its being recorded. Existing law requires the owner to provide notice only to the general contractor.

This measure provides a mechanism for parties interested in improvements to real property to receive notice of completion. Existing law does not require owners to submit a copy of the notice of completion to subcontractors and other parties who have a pecuniary interest in the project.

Referred to Senate Committee on Judiciary
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 41-0-1
Effective October 1, 1993

S.B. 214 (Chapter 225)

Senate Bill 214 makes various changes relating to the registration of trademarks and insignia by the Office of the Secretary of State. The bill reduces from 10 to 5 the number of years that the registration is valid. It also increases registration fees and removes obsolete language from the statutes pertaining to trademarks.

Senate Bill 214 reflects the increased workload of the Trademark Division. Trademark registrations, mostly made by local businesses, have increased from about 20 per month 12 years ago, to around 100 per month today.

Trademark registration fees last were increased in 1955. The fees are increased in S.B. 214 to bring Nevada's charges in line with those in other states and to make them consistent with current fees for incorporations in this State.

The 10-year limitation on a trademark registration was added to the statutes in 1979. Guidelines from the Federal Trademarks Association recommend that the limitation be changed to 5 years to limit litigation on trademark issues.

Referred to Senate Committee on Commerce and Labor
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Commerce
ASSEMBLY VOTE: 39-0-3
Effective October 1, 1993

S.B. 249 (Chapter 147)

Senate Bill 249 repeals the statutory provisions which ban the outdoor advertising of rates for rooms or accommodations by a hotel, inn, motel or motor court.

This bill removes provisions from Nevada's law which likely are unconstitutional and unenforceable. A 1990 opinion by Nevada's Attorney General (Opinion No. 90-11) concluded that the advertising of rates for rooms at hotels and motels on outdoor signs is protected by the *United States Constitution* as commercial free speech because it relates to a lawful activity and is not inherently deceptive or misleading.

Referred to Senate Committee on Commerce and Labor
SENATE VOTE: 20-0-1
Referred to Assembly Committee on Commerce
ASSEMBLY VOTE: 41-0-1
Effective October 1, 1993

S.B. 375 (Chapter 509)

Senate Bill 375 revises the State's system for the regulation of telephone solicitations. It requires registration with the Consumer Affairs Division, rather than licensure, of sellers and salesmen who engage in telephone solicitation.

The powers and duties for enforcement of the provisions regulating telemarketers are changed to provide for the investigation and prosecution of violations by the Attorney General. Certain exemptions from registration are revised and clarified to remove loopholes. The Attorney General is required to make the legal determination of whether a person is required to register based on the definitions, intent, findings, and declarations of the law.

The Commissioner of Consumer Affairs and the Attorney General are required to adopt rules of practice to process complaints concerning sellers and salesmen. These rules must provide for the sharing of information and the initial review of complaints by the Attorney General, and may allow for subsequent mediation procedures by the Commissioner.

Procedures are established relating to the security held in trust for purchasers injured by a seller, and requirements are specified regarding chance promotions. All fees and civil penalties collected under the telemarketing law are to be credited to the division and used only to administer and enforce this law. Any balance in the account in excess of $250,000 at the end of each fiscal year is to be transferred to the State General Fund.

Senate Bill 375 addresses a recent court decision on Nevada's telemarketing law. The major change from licensing to registration of telemarketers is intended to shift the State's focus and concentrate its resources on enforcement. Other states that regulate telemarketing use a registration system which has proven to be effective and economical.

Referred to Senate Committee on Commerce and Labor and
Re-referred to Committee on Finance
SENATE VOTE: 20-0-1
Referred to Assembly Committee on Commerce
ASSEMBLY VOTE: 40-0-2
Effective July 1, 1993

S.B. 458 (Chapter 452)

Senate Bill 458 allows a local winery to sell its own wines at one other location off its premises. Current law permits a winery to sell its products only on its premises. The bill specifies that the amount of wine sold at the other location may not exceed 50 percent of the total volume of wine sold by the winery. This measure also allows a local winery to serve any alcoholic beverage by the glass on its premises.

Senate Bill 458 allows for the expansion and growth of local winery operations. It permits a winery located in an isolated geographical area to expand its operations closer to a more populated area.

Authorizing a local winery to sell alcoholic beverages allows such a business with a restaurant or tasting bar to control its own operation. Under current law, a winery must lease its bar to a person with a retail liquor license who is separate from and has no vested interest in the winery.

Referred to Senate Committee on Commerce and Labor
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Commerce
ASSEMBLY VOTE: 42-0-0
Effective October 1, 1993

S.B. 477 (Chapter 648)

Senate Bill 477 makes changes to the retail installment sales provisions of Nevada law. The definition of time price differential is repealed and replaced with a definition of interest. The difference between the repealed definition and the new definition is that annual membership fees for credit cards, charges for delinquency or for returned checks, and fees for obligations incurred over the credit limits are specifically included within the definition of interest. The repealed definition of time price differential specifically excludes or does not address such items. The bill also includes within the definition of interest other fees and costs upon which the parties have agreed.

The bill defines card issuer and service provider and clarifies the provisions that address payment of an account of a holder of a credit card. The effect of the new sections is to create a defense for a payee bank that receives a payment in good faith if the negotiable instrument used to post the account was forged, altered, or unauthorized.

Senate Bill 477 clarifies the definition of interest. Because Nevada does not have a usury law, it is important for merchants to have clear definitions of interest, particularly when entities and courts in other states are considering transactions in this State.

Referred to Senate Committee on Judiciary
SENATE VOTE: 19-0-2
Referred to Assembly Committee on Commerce
ASSEMBLY VOTE: 42-0-0
Effective October 1, 1993

S.B. 499 (Chapter 476)

Senate Bill 499 clarifies the activities that constitute a deceptive trade practice and the enforcement and remedies available for violations of such provisions. It authorizes the Consumer Affairs Division to bring an action for interpleader or to conduct a hearing to determine the distribution of the proceeds of a bond or other security. The bill also provides for the regulation of dance studios and health clubs, and eliminates provisions for the regulation of athletic and membership clubs.

This measure is a reviser's bill from the Legislative Commission to address technical problems and make internally consistent the chapter of *Nevada Revised Statutes* relating to miscellaneous trade regulations, deceptive trade practices and prohibited acts. The bill also contains technical changes to add remedies, resolve conflicting statutes on athletic clubs, and provide a choice of procedures for the distribution of a bond or other security.

Referred to Senate Committee on Commerce and Labor
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Commerce
ASSEMBLY VOTE: 40-0-2
Effective October 1, 1993

S.B. 541 (Chapter 469)

Senate Bill 541 authorizes the sale of firewood by weight. Currently, Nevada statutes only refer to the sale of firewood by volume using the standard cord or loose cord load as units of measurement. This measure allows firewood to be sold either by dry weight or by volume.

Referred to Senate Committee on Transportation
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Natural Resources, Agriculture and Mining
ASSEMBLY VOTE: 34-7-1
Effective October 1, 1993

S.B. 545 (Chapter 427)

Senate Bill 545 defines the occupation of financial planner and provides for its duties and liabilities. The definition excludes attorneys, licensed public accountants, investment advisers, and insurance agents who provide financial advice incidental to their professions.

The bill establishes a statutory cause of civil action for a client to recover the amount of economic loss and litigation costs from a financial planner for violations of the law and fiduciary duty, and gross negligence. A financial planner is required to maintain liability insurance or a surety bond of $1 million or more.

Referred to Senate Committee on Commerce and Labor
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Commerce
ASSEMBLY VOTE: 41-0-1
Effective October 1, 1993

A.B. 87 (Chapter 165)

Assembly Bill 87 amends provisions of the Uniform Commercial Code concerning the filing of documents related to secured transactions. The measure also amends provisions of the Uniform Federal Lien Registration Act concerning the filing of Federal lien documents. Fees are increased for filing and other services related to security interests and Federal liens. The bill stipulates that the Secretary of State shall, upon request, conduct a document search for the name of a secured party and authorizes a $15 fee for this service.

Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 42-0-0
Referred to Senate Committee on Judiciary
SENATE VOTE: 21-0-0
Effective October 1, 1993

A.B. 186 (Chapter 184)

Assembly Bill 186 increases the population threshold from 30,000 to 100,000 for a county in which a winery may be operated.

Referred to Assembly Committee on Commerce
ASSEMBLY VOTE: 41-0-1
Referred to Senate Committee on Commerce and Labor
SENATE VOTE: 21-0-0
Effective October 1, 1993

A.B. 358 (Chapter 588)

Assembly Bill 358 creates a new chapter in *Nevada Revised Statutes* regulating consumer credit reporting agencies. The provisions of this chapter are to be administered by the Consumer Affairs Division.

The bill provides that consumer credit reporting agencies must include a summary of the consumer's rights in any written disclosure. Agencies are forbidden to include medical information in credit files, but must include information regarding child support delinquencies if that information is provided to the agency by the Welfare Division or the district attorney of the county in which the consumer resides.

The resale or disclosure of credit information is forbidden unless the agency is informed of the identity of the ultimate user and the intended use. Agencies are required to disclose to consumers the contents of their credit files. They must also disclose the identity of each person who has requested information from those files within the last 2 years, if the information was requested for the purpose of making an employment decision; or within the last 6 months, if the information was requested for another reason.

Agencies may not furnish a consumer report in connection with an unsolicited extension of credit unless the person requesting the report intends to make a firm offer of credit to all individuals who meet specific criteria. Consumers may also request that their names be excluded from any lists provided to persons making these unsolicited offers.

Agencies are required to purge from their files any reports of bankruptcies adjudicated more than 10 years ago or reports of criminal or civil proceedings more than 7 years old. The bill also provides that when consumers dispute the accuracy of information in their credit files, the agency must investigate these matters and make appropriate corrections.

A person who takes an adverse action against a consumer based upon information in a credit report must inform the consumer of the action, furnish the name and address of the agency which provided the report, and advise the consumer of the right to obtain a copy of the report. An adverse action includes a denial of insurance coverage, an increase in price or decrease in coverage; a denial of employment or other decision affecting the consumer's employment; or a denial of credit.

A user of a credit report who willfully violates the provisions of this bill is liable for actual damages suffered by the consumer, punitive damages granted by the court, and court costs. If the violation is not willful, only actual damages and court costs may be awarded.

Referred to Assembly Committee on Commerce
ASSEMBLY VOTE: 41-0-1
Referred to Senate Committee on Commerce and Labor
SENATE VOTE: 21-0-0
Effective October 1, 1993

A.B. 480 (Chapter 580)

Assembly Bill 480 amends the law relating to collection agencies. The bill authorizes the Commissioner of the Division of Financial Institutions to issue regulations regarding the establishment and maintenance of trust accounts by

agencies that collect debts from locations outside the State. The bill also provides that an agency located outside the State is not required to be licensed here if its only activity in Nevada is to collect debts for out-of-state creditors by contacting residents of Nevada on the telephone or through the mail. This provision codifies an unpublished Attorney General's opinion which determined that to require these agencies to be licensed in Nevada would be in violation of the Equal Protection Clause of the *United States Constitution*.

The bill also clarifies the circumstances under which interest, fees or expenses may be added to the principal of the debt. The procedure for the investigation of complaints against collection agencies is changed to allow the Commissioner to investigate complaints and to forward to the Attorney General only those complaints which warrant further action. Finally, the bill amends the provisions regarding discipline to modify the circumstances under which an administrative fine may be imposed.

Referred to Assembly Committee on Commerce
ASSEMBLY VOTE: 38-2-2
Referred to Senate Committee on Commerce and Labor
SENATE VOTE: 21-0-0
Effective October 1, 1993

A.B. 481 (Chapter 502)

Assembly Bill 481 amends the statutes concerning mechanics' liens. The measure includes the services of an engineer, land surveyor, or geologist among those for which a lien may be filed against land, buildings, or improvements. Related provisions are amended to reflect the inclusion of these services.

The bill clarifies that "work done" does not include any work commenced before on-sight construction has started, and a lien is not available until such work is commenced. This clarification codifies the interpretation of Nevada's Supreme Court in the *Alladin* case.

Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 41-0-1
Referred to Senate Committee on Judiciary
SENATE VOTE: 21-0-0
Effective October 1, 1993

A.B. 494 (Chapter 579)

Assembly Bill 494 authorizes the establishment of a securities exchange in Nevada. A "securities exchange" is an organization located within the State that provides a marketplace, facility, or electronic communications equipment for bringing together purchasers and sellers of securities. The bill stipulates that a securities exchange must register with the Securities Division of the Office of the Secretary of State, unless already registered with the United States Securities and Exchange Commission.

The bill directs the Administrator of the Securities Division to adopt related regulations, establish registration fees, and investigate the qualifications of an applicant for registration. The division is also authorized to charge a fee not to exceed one-quarter of 1 percent of the total value of each transaction conducted by a securities exchange.

Assembly Bill 494 is designed to attract smaller, developing companies to Nevada by offering a marketplace for the trading of securities.

Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 31-11-0
Referred to Senate Committee on Judiciary
SENATE VOTE: 21-0-0
Effective October 1, 1993

A.B. 617 (Chapter 402)

Assembly Bill 617 amends the provisions of the Uniform Commercial Code governing commercial paper, bank deposits, and collections. The measure establishes procedures governing monetary instruments and debt collection. In addition, the bill addresses situations in which certain drafts or checks are dishonored or otherwise not paid. Procedures for payment of a lost, destroyed, or stolen check are revised. The measure also addresses causes of action associated with commercial paper.

Certain definitions are revised and others added in order to clarify provisions of the Uniform Commercial Code and incorporate new developments in financial transactions.

Assembly Bill 617 adopts the Uniform Law Commissioners' latest revisions to the Uniform Commercial Code.

Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 42-0-0
Referred to Senate Committee on Judiciary
SENATE VOTE: 21-0-0
Effective: Certain sections are effective on July 2, 1993.
Remaining provisions are effective on October 1, 1993.

A.B. 669 (Chapter 569)

Assembly Bill 669 amends the laws regarding title to real property. The bill provides definitions of terms relating to title insurance. The bill also makes it clear that title agents, as well as title insurers, have the option of engaging a certified public accountant to audit their operations in lieu of an audit performed by the Department of Insurance and that title insurers need not file closing letters with the department.

In addition, the bill amends the laws relating to deeds of trust to substitute the term "reconveyance" for "discharge or release." This change of terminology brings the statutes into conformity with terms used in the industry. The bill also provides that if a trustee on a deed of trust fails to record a reconveyance of the deed after it has been paid or discharged, the title insurer may have a release of the deed of trust recorded. Trustees are authorized to charge a reasonable fee for a reconveyance or release.

The laws regarding planning and zoning are amended to provide that when a final map for a subdivision or common-interest community is presented for filing, the title company must issue a guarantee of the title for the benefit of the local government. Currently, the law requires that the title company certify that all owners of record have signed the final map and that all those who have signed the map are owners of record.

Referred to Assembly Committee on Commerce
ASSEMBLY VOTE: 40-0-2
Referred to Senate Committee on Judiciary
SENATE VOTE: 21-0-0
Effective October 1, 1993

A.B. 722 (Chapter 565)

Assembly Bill 722 amends the laws governing pawnbrokers and secondhand dealers. The bill provides that pawnbrokers may not remove from their place of business any property that has been taken in pledge until 30 days after it is received. In the case of property that has an identifying mark or is otherwise specifically identifiable, a pawnbroker or secondhand dealer must retain it for 30 days after a record of the property has been furnished to the sheriff or chief

of police if the place of business is located in a county having 400,000 or more residents. In all other counties, the time period is set at 15 days. Existing law requires property to be retained for 10 days.

In addition, the maximum rate of interest which a pawnbroker may charge is increased from 6 percent per month to 8 percent.

The bill also makes a special provision for pawnbrokers who accept motor vehicles as pledged property or as collateral for a loan. These businesses must obtain an additional license from the city, county or unincorporated town in which they operate. A fee of up to $500 may be charged for this license. The bill also sets the maximum fee which these businesses may charge to store a vehicle at $3 per day.

The longer time period for the retention of property allows more time for law enforcement agencies to check for stolen property. The trade-off for this time extension is the permissive authority to charge a higher interest rate.

Referred to Assembly Committee on Commerce
ASSEMBLY VOTE: 41-0-1
Referred to Senate Committee on Commerce and Labor
SENATE VOTE: 21-0-0
Effective October 1, 1993

A.B. 747 (Chapter 558)

Assembly Bill 747 amends provisions relating to the Real Estate Division in the Department of Commerce. The bill increases certain fees which must be paid to the division. A provision regarding exemptions from laws governing the sale of subdivided land is clarified, and representatives who assist in the sale of time shares are forbidden to change their association to another developer or another location without obtaining a transfer of registration from the division.

The bill also appropriates $19,090 in fiscal year 1993-94 and $3,500 in fiscal year 1994-95 for the development of a data processing system in the division.

Referred to Assembly Committee on Ways and Means
ASSEMBLY VOTE: 38-0-4
Referred to Senate Committee on Finance
SENATE VOTE: 20-0-1
Effective July 1, 1993

A.B. 764 (Chapter 551)

Assembly Bill 764 amends the law relating to credit service organizations. The bill provides that these organizations may not advertise their services or conduct business in the State until they have obtained a certificate of registration from the Consumer Affairs Division. These organizations are also required to maintain a resident agent in the State for the service of legal process. An existing list of businesses and individuals who are not considered credit service organizations is amended to provide that attorneys are not exempt from the registration requirement if they are rendering services while employed or affiliated with a credit service organization. The bill also specifically exempts consumer credit reporting agencies.

A provision which prohibits credit service organizations from making misleading representations is amended to clarify that these businesses may not claim that they can remove adverse information from a client's credit file or that they can obtain credit for a client regardless of the person's credit record. Credit service organizations are also prohibited from removing accurate information from a client's credit file, assisting the client in setting up a new credit file, submitting a buyer's dispute to a credit reporting agency without the buyer's knowledge, calling a credit reporting agency and impersonating a buyer, or transferring the organization's certificate of registration.

Credit service organizations are required to disclose to prospective clients, in writing, the name and address of the corporate surety executing their bond and the names and addresses of any nonprofit associations offering similar services. Clients must also be advised, in writing, of their right to obtain a copy of their credit files and make corrections, to cancel their contracts within 5 days, and to sue the organization if they are misled. Credit service organizations are required to retain copies of their records for 2 years, and the amount of their bond is increased from $50,000 to $100,000. Clients are authorized to bring actions against credit service organizations for injunctive relief as well as damages.

Referred to Assembly Committee on Commerce
ASSEMBLY VOTE: 42-0-0
Referred to Senate Committee on Commerce and Labor
SENATE VOTE: 21-0-0
Effective October 1, 1993

A.B. 784 (Chapter 545)

Assembly Bill 784 amends the laws regarding public accommodations. The bill expands the limitation on the civil liability of hotels, inns, motor courts, boardinghouses, or lodging houses to cover property left in motor vehicles on the premises. Currently, the limitation applies to property left in guest rooms and provides that, in the absence of gross neglect, the owner or keeper is not liable for property which is lost, damaged, destroyed or stolen.

Referred to Assembly Committee on Commerce
ASSEMBLY VOTE: 42-0-0
Referred to Senate Committee on Commerce and Labor
SENATE VOTE: 20-0-1
Effective July 12, 1993

Corporations, Partnerships and Other Business Associations

S.B. 268 (Chapter 486)

Senate Bill 268 authorizes limited-liability companies to hold state gaming licenses. The bill establishes the requirements that a limited-liability company must meet in order to hold a license. These provisions parallel existing laws that authorize limited partnerships to hold gaming licenses. Some of the key provisions include:

- The company must be formed in Nevada and maintain a principal office and records in the State.
- Members in the company are subject to suitability findings.
- Any disposition of interests in the company must be approved in advance by the Nevada Gaming Commission.
- All members in the company must be licensed individually.
- Persons and entities that are not direct members of the company but which may exert influence over the company are subject to individual licensing.
- Various financial and operational reporting is required.

- Persons found unsuitable or whose licenses are revoked or denied must be removed from the company.

The remainder of the bill amends existing gaming and limited-liability laws to include the authority of a limited-liability company to hold a gaming license.

Many business entities are choosing to conduct business as limited-liability companies because of the significant Federal tax advantages. The bill will authorize operations that choose the limited-liability form of incorporation to hold a gaming license.

Referred to Senate Committee on Judiciary
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 40-0-2
Effective October 1, 1993

A.B. 297 (Chapter 111)

Assembly Bill 297 amends certain provisions relating to gaming. The measure authorizes the Nevada Gaming Commission to issue a license to an eligible publicly traded corporation which complies with applicable gaming statutes. Related provisions are amended to reflect the inclusion of publicly traded corporations among those entities which may be granted a gaming license.

In addition, the measure extends the authority to seek declaratory judgments concerning gaming and lotteries to include an association of licensees or a nonprofit corporation representing licensees.

Existing law permits only individual licensees to obtain such judicial determinations. Additionally, a publicly traded corporation may hold a gaming license only through a subsidiary.

Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 40-0-2
Referred to Senate Committee on Judiciary
SENATE VOTE: 20-1-0
Effective May 11, 1993

A.B. 333 (Chapter 461)

Assembly Bill 333 authorizes national banks and trust corporations which are domiciled in other states to act as fiduciaries in Nevada if the state in which they are domiciled allows Nevada banks and trust corporations to act as fiduciaries in that state. Under current law, only Nevada banks, national banks

domiciled in Nevada, and Nevada trust corporations may act as fiduciaries in this State.

Referred to Assembly Committee on Commerce
ASSEMBLY VOTE: 40-0-2
Referred to Senate Committee on Commerce and Labor
SENATE VOTE: 21-0-0
Effective October 1, 1993

A.B. 387 (Chapter 337)

Assembly Bill 387 makes various changes concerning corporations and similar entities. Many of the revisions are technical corrections, combining or reconciling certain sections of Nevada's corporate law, or reflect changes in the administrative procedures of the Office of the Secretary of State. Some of the substantive provisions in the bill include:

- Removing the requirement that a nonprofit corporation have a minimum of five directors and that only one officer or employee may receive a salary;

- Removing the provision allowing an action to be brought against an officer of a nonprofit corporation for failure to review certain information;

- Expanding the provisions prohibiting the use of a corporate name which is deceptively similar to the name of another;

- Reducing the waiting period from 5 to 3 years for a stockholder with 10 percent or more of the voting shares to merge with or acquire certain assets or shares of a resident domestic corporation;

- Requiring a limited liability company to file a list of members and managers annually with the Secretary of State and authorizing a filing fee of $85;

- Allowing a business to file a certificate terminating a fictitious firm name certificate and revising procedures relating to fictitious names; and

- Clarifying that stock splits and reverse stock splits may be approved by a resolution of the board of directors without a stockholder vote in certain circumstances.

The measure also repeals sections which are consolidated with others.

In 1991, the Legislature enacted a nonprofit corporation code and made substantial revisions to existing statutes governing business associations. This measure makes additional revisions to Nevada's corporate law to address new developments and concerns.

Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 41-1-0
Referred to Senate Committee on Judiciary
SENATE VOTE: 21-0-0
Effective: Certain provisions concerning nonprofit corporations are effective June 30, 1993, and apply retroactively to October 1, 1991. The remaining sections are effective October 1, 1993.

Professions

S.B. 149 (Chapter 204)

Senate Bill 149 requires the Commission on Professional Standards in Education, with the approval of the State Board of Education, to adopt regulations listing the requirements and approved courses of study needed for teachers to obtain specialty endorsements to teaching licenses. The measure also requires the State Board of Education to provide an applicant, upon request, with the course of study required to qualify for a particular endorsement.

Referred to Senate Committee on Human Resources and Facilities
SENATE VOTE: 20-0-1
Referred to Assembly Committee on Education
ASSEMBLY VOTE: 40-0-2
Effective October 1, 1993

S.B. 198 (Chapter 438)

Senate Bill 198 requires a shorthand reporter to submit evidence of completion of continuing education requirements to renew a certificate of registration. The Certified Shorthand Reporters Board of Nevada is directed to adopt regulations requiring continuing education. The board is authorized to suspend or revoke a registration certificate if a shorthand reporter fails to comply with the requirements.

Referred to Senate Committee on Commerce and Labor
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Commerce
ASSEMBLY VOTE: 41-0-1
Effective October 1, 1993

S.B. 207 (Chapter 224)

Senate Bill 207 provides that records or information of an investigation of a licensee by the Private Investigator's Licensing Board are confidential until the investigation is completed. The information or records then become public records only if disciplinary action is imposed by the board or upon written request of the person who was investigated. This provision does not prevent or prohibit the board from communicating or cooperating with another licensing board or agency that is investigating a licensee, including a law enforcement agency. The language in the bill is consistent with the standard confidentiality provisions used in the statutes for other state occupational licensing boards.

Referred to Senate Committee on Commerce and Labor
SENATE VOTE: 19-0-2
Referred to Assembly Committee on Commerce
ASSEMBLY VOTE: 39-0-3
Effective October 1, 1993

S.B. 212 (Chapter 324)

Senate Bill 212 makes changes relating to the licensing of contractors. The bill prohibits the issuance or renewal of a contractor's license under a name which the State Contractors' Board determines is likely to mislead the general public. A licensed contractor is required to notify the board when bankruptcy or insolvency proceedings involving the contractor are initiated.

This bill clarifies the authority of the State Contractors' Board to require a change of name in the contracting field if the name is misleading to the public. Under current law, the board can only take action if a name resembles or is the same as the name of another licensee.

The bankruptcy notification is intended to assist the board in its review of a contractor's financial responsibility to determine if the limits on a license need to be changed.

Referred to Senate Committee on Commerce and Labor
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Commerce
ASSEMBLY VOTE: 41-0-1
Effective October 1, 1993

S.B. 213 (Chapter 437)

Senate Bill 213 changes the name of shorthand reporters to court reporters. The fee for an application for an examination is increased from $35 to $50. In addition, the range of fees for the issuance and renewal of a registration certificate is increased to a minimum of $50 and a maximum of $100. The current fee range is $5 to $50. The bill also revises the qualifications for certification of a court reporter by removing the residency requirement.

Referred to Senate Committee on Commerce and Labor
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Commerce
ASSEMBLY VOTE: 41-0-1
Effective October 1, 1993

S.B. 222 (Chapter 258)

Senate Bill 222 increases certain licensing fees for salesmen of vehicles, trailers or semitrailers. The bill raises the license fee from $48 to $75, the annual renewal fee from $10 to $40, and the transfer fee from $5 to $20.

Referred to Senate Committee on Finance
SENATE VOTE: 20-1-0
Referred to Assembly Committee on Transportation
ASSEMBLY VOTE: 41-0-1
Effective July 1, 1993

S.B. 247 (Chapter 656)

Senate Bill 247 makes various changes to the laws governing the practice of optometry. The Nevada State Board of Optometry is required to appoint an executive director, and the bill specifies the duties of this position. The quorum for the board is changed from two to three members to ensure compliance with the open meeting law.

The measure revises the qualifications for licensure to allow the use of a national testing service examination. It also expands the grounds and revises the procedures for taking disciplinary action against licensees. The bill further updates and clarifies terminology and procedures to reflect current practices in the profession.

Referred to Senate Committee on Commerce and Labor
SENATE VOTE: 20-0-1
Referred to Assembly Committee on Commerce
ASSEMBLY VOTE: 41-1-0
Effective October 1, 1993

S.B. 248 (Chapter 376)

Senate Bill 248 increases various fees and fines related to the practice of optometry. It increases the range of fees that may be charged by the Nevada State Board of Optometry for an examination, reexamination, and the issuance and renewal of a license. The bill also increases the amount of the penalty that may be imposed for failure to renew a license and increases the amount of the administrative fine for violations of the laws or regulations governing the practice of optometry.

Senate Bill 248 was requested to establish: (1) a licensing fee schedule that allows enough flexibility for the board to remain fiscally sound, and (2) a disciplinary fine and penalty structure that is fair and reflects the severity of the offense.

Referred to Senate Committee on Commerce and Labor
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Commerce
ASSEMBLY VOTE: 37-4-1
Effective October 1, 1993

S.B. 398 (Chapter 624)

Senate Bill 398 concerns the disposition of dead human bodies. The bill expands the membership of the State Board of Funeral Directors and Embalmers and its authority to license and regulate cemeteries and crematories. The name of the board is changed to the Board of Funeral Directors, Embalmers and Operators of Cemeteries and Crematories. The membership is increased from three to five members.

Currently, cemeteries in Nevada are licensed by the Commissioner of Insurance. Present law contains few provisions relating to cremation, however, and crematories are not specifically regulated except by the board and the commissioner based on their association with a funeral home or cemetery. Senate Bill 398 establishes standards and procedures for cremation and the operation of crematories and places responsibility for the licensing and regulation of cemeteries with the reconstituted board. The Commissioner of Insurance retains authority over the regulation and administration of endowment care contracts.

The measure revises and updates definitions to reflect current industry practices and makes them consistent with the related regulations of the Federal Trade Commission. The board is authorized to issue a limited license for a person to conduct direct cremations or immediate burials.

The board is authorized to initiate legal proceedings for violations and to conduct investigations of alleged violations. The results of such investigations are to be reported to the Attorney General for further action or investigation. In addition, the bill authorizes the board to publish a guide for the public on the services provided by cemeteries, crematories, and funeral establishments.

Referred to Senate Committee on Commerce and Labor
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Health and Human Services
ASSEMBLY VOTE: 41-0-1
Effective October 1, 1993

S.B. 407 (Chapter 230)

Senate Bill 407 makes various changes relating to the licensing and regulation of escrow agencies and agents. It adds requirements for the notification of, and investigation by, the Division of Financial Institutions when an escrow agency changes ownership or control. An escrow agency is required to pay its assessments and cooperate with the audits and examinations conducted by the division.

The bill prohibits an escrow licensee from conducting other business unless authorized by the Commissioner of Financial Institutions, and places conditions on the business of administering escrows in the same place as a mortgage company. It clarifies the requirement for escrow agents employed by a licensed escrow agency to be named as principals on the agency's surety bond.

This measure establishes a uniform annual renewal date for escrow licensees and increases the fees for the application, issuance and renewal of escrow licenses. The records retention period is made consistent at 6 years within the statutes governing escrow agencies.

Senate Bill 407 makes the fees and requirements within the Escrow Agency Act consistent with those imposed on other licensees of the Division of Financial Institutions. The changes are intended to enhance protection of the public, improve the operations of the division, and clarify certain provisions of the law relating to escrow agencies.

Referred to Senate Committee on Commerce and Labor
SENATE VOTE: 19-0-2
Referred to Assembly Committee on Commerce
ASSEMBLY VOTE: 39-0-3
Effective October 1, 1993

S.B. 422 (Chapter 335)

Senate Bill 422 increases the license fees for real estate brokers, broker-salesmen, corporate brokers, and real estate salesmen. The fee for the issuance of a new license or the renewal of an existing license for a real estate broker, broker-salesman, or corporate broker is increased from $130 to $170. The fee for the issuance or renewal of a license for a real estate salesman is increased from $100 to $130. Fees for a late filing of an application for renewal are also increased.

Referred to Senate Committee on Finance
SENATE VOTE: 17-2-2
Referred to Assembly Committee on Commerce and re-referred to Committee on Ways and Means
ASSEMBLY VOTE: 37-0-5
Effective July 1, 1993

S.B. 531 (Chapter 642)

Senate Bill 531 provides that records or information about an investigation by the Board of Dental Examiners of Nevada are confidential until the investigation is completed. The information or records then become public records only if disciplinary action is imposed by the board or upon written request of the person who was investigated. The board may provide any information or records to another licensing board or agency that is investigating a licensee, including a law enforcement agency.

The bill also requires the Board of Dental Examiners of Nevada to charge a fee, not to exceed $150 per credit hour, to review a course of continuing education for accreditation. The charge is not to be applied to a nonprofit organization or a state or local government agency.

This measure makes the procedures of the Board of Dental Examiners of Nevada consistent with the standard confidentiality provisions used by other state occupational licensing boards. The fee to review a course of continuing education for accreditation is intended to recover the costs of review and ensure that only serious recommendations concerning courses are submitted to meet continuing education requirements.

Referred to Senate Committee on Commerce and Labor
SENATE VOTE: 19-0-2
Referred to Assembly Committee on Commerce
ASSEMBLY VOTE: 40-0-2
Effective October 1, 1993

S.B. 561 (Chapter 635)

Senate Bill 561 amends the law relating to taxicabs. The bill provides that in counties with a population of less than 400,000, a taxicab company which has been authorized to operate by the Public Service Commission of Nevada may, with the approval of the commission, lease a cab to an independent contractor. Only one cab may be leased to each contractor, and the lease agreement must be approved by the commission. The commission is required to adopt regulations governing these leases.

Referred to Senate Committee on Transportation
SENATE VOTE: 18-2-1
Referred to Assembly Committee on Transportation
ASSEMBLY VOTE: 34-7-1
Effective October 1, 1993

S.B. 566 (Chapter 632)

Senate Bill 566 makes it unlawful for persons to practice barbering or cosmetology unless they are wearing clean outer garments that are suitable to the safe and hygienic practice of those professions. The State Barbers' Health and Sanitation Board and the State Board of Cosmetology are required to adopt regulations to prescribe standards for these garments.

Senate Bill 566 addresses concerns about the creation of establishments in this field of business that would have their practitioners wear erotic or scanty garments.

Referred to Senate Committee on Commerce and Labor
SENATE VOTE: 17-4-0
Referred to Assembly Committee on Commerce
ASSEMBLY VOTE: 23-18-1
Effective July 13, 1993, for the purpose of adopting regulations;
October 1, 1993, for all other purposes.

A.B. 3 (Chapter 180)

Assembly Bill 3 revises the qualifications related to physicians' assistants and nurses providing care in an ambulance or air ambulance. A certified physicians' assistant who performs advanced emergency care in any ambulance

must conform to regulations of Nevada's Board of Medical Examiners and must hold a current certificate or have equivalent training in advanced life support, pediatric life support, or prehospital trauma care.

In addition, nurses and certified physicians' assistants are required to comply with all other applicable regulations regarding the provision of emergency medical service. Finally, the measure allows certified physicians' assistants to serve as attendants without being licensed under these provisions.

Referred to Assembly Committee on Health and Human Services
ASSEMBLY VOTE: 41-0-1
Referred to Senate Committee on Human Resources and Facilities
SENATE VOTE: 21-0-0
Effective October 1, 1993

A.B. 26 (Chapter 149)

Assembly Bill 26 revises the qualifications for a notary public by requiring the possession of civil rights. The bill also increases the fees a notary public may charge.

The Secretary of State indicated that these fees have not increased since 1865. The addition to the list of qualifications was requested to prevent convicted felons whose civil rights have not been restored from notarizing legal documents.

Referred to Assembly Committee on Government Affairs
ASSEMBLY VOTE: 42-0-0
Referred to Senate Committee on Government Affairs
SENATE VOTE: 21-0-0
Effective October 1, 1993

A.B. 235 (Chapter 307)

Assembly Bill 235 establishes and revises various administrative fines and penalties which may be imposed by certain regulatory authorities, such as professional licensing boards and state agencies. In all cases, the fines and penalties are substantially increased.

The bill allows the regulatory authorities to recover, from the person being disciplined, the cost of investigations and hearings. In addition, the regulatory board is, in some cases, granted the option either to delegate to a hearing officer the power to take disciplinary action and collect the fine for the regulator or to take the disciplinary action itself and deposit the amount collected in the General Fund. A board which credits its fines to the General

Fund is allowed to present a claim for attorney's fees and investigative costs to the Interim Finance Committee through the State Board of Examiners.

Referred to Assembly Committee on Commerce
ASSEMBLY VOTE: 41-0-1
Referred to Senate Committee on Commerce and Labor
SENATE VOTE: 21-0-0
Effective October 1, 1993

A.B. 236 (Chapter 168)

Assembly Bill 236 allows the Private Investigator's Licensing Board to issue citations to persons who engage in business without a license as private investigators, private patrolmen, process servers, dog handlers, security consultants, or polygraph examiners. The bill requires that these citations be in writing, describe the nature of the offense, and inform the person of the procedure for appeal. A separate citation must be issued for each offense. When appropriate, the citation must contain an order of abatement.

The measure specifies the administrative fines which the board is required to assess on citations for unlicensed activity. These fines are: $2,500 for a first offense; $5,000 for a second offense; and $10,000 for third or subsequent offenses. A person who is issued a citation may appeal to the board for a hearing by giving written notice within 30 days.

This bill was requested to enhance the Private Investigator's Licensing Board's enforcement powers and increase costs to persons who conduct private investigatory activities without a license.

Referred to Assembly Committee on Commerce
ASSEMBLY VOTE: 41-0-1
Referred to Senate Committee on Commerce and Labor
SENATE VOTE: 21-0-0
Effective October 1, 1993

A.B. 237 (Chapter 186)

Assembly Bill 237 authorizes the Nevada State Board of Chiropractic Examiners to issue a temporary license to practice chiropractic care in Nevada. This license may be issued to a person who is licensed in another state. It is valid for 10 days and allows the holder to treat only specified patients or members of a specified organization (such as an athletic team). A temporary license may not be renewed.

The bill also provides that the term of office for a member of the board is 4 years and that no person may serve more than two consecutive terms. Currently, members serve for 3 years or until their successors are appointed.

A detailed schedule of fees that the board may charge for services it provides is included in this bill, and the board is authorized to collect a fee for any other service which is not listed. The bill also requires that any person or entity which requests that the board hold a special meeting must pay the costs of that meeting.

The definition of "unprofessional conduct" is expanded to include soliciting the patronage of persons who are vulnerable to undue influence, such as accident victims, and employing a chiropractic assistant who is not properly licensed.

Finally, the bill makes various other changes in the law governing chiropractic care. A provision requiring license applicants to disclose whether they had moved to Nevada for the sole purpose of being admitted to practice is removed from the law. Also, a licensee is required to display the license in his principal place of business, and applicants must pay the necessary fees 60 days before taking the license examination.

Referred to Assembly Committee on Commerce
ASSEMBLY VOTE: 41-0-1
Referred to Senate Committee on Commerce and Labor
SENATE VOTE: 21-0-0
Effective October 1, 1993

A.B. 241 (Chapter 232)

Assembly Bill 241 amends the laws relating to certified public accountants. The bill provides that, after January 1, 2001, a bachelor's degree which includes at least 150 semester hours of instruction will be required to qualify for a certificate. Currently, a bachelor's degree is required, but the minimum number of credit hours is not specified.

By January 1, 1996, the Nevada State Board of Accountancy is required to adopt regulations regarding the number of semester hours in accounting and other courses which will be necessary for an applicant to satisfy the educational requirement of 150 semester hours for a certificate of certified public accountant.

Assembly Bill 241 parallels requirements of the American Institute of CPAs and similar laws in at least 27 other states. The enhanced educational

requirement reflects the increasing demands and complexity of the accounting profession. The long lead time is required to allow for Nevada's University System to plan curricula and catalogs for incoming students.

Referred to Assembly Committee on Commerce
ASSEMBLY VOTE: 38-2-2
Referred to Senate Committee on Commerce and Labor
SENATE VOTE: 20-1-0
Effective: Certain provisions are effective October 1, 1993, for purposes of adopting regulations, and January 1, 2001, for other purposes. The remainder of the measure is effective October 1, 1993.

A.B. 242 (Chapter 79)

Assembly Bill 242 amends the statutes which regulate the practice of professional engineering and land surveying. The bill changes the name of the State Board of Registered Professional Engineers and Land Surveyors by deleting the word "registered."

The measure clarifies that a firm engaged in the practice of professional engineering or land surveying must employ a full-time engineer or land surveyor in each place of business to direct and take responsibility for the work performed there. If the only full-time engineer or land surveyor working in that office ceases to be employed at that location, the firm may continue to operate in that place of business for 30 days under the direction of an engineer or land surveyor who is not regularly employed there.

The bill provides for a majority of the members of the board present at the hearing to find an accused professional engineer, land surveyor, or applicant guilty of misconduct. It authorizes the board to take additional disciplinary action to include denying a certificate of registration to an applicant, placing a professional or applicant on probation, and requiring such persons to pay restitution as deemed appropriate.

Finally, the measure extends the term of the certificate of a land surveyor-in-training from 6 years to 8 years to make it consistent with the term of an engineer-in-training.

Referred to Assembly Committee on Commerce
ASSEMBLY VOTE: 42-0-0
Referred to Senate Committee on Commerce and Labor
SENATE VOTE: 20-0-1
Effective October 1, 1993

A.B. 300 (Chapter 416)

Assembly Bill 300 amends the laws relating to hearing aid specialists. The Board of Hearing Aid Specialists is increased from three to five members. The composition of the board is revised to include a physician who specializes in this field, a licensed audiologist, a hearing aid specialist, and two members of the general public who have hearing disorders. In addition, several changes are made in the operation of the Board of Hearing Aid Specialists.

The board is authorized to place a licensee on inactive status. The licensee may resume active practice at a later time by paying the current registration fee, demonstrating that he or she is qualified to practice, and completing an application for reinstatement. The board also is authorized to grant a temporary license to an applicant who holds a license in good standing in another jurisdiction. The applicant must subsequently take the regular examination to receive a permanent license.

The laws regarding apprentices are expanded, and the board is required to adopt regulations on this subject.

The measure further revises the process for granting licenses. Applicants are required to apply at least 90 days, rather than the current 15 days, before the date of the examination. The board is authorized to disapprove an application if the applicant has been: convicted of fraud or misrepresentation; denied a license in another state; disciplined in Nevada or another state; or engaged in unprofessional conduct. In addition, the bill revises the schedule of fees which the board is authorized to charge.

Several changes are made in the provisions regarding discipline. The board is allowed to revoke or suspend a license if the licensee violates the laws regarding the operation of an office, store or other location for dispensing hearing aids. The maximum period of suspension is increased from 1 to 3 years. The maximum fine is increased from $1,000 to $2,000.

Finally, the board is required to conduct a comprehensive study of the laws and practices relating to hearing aids, and report its findings to the Governor and the next Legislature by February 1, 1995.

Referred to Assembly Committee on Commerce
ASSEMBLY VOTE: 39-1-2
Referred to Senate Committee on Commerce and Labor
SENATE VOTE: 21-0-0
Effective July 1, 1993

A.B. 311 (Chapter 591)

Assembly Bill 311 amends the law relating to the practice of architecture and residential design. The bill provides for the issuance of a temporary certificate of registration to an architect who is not registered in Nevada but who has been asked by a client to present qualifications or a proposal for professional services. To receive a temporary certificate of registration, the architect must hold a certificate issued by the National Council of Architectural Registration Boards and notify the client that the architect is not registered in Nevada. A temporary certificate expires after 90 days. No more than three of these certificates may be issued to the same person.

The bill also clarifies the definition of the term "practice of residential design," enumerates the conditions that may be imposed upon a registrant who has been placed on probation, and revises the schedule of fees charged by the board. In addition, the bill revises the penalties that may be imposed for engaging in the practice of architecture or residential design without complying with the registration law.

Referred to Assembly Committee on Commerce
ASSEMBLY VOTE: 40-2-0
Referred to Senate Committee on Commerce and Labor
SENATE VOTE: 20-0-1
Effective October 1, 1993

A.B. 335 (Chapter 80)

Assembly Bill 335 authorizes the Board of Examiners for Social Workers to grant a provisional license to engage in social work as a social worker, independent social worker, or clinical social worker. This license may be granted to a person who has met the qualifications to be licensed and has applied to take the next available examination. The provisional license enables these individuals to work for up to 9 months.

A provisional license may also be granted to a person who has a bachelor's or master's degree in a related field and is enrolled in a program of study leading to a degree in social work. These individuals may hold this provisional license for up to 3 years.

The measure allows social workers who are licensed in other states to practice in Nevada with a provisional license for up to 9 months, until they can take and pass Nevada's required examination. It also allows people with degrees in related disciplines to be granted a provisional license for up to 3 years if they are enrolled in an accredited program leading to a degree in social work.

This bill is intended to provide flexibility to state and local government agencies to meet the increasing need for hiring social workers. It is designed to protect the public from unqualified practitioners of social work, and to create legitimate categories to allow qualified social workers who are in transition to continue their careers.

Referred to Assembly Committee on Commerce
ASSEMBLY VOTE: 42-0-0
Referred to Senate Committee on Commerce and Labor
SENATE VOTE: 19-0-2
Effective July 1, 1993

A.B. 384 (Chapter 247)

Assembly Bill 384 amends the laws relating to certified public accountants (CPAs). The measure expands the description of the contents of the written examination required for certification. This revision reflects changes in the national examination which is administered by the Nevada State Board of Accountancy. The bill also deletes a provision which allows certain CPA applicants to take the examination even though they have not yet met the educational requirements.

Referred to Assembly Committee on Commerce
ASSEMBLY VOTE: 42-0-0
Referred to Senate Committee on Commerce and Labor
SENATE VOTE: 21-0-0
Effective: Those sections of the bill which concern the contents of the CPA examination become effective on January 1, 1994.
The remainder of A.B. 384 is effective on October 1, 1993.

A.B. 561 (Chapter 268)

Assembly Bill 561 makes changes to the laws governing real estate appraisers. The Real Estate Division is authorized to issue a permit to conduct an appraisal in Nevada to an appraiser licensed in another state. The Commission of Appraisers of Real Estate is required to adopt regulations for issuing such a permit.

The bill revises the provisions on the issuance of an appraiser's certificate or license to an out-of-state applicant without an examination if that state's licensing requirements are similar to those used in Nevada. It also provides for reciprocal agreements with other states for certification and licensing if the other states have requirements substantially similar to Nevada's.

The Real Estate Division is prohibited from issuing a certificate, license or permit to an out-of-state resident unless the applicant appoints the Administrator of the division as his agent for service of process in this State.

The portion of fees collected for issuance or renewal of a license, which is used for payment of registry fees to the Financial Institutions Examination Council, is to be retained by the division for payment to that organization. This provision allows the Real Estate Division to make direct payments to the Financial Institutions Examination Council to help simplify the accounting of these funds.

This measure was requested to clarify certain provisions of the appraisers' licensing law and to comply with Federal requirements to avoid any interpretations of restraint of trade.

Referred to Assembly Committee on Ways and Means
ASSEMBLY VOTE: 42-0-0
Referred to Senate Committee on Finance
SENATE VOTE: 20-0-1
Effective July 1, 1993

A.B. 582 (Chapter 278)

Assembly Bill 582 amends the law regarding the installation and servicing of manufactured housing. The bill allows the Administrator of the Manufactured Housing Division to issue a limited serviceman's license. This license authorizes a person to install or make repairs in one of the following categories:

1. Awnings, roofing or skirting;

2. Plumbing; or

3. Heating or electrical systems.

Currently, a license applicant must qualify in all these categories before receiving a license to service manufactured homes. This bill allows specialty

contractors who presently service traditional housing to work on manufactured homes as well.

The Administrator is authorized to provide by regulation for the license qualifications, fees, and examination of limited servicemen. Limited servicemen also are required to comply with the laws which apply to other servicemen.

Referred to Assembly Committee on Commerce
ASSEMBLY VOTE: 40-0-2
Referred to Senate Committee on Commerce and Labor
SENATE VOTE: 21-0-0
Effective October 1, 1993

A.B. 588 (Chapter 253)

Assembly Bill 588 amends the laws relating to certified public accountants. The bill provides that a person who has passed an examination which is substantially the same as that which is administered in Nevada, and has acquired 5 or more years experience within the 10 years preceding his license application, is eligible for licensure. Currently, an accountant from another jurisdiction must have 10 years experience before being admitted to practice in Nevada.

The bill also increases the maximum administrative fine which the Nevada State Board of Accountancy may impose from $1,000 to $5,000.

Referred to Assembly Committee on Commerce
ASSEMBLY VOTE: 39-1-2
Referred to Senate Committee on Commerce and Labor
SENATE VOTE: 20-0-1
Effective October 1, 1993

A.B. 721 (Chapter 412)

Assembly Bill 721 authorizes the State Contractors' Board to designate its employees to issue citations to unlicensed contractors. This measure is intended to make it easier for the board to enforce the licensing law.

Referred to Assembly Committee on Commerce
ASSEMBLY VOTE: 41-0-1
Referred to Senate Committee on Judiciary
SENATE VOTE: 21-0-0
Effective October 1, 1993

A.B. 742 (Chapter 492)

Assembly Bill 742 amends the statutes concerning court reporter fees. The measure stipulates that if more than one court reporter is required in a criminal proceeding, each is entitled to the daily fee for reporters. The bill further provides that if transcripts in a criminal proceeding are ordered to be delivered by the next court day, each reporter in the criminal proceeding is entitled to an additional one-half of the regular fee for transcription.

Assembly Bill 742 represents a compromise in a dispute between counties and court reporters.

Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 42-0-0
Referred to Senate Committee on Judiciary
SENATE VOTE: 21-0-0
Effective July 9, 1993

A.B. 750 (Chapter 491)

Assembly Bill 750 provides for the regulation of intermediaries in tax-free exchanges of real property. The bill requires that these intermediaries register with the Real Estate Division, pay a fee of $100 and submit to a background investigation by the Federal Bureau of Investigation. If the intermediary is a corporation, every officer and director is required to register. In addition, intermediaries are required to post a bond or other security and to comply with the provisions of the Internal Revenue Code governing these exchanges.

A violation of these provisions is punishable by imprisonment for 1 to 6 years and a fine of up to $5,000, or both. A civil penalty of up to $10,000 may also be assessed. The civil penalty is to be used to defray the costs of administering the program and to compensate those who may have suffered financial losses as a result of the illegal conduct of an intermediary.

Referred to Assembly Committee on Commerce
ASSEMBLY VOTE: 41-0-1
Referred to Senate Committee on Commerce and Labor
SENATE VOTE: 20-0-1
Effective July 1, 1993, for the purpose of adopting administrative regulations. Other provisions are effective on either October 1, 1993, or July 1, 1994.

CORRECTIONS, CRIMES, PUNISHMENTS AND VICTIMS OF CRIME

S.B. 60 (Chapter 386)

Senate Bill 60 expands the requirement that a person arrested for certain sexual assaults be tested for the presence of human immunodeficiency virus (HIV) and any commonly contracted sexually transmitted disease (STD) identified by the State Board of Health. The measure also requires the testing of a minor detained under similar circumstances. The bill directs the agency that has custody of the arrested person to obtain and submit a specimen for testing to the health authority.

If a person is convicted, the courts must order the offender to pay all costs related to his and the victim's testing.

Further, the bill directs the health authority to disclose the results of all tests to the victim or the victim's parent or guardian, if that person is a minor.

If the testing indicates the victim may have been exposed to HIV or any commonly contracted STD, the health authority must, upon request, provide the victim with:

- An examination for exposure to HIV and any commonly contracted STD;
- Counseling regarding these diseases; and
- Referral for appropriate health care or other assistance.

The bill also repeals the statutory requirement that an arrested person undergo examination and treatment for exposure to HIV or syphilis.

Current law requires testing only for syphilis and HIV. The portions of the bill dealing with victim notification, testing, counseling and referral services are mandated by Congress as a condition for states receiving Federal narcotics control grant funds.

Referred to Senate Committee on Human Resources and Facilities
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Health and Human Services
ASSEMBLY VOTE: 41-0-1
Effective July 1, 1993

S.B. 192 (Chapter 348)

Senate Bill 192 amends the provisions concerning registration of sex offenders to impose additional requirements for sex offenders whose crimes were committed against minors.

The bill requires a person in charge of the detention facility or other institution from which an offender has been discharged, or a judge who releases an offender, to contact the law enforcement agency in the county in which the offender expects to reside to determine if the offender has registered. The contact must be made within 72 hours of the offender's discharge, parole, or release. If the offender has not registered, the person in charge of the facility or the judge is required to provide the local law enforcement agency with the information necessary to register the offender.

The measure further directs county sheriffs who receive registration information concerning sex offenders whose crimes were committed against minors to provide that information to the board of trustees of the county school district. The board of trustees may release the information to teachers or other educational personnel if reasonably necessary for public protection.

Senate Bill 192 addresses concerns that sex offenders, many of whom are repeat offenders, may not be registering as required by law. Further, the bill provides additional assurances that information concerning sex offenders is disseminated to those persons who may best be able to protect children.

Referred to Senate Committee on Judiciary
SENATE VOTE: 20-0-1
Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 42-0-0
Effective October 1, 1993

A.B. 209 (Chapter 329)

Assembly Bill 209 revises the provisions related to the use of deadly force in making an arrest and the definition of justifiable homicide. The bill restricts the use of deadly force by a peace officer to prevent an escape to situations in which there is probable cause to believe that the person has either:

1. Committed a felony involving the infliction or threat of serious bodily harm or the use of deadly force; or

2. Poses a threat of serious bodily harm to the officer or to others.

The officer must give a warning, if possible, before using deadly force.

Assembly Bill 209 is designed to prevent the use of deadly force against a fleeing or resisting suspect who is not believed to be dangerous.

Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 40-0-2
Referred to Senate Committee on Judiciary
SENATE VOTE: 21-0-0
Effective June 29, 1993

A.B. 279 (Chapter 88)

Assembly Bill 279 authorizes a warrant for a misdemeanor to be executed by issuance of a citation rather than by arrest. The measure permits a citation to be issued if there is no indication that the defendant has previously failed to appear on the charge, the defendant signs a written promise to appear in court, and the officer reasonably believes that the defendant will honor the promise.

Assembly Bill 279 addresses concerns that arresting a person may be unnecessary and unduly harsh for certain minor offenses, particularly when the person may be unaware of the misdemeanor warrant.

Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 42-0-0
Referred to Senate Committee on Judiciary
SENATE VOTE: 20-0-1
Effective October 1, 1993

A.B. 280 (Chapter 74)

Assembly Bill 280 amends the provisions relating to arresting a person at night. The bill expands the circumstances under which an arrest for a misdemeanor may be made at night by including situations where the person is already in custody as a result of another arrest or where the person voluntarily surrenders on an outstanding warrant. The measure also reduces from two to one the number of outstanding misdemeanor warrants necessary to arrest a person at night in a public place when probable cause exists to detain the person for another offense.

Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 42-0-0
Referred to Senate Committee on Judiciary
SENATE VOTE: 20-0-1
Effective October 1, 1993

A.B. 463 (Chapter 395)

Assembly Bill 463 revises the provisions governing participation of criminal defendants in programs for the treatment of alcohol and drug abuse.

The measure adds a new section that permits a court to establish a treatment program to which it may assign a substance abuser. The bill stipulates that regular progress reports must be made to the court and establishes the elements of the program. Before the court assigns a person to the program, the person must agree to pay the costs of the program to the extent of his financial resources.

The bill also expands the circumstances under which an alcoholic or drug abuser convicted of a crime may elect treatment before sentencing. The measure provides that a person found guilty of selling, possessing for sale, or conspiring to sell, traffic, or possess a controlled substance may be assigned by the court to treatment before sentencing if otherwise eligible according to existing restrictions.

Finally, the bill expands the circumstances under which a court may suspend proceedings for certain offenses to include the unlawful use of controlled substances or offenses involving drugs which may not be introduced into interstate commerce.

Assembly Bill 463 responds to findings that treatment programs for first-time offenders have been successful in reducing dependency among drug and alcohol abusers.

Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 42-0-0
Referred to Senate Committee on Human Resources and Facilities
SENATE VOTE: 21-0-0
Effective January 1, 1994. The bill's amendatory provisions do not apply to criminal conduct which occurs before this date.

A.B. 596 (Chapter 608)

Assembly Bill 596 amends the statutes concerning imprisonment to encourage the education of illiterate offenders. The bill authorizes the Board of Prison Commissioners to adopt regulations designating a level of literacy consistent with the 8th-grade level; establishing guidelines for evaluating the progress of an illiterate offender in an educational program; and establishing a course to teach English as a second language, if necessary. These provisions are effective upon passage and approval.

The measure prohibits an illiterate offender from participating in industrial, vocational, or work release programs unless the offender is making satisfactory progress in a program for general education. Similar restrictions apply to non-English speaking offenders unless they are enrolled in a course of English as a second language. Exceptions to both prohibitions may be made for good cause. These provisions are effective on January 1, 1994.

The measure clarifies that a program for general education or English as a second language is an act of grace of the State and that no offender has a right to participate. The creation of such a program does not establish a basis for a cause of action against the State.

Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 42-0-0
Referred to Senate Committee on Judiciary
SENATE VOTE: 21-0-0
Effective: The sections that prohibit participation in certain programs are effective on January 1, 1994. The remainder of the bill is effective July 13, 1993.

Correctional Procedures

S.B. 5 (Chapter 26)

Senate Bill 5 authorizes a county sheriff to establish a trust fund for prisoners in county jails and to deduct from that fund the cost of willful damage to county property.

The sheriff may deposit to the fund any money in the prisoner's physical possession when taken into custody and any money accepted during detention which is intended for purchases at the jail commissary. The sheriff must account for the funds separately and, upon the prisoner's release, return any

remaining amount. Any earned interest must be credited to the commissary's special account or, if no such account exists, to the county general fund.

The measure requires reasonable notice and a hearing if money will be deducted from an inmate's account to pay for property willfully damaged during incarceration.

Referred to Senate Committee on Judiciary
SENATE VOTE: 20-0-1
Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 40-2-0
Effective October 1, 1993

S.B. 7 (Chapter 81)

Senate Bill 7 establishes procedures for transferring a person arrested on a misdemeanor warrant from a local jail to the law enforcement agency that obtained the warrant. The bill requires the sheriff, chief of police or town marshal in the arresting jurisdiction to notify the agency that obtained the warrant that an offender has been taken into custody on behalf of that agency. If the offender is also charged with a misdemeanor offense in the county of detention, the law enforcement agency must be notified when the matter is resolved.

The measure further requires that, within 72 hours of notice that an offender is available for transfer, the law enforcement agency either take custody or send a certified letter stating its intent to take custody. If a certified letter is sent, the agency has 7 days following the letter's receipt by the local authority within which to take custody and must pay the costs of confinement after receipt of the letter, excluding the initial 72 hours. Also, if the law enforcement agency fails to take custody within the time limits, and no other charges are pending, the person may be released from custody.

Referred to Senate Committee on Judiciary
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 38-0-4
Effective October 1, 1993

S.B. 13 (Chapter 4)

Senate Bill 13 authorizes the Director of the Department of Prisons to determine the appropriate method to be used when testing prisoners for the human immunodeficiency virus (HIV). Existing law requires offenders to be tested for HIV, but does not specify the method. This measure authorizes the

director to determine the appropriate initial tests and any supplemental tests deemed necessary. Thus, it enables the Department of Prisons to adapt to the rapid advances in HIV testing technology.

Referred to Senate Committee on Judiciary
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 41-0-1
Effective October 1, 1993

S.B. 151 (Chapter 29)

Senate Bill 151 authorizes an offender who is charged with violating the terms of residential confinement to be placed in the custody of the Department of Prisons pending a preliminary inquiry regarding the alleged violation.

Referred to Senate Committee on Judiciary
SENATE VOTE: 20-0-1
Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 42-0-0
Effective October 1, 1993

S.B. 276 (Chapter 154)

Senate Bill 276 authorizes the Department of Prisons, after obtaining the approval of the Interim Finance Committee, to request the State Controller to transfer money from the offenders' store fund to the prisoners' personal property fund, if necessary to cover a shortfall in the personal property fund.

Referred to Senate Committee on Finance
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Ways and Means
ASSEMBLY VOTE: 42-0-0
Effective July 1, 1993

S.B. 321 (Chapter 289)

Senate Bill 321 expands the circumstances under which the Department of Prisons may, by regulation, deduct money from an offender's account to repay costs incurred by the department on behalf of the offender. The bill authorizes deductions for postage, paper, photocopying, and the replacement of identification cards.

The Department of Prisons is required to provide certain items, such as postage and paper, and offers other services which are not required, such as

photocopying. This measure enables the department to recover a portion of the associated costs.

Referred to Senate Committee on Judiciary
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 42-0-0
Effective June 25, 1993

S.B. 515 (Chapter 471)

Senate Bill 515 extends, from 150 days to not more than 190 days, the time that an offender may be placed in a boot camp program. The measure also clarifies that up to the first 30 days may be used to evaluate the offender, but the entire 30 days is not required to be used.

Currently, some offenders are not participating in the program for the full 150 days because of travel and evaluation time. This measure allows the offender to fully participate in the program as envisioned when the law was initially enacted.

Referred to Senate Committee on Judiciary
SENATE VOTE: 20-0-1
Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 40-1-1
Effective October 1, 1993

A.B. 94 (Chapter 166)

Assembly Bill 94 establishes factors that are not to be considered in determining whether a program established by the Department of Prisons for the employment of offenders is profitable. Existing law requires such programs to produce profit, but does not define profit. Under this measure, certain fees and revenue collected from leasing equipment and facilities, expenses related to selling products, and general and administrative expenses may not be included in determining whether there is profit.

The advisory board to the department is required to examine each prison industry program to determine if it is operating profitably within 3 years of its establishment. The advisory board must report its finding to the Director with a recommendation regarding whether the program should be continued or terminated.

Referred to Assembly Committee on Ways and Means
ASSEMBLY VOTE: 42-0-0
Referred to Senate Committee on Judiciary
SENATE VOTE: 20-0-1
Effective May 26, 1993

A.B. 227 (Chapter 139)

Assembly Bill 227 revises the provisions related to criminal extraditions. The measure authorizes a law enforcement agency to return to another state, without extradition proceedings, a person alleged to have broken the terms of parole, probation, or bail, if the person signed a waiver of extradition in the demanding state as a condition of his release. The bill requires that the person's identity be established, a copy of the waiver be obtained, and all pending charges in Nevada be resolved before delivering that person to an accredited agent of the demanding state.

The measure permits the State to save the cost of an extradition proceeding when the person has earlier waived the right to extradition.

Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 42-0-0
Referred to Senate Committee on Judiciary
SENATE VOTE: 21-0-0
Effective October 1, 1993

A.B. 279 (Chapter 88)

Assembly Bill 279 authorizes a warrant for a misdemeanor to be executed by issuance of a citation rather than by arrest. The measure permits a citation to be issued if there is no indication that the defendant has previously failed to appear on the charge, the defendant signs a written promise to appear in court, and the officer reasonably believes that the defendant will honor the promise.

Assembly Bill 279 addresses concerns that arresting a person may be unnecessary and unduly harsh for certain minor offenses, particularly when the person may be unaware of the misdemeanor warrant.

Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 42-0-0
Referred to Senate Committee on Judiciary
SENATE VOTE: 20-0-1
Effective October 1, 1993

A.B. 667 (Chapter 387)

Assembly Bill 667 revises the procedures governing claims brought by a prisoner or former prisoner for loss of personal property. The measure requires that a prisoner first file an administrative claim for loss of property with the Department of Prisons prior to initiating an action against the department, its officials, or other persons. An action initiated prior to exhausting the person's administrative remedies must be stayed by the court.

An administrative claim must be filed within 6 months of the alleged loss. The department is required to evaluate each claim and determine the amount due, if any. Amounts over $500 must be submitted to the State Board of Examiners.

Assembly Bill 667 relieves the burden on the Board of Examiners to settle all claims.

Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 42-0-0
Referred to Senate Committee on Judiciary
SENATE VOTE: 21-0-0
Effective July 1, 1993

Definition of Crimes

S.B. 117 (Chapter 91)

Senate Bill 117 amends the provisions relating to operating a watercraft while under the influence of alcohol or a controlled substance. The measure permits a suspected offender to choose either a blood or breath test to determine blood alcohol content, but if a convicted person chooses a blood test when a breath test is readily available, the person must pay the cost of the substituted test. If the presence of a controlled substance is questioned, the measure allows a blood or urine test, or both, to be required. A urine test is permitted only if the suspect is taking anticoagulant medication resulting from hemophilia or a heart condition, or if a controlled substance is suspected to be present.

In addition, the bill authorizes a peace officer to use reasonable force to obtain a blood sample from a person suspected of operating a watercraft while under the influence and thus causing death or substantial bodily harm to another person. The bill provides that three blood samples may be taken over a 5-hour period after the initial arrest. No choice of tests is required to be offered in such circumstances.

Senate Bill 117 conforms the "boating under the influence" laws with those relating to "driving under the influence."

Referred to Senate Committee on Natural Resources
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 42-0-0
Effective October 1, 1993

S.B. 466 (Chapter 236)

Senate Bill 466 revises state law concerning sexual conduct. The bill removes the prohibition against performing certain anal or oral sexual activities in private between consenting adults of the same gender. The measure provides that performing such sexual activities in public, regardless of the gender of the participants, constitutes a felony.

Referred to Senate Committee on Judiciary
SENATE VOTE: 14-6-1
Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 29-12-1
Effective June 16, 1993

S.B. 508 (Chapter 383)

Senate Bill 508 prohibits unauthorized persons from selling, offering to sell, or making available, telephone codes or numbers that can be used to obtain telephone services. The penalty for a violation of these provisions is imprisonment for 1 to 6 years, a fine of not more than $5,000, or both.

The measure also expands the existing prohibition against obtaining telephone service with intent to avoid payment to include the intent to avoid payment of that service by any other person. The existing maximum fine for such activities is decreased from $10,000 to $5,000 to conform with the penalties for the unauthorized sale of telephone codes.

Senate Bill 508 responds to the increased incidence of the fraudulent use of a person's calling card or other codes to obtain telephone services unlawfully.

Referred to Senate Committee on Judiciary
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 41-0-1
Effective October 1, 1993

S.B. 514 (Chapter 472)

Senate Bill 514 makes it a felony for a person who has received notice of testing positive for exposure to the human immunodeficiency virus (HIV) to intentionally engage in conduct that is intended or likely to transmit HIV to another person. The punishment is imprisonment for 1 year to 20 years or a fine of not more than $10,000, or both.

The bill creates an affirmative defense if the person subjected to the exposure knew the defendant was infected with HIV, knew the conduct could result in exposure, and consented to the conduct having such knowledge.

This bill was requested after the passage of Senate Bill 466, which decriminalized certain sexual activities. The bill is designed to protect persons from the spread of HIV and to punish those who willfully spread the disease.

Referred to Senate Committee on Judiciary
SENATE VOTE: 20-0-1
Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 41-0-1
Effective October 1, 1993

A.B. 59 (Chapter 142)

Assembly Bill 59 revises the definition of "robbery" to include a taking in which force or fear is used to facilitate escape. The use of force must be to compel acquiescence to the taking of or escaping with the property in order to constitute robbery.

Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 42-0-0
Referred to Senate Committee on Judiciary
SENATE VOTE: 19-1-1
Effective October 1, 1993

A.B. 73 (Chapter 598)

Assembly Bill 73 defines and prohibits criminal neglect of patients in medical facilities. The measure stipulates that a professional caretaker who fails to provide such care as is reasonable and necessary to protect the health and

safety of a patient is guilty of criminal neglect under certain circumstances. The act or omission must be a departure from the conduct of an ordinarily prudent person, the consequences of which could have reasonably been foreseen.

The measure does not apply to acts or omissions that are the result of inattention, mistaken judgment, or misadventure. Also exempt are acts or omissions relating to patients voluntarily treated solely through spiritual means or relating to a patient's living will. Corporate shareholders are not subject to liability unless they have actual knowledge of the neglect and show deliberate indifference to such neglect.

Criminal neglect which results in death or substantial bodily harm is a felony. Otherwise, such neglect is a gross misdemeanor. The Attorney General is required to notify the appropriate licensing board of any conviction under this measure.

Assembly Bill 73 addresses concerns that existing law requires the office to investigate, but does not define, certain instances of patient abuse and neglect. Further, while elder and child abuse statutes protect patients in those age groups, no law currently applies to patients between the ages of 18 and 60.

Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 42-0-0
Referred to Senate Committee on Judiciary
SENATE VOTE: 20-0-1
Effective October 1, 1993

A.B. 77 (Chapter 266)

Assembly Bill 77 revises the statutes concerning loitering, prowling, and vagrancy. The measure deletes language concerning loitering and vagrancy which was found to be unconstitutionally vague and unenforceable.

The bill also authorizes local governments to regulate solicitation in public places. In addition, the bill removes the requirement that county loitering and prowling ordinances conform to state law, provided they are not in conflict with state law. Governing bodies of incorporated cities and unincorporated areas are granted the same authority.

Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 38-2-2
Referred to Senate Committee on Judiciary
SENATE VOTE: 20-0-1
Effective June 23, 1993

A.B. 89 (Chapter 665)

Assembly Bill 89 replaces the current statute concerning vicious dogs with expanded definitions and provisions that establish certain penalties and procedures. The bill stipulates that to knowingly own, keep, or transfer ownership of a vicious dog is a misdemeanor. If a dog known to be vicious causes someone substantial bodily harm, its owner or keeper is guilty of a felony.

The measure makes a distinction between a dangerous dog, which exhibits certain menacing behavior, and a vicious dog, which without provocation inflicts substantial bodily harm on a human being. In addition, a dangerous dog may later be deemed vicious if the specified menacing behavior continues. A dog acting defensively is not considered dangerous or vicious.

Assembly Bill 89 responds to concerns that current law does not provide a sufficient penalty for a person who knowingly keeps a vicious dog that has attacked and caused serious harm to another person.

Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 40-2-0
Referred to Senate Committee on Judiciary
SENATE VOTE: 21-0-0
Effective October 1, 1993

A.B. 175 (Chapter 328)

Assembly Bill 175 amends the provisions prohibiting threats against or intimidation of certain persons to include public employees. The measure makes it a gross misdemeanor to threaten or intimidate a public employee with the intent to influence a decision or duty. If accompanied by physical force or the immediate threat of force, the crime is a felony.

Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 40-1-1
Referred to Senate Committee on Judiciary
SENATE VOTE: 20-1-0
Effective June 29, 1993

A.B. 199 (Chapter 233)

Assembly Bill 199 creates the crimes of stalking and aggravated stalking. Stalking is defined as a willful or malicious course of conduct, without lawful authority, that would cause a reasonable person to feel terrorized, frightened, intimidated, or harassed. Picketing during labor disputes, media and other lawful employment activities, and any conduct that is constitutionally or statutorily authorized is exempt from the definition of stalking.

The measure provides that a first stalking offense is a misdemeanor; a subsequent offense is a gross misdemeanor. If stalking is committed by reason of the victim's race, religion or other characteristics, the violation is a gross misdemeanor.

The bill defines aggravated stalking as stalking coupled with a threat that places a person in reasonable fear of death or substantial bodily harm. The crime of aggravated stalking is a felony.

In addition, A.B. 199 authorizes court orders directing a stalker to stay away from certain areas, such as the victim's home or business, and to refrain from contacting the victim or other person named by the court. A person violating such an order is guilty of a gross misdemeanor and subject to immediate arrest without a warrant.

Assembly Bill 199 was requested to provide recourse, prior to an actual act of violence, to persons who are repeatedly harassed or threatened.

Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 42-0-0
Referred to Senate Committee on Judiciary
SENATE VOTE: 21-0-0
Effective July 1, 1993

A.B. 245 (Chapter 87)

Assembly Bill 245 prohibits the unauthorized possession, transfer, or use of a Medicaid card to unlawfully obtain benefits. The measure provides penalties for the following offenses involving a Medicaid card:

- Stealing a card;
- Knowingly receiving or possessing a stolen card;
- Selling, buying, or authorizing the unlawful use of the card; or
- Providing or obtaining medical care with the intent to defraud.

Finally, the bill specifies that any person who possesses two or more cards in the name of another person is presumed to have unlawfully obtained them, unless clear and convincing evidence is presented otherwise.

Referred to Assembly Committee on Health and Human Services
ASSEMBLY VOTE: 42-0-0
Referred to Senate Committee on Human Resources and Facilities
SENATE VOTE: 20-0-1
Effective October 1, 1993

A.B. 307 (Chapter 89)

Assembly Bill 307 reduces the time from 10 days to 5 days in which a person notified of a dishonored check or draft must pay the debt in order to avoid presumption of intent to defraud.

The measure strengthens the provisions against writing checks with insufficient or no funds.

Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 41-1-0
Referred to Senate Committee on Judiciary
SENATE VOTE: 20-0-1
Effective October 1, 1993

A.B. 334 (Chapter 367)

Assembly Bill 334 amends the law relating to mobile home parks. Existing law prohibits a landlord from willfully harassing a tenant, but only under certain conditions. This bill creates a separate prohibition against harassment. The bill defines "harass" to mean threats or intimidation with the intent to affect the terms of a tenancy or the tenant's rights under the mobile home park laws.

Referred to Assembly Committee on Commerce
ASSEMBLY VOTE: 37-0-5
Referred to Senate Committee on Judiciary
SENATE VOTE: 20-0-1
Effective July 1, 1993

A.B. 462 (Chapter 300)

Assembly Bill 462 prohibits certain actions related to mobile telephone service. The bill states that it is unlawful to obtain, attempt to obtain, or assist another to obtain mobile telephone service with the intent to avoid full payment. The prohibitions encompass the modification of authorized devices to obtain other services to which the offender is not entitled.

The measure authorizes civil remedies for a supplier of mobile telephone services. The bill also provides criminal penalties proportionate to the value of the service obtained or the loss incurred by the supplier. In addition, the penalty provisions for violations related to other telephone services are amended to conform them to the penalties provided for mobile service violations.

Finally, A.B. 462 requires a supplier of cellular service to provide free access to an emergency telephone number, if the supplier operates within the boundaries of a system for such a number.

Assembly Bill 462 addresses the rising incidence of cellular telephone fraud. Testimony indicated that perpetrators of this crime have developed complex technology to defraud suppliers of such services.

Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 41-0-1
Referred to Senate Committee on Judiciary
SENATE VOTE: 21-0-0
Effective June 25, 1993

A.B. 601 (Chapter 272)

Assembly Bill 601 provides an additional civil penalty and an increased criminal penalty relating to the theft of cable television signals. The bill authorizes local governments to recover a civil penalty from persons who, for commercial advantage, unlawfully make, distribute or sell devices to intercept or receive cable television service. The civil penalty for a first offense is a fine of up to $50,000. For a second offense, a fine of not more than $100,000 may be imposed. The criminal penalty for these activities is classified as a gross misdemeanor.

Assembly Bill 601 enhances the penalties for persons who manufacture and sell converter devices to defraud cable television companies. The bill replicates Federal law and allows local governments to recover the additional civil penalty, since those governments are responsible for regulating and enforcing the laws on cable television companies.

Referred to Assembly Committee on Commerce
ASSEMBLY VOTE: 42-0-0
Referred to Senate Committee on Commerce and Labor
SENATE VOTE: 20-1-0
Effective October 1, 1993

Modifications of Penalties

S.B. 408 (Chapter 327)

Senate Bill 408 revises the provisions concerning unlawful acts relating to Indian burial sites. The measure amends the penalties for willful desecration of a burial site and for possessing, displaying or selling human remains or artifacts from a grave. A penalty is established for failing to report the discovery of a site that has not been previously reported to the Division of Historic Preservation and Archeology.

The measure increases the penalties for second and subsequent offenses for each category of violation. The penalty for the possession, display or sale of human remains or artifacts from a Native American grave is increased from a gross misdemeanor to a felony for second and subsequent offences.

The increased sanctions are similar to those imposed under the National Native American Grave Protection and Repatriation Act for similar violations committed on Federal lands.

Referred to Senate Committee on Human Resources and Facilities
SENATE VOTE: 20-0-1
Referred to Assembly Committee on Government Affairs
ASSEMBLY VOTE: 38-0-4
Effective June 28, 1993

S.B. 473 (Chapter 515)

Senate Bill 473 increases the maximum penalty that may be imposed on a person who is involved in and leaves the scene of an accident that has resulted in death or serious bodily injury. The bill changes the maximum term of

imprisonment from 6 to 20 years. The bill also requires that the court impose a fine of at least $2,000. Existing statutes do not specify a minimum fine.

Under current law, the penalty for leaving the scene of an accident in which a person has been killed or seriously injured is substantially less than the penalty for causing substantial bodily harm while driving under the influence (DUI) of alcohol (see Subsection 1 of *Nevada Revised Statutes* 484.3795). Habitual DUI offenders who are aware of this anomaly in the law realize that they face a lesser penalty if they flee the scene of the accident than if they remain at the scene and are apprehended for drunk driving. This bill makes the penalties consistent and reduces the incentive for hit-and-run accidents.

The Driver's License Division of the Department of Motor Vehicles and Public Safety reports that it revokes the licenses of about 50 persons each year for this offense.

Referred to Senate Committee on Transportation
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Transportation
ASSEMBLY VOTE: 41-1-0
Effective October 1, 1993

S.B. 484 (Chapter 478)

Senate Bill 484 authorizes a court to impose an additional civil penalty of up to $10,000 for each violation for a deceptive trade practice or unlawful telephone solicitation that is directed toward an elderly or disabled person. The measure creates a cause of civil action for an elderly or disabled person who is a victim of such a practice or solicitation to recover actual and punitive damages and reasonable attorney's fees. An elderly person is defined as one who is 65 years of age or older.

The bill lists considerations for the court in determining whether to impose the additional civil penalty. Money collected from these penalties is to be accounted for separately and used for related investigations and prosecutions and for consumer education programs.

Senate Bill 484 provides protection for elderly and disabled citizens who are more frequently susceptible to, and more seriously affected by, consumer fraud. At least seven other states have adopted enhanced penalties for these offenses, and similar Federal legislation is pending.

Referred to Senate Committee on Commerce and Labor
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Commerce
ASSEMBLY VOTE: 40-0-2
Effective October 1, 1993

A.B. 52 (Chapter 45)

Assembly Bill 52 provides that a person convicted of burglary, larceny, or theft from a vending machine is civilly liable for the retail or fair market value of any property damaged or stolen and not recovered in its original condition.

The bill also expands the provisions related to civil liability for property stolen from a merchant to include the value of property damaged on a merchant's premises.

Assembly Bill 52 was requested to enable recovery of the costs of property that is damaged in the commission of a crime in addition to the stolen property.

Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 40-0-2
Referred to Senate Committee on Judiciary
SENATE VOTE: 21-0-0
Effective October 1, 1993

A.B. 56 (Chapter 242)

Assembly Bill 56 increases the penalty, under certain circumstances, for failing to stop a vehicle when signaled by a peace officer. The measure provides that the willful failure to stop that results in death or substantial bodily harm to another person is a felony.

Assembly Bill 56 was requested in response to the danger posed to other persons during police pursuit of a driver who refuses to stop.

Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 40-0-2
Referred to Senate Committee on Transportation
SENATE VOTE: 21-0-0
Effective October 1, 1993

A.B. 58 (Chapter 44)

Assembly Bill 58 adds an additional aggravating circumstance for which the death penalty may be imposed. The measure provides that more than one first or second degree murder conviction in the same proceeding constitutes an

aggravating circumstance. At least one of the convictions must be for first degree murder.

This bill applies only to murders committed after October 1, 1993.

Assembly Bill 58 was requested to address multiple murders in a single situation. Under current law, more than one murder is an aggravating circumstance only if the person was convicted in a previous proceeding or if the multiple murders were random or without motive.

Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 41-1-0
Referred to Senate Committee on Judiciary
SENATE VOTE: 20-1-0
Effective October 1, 1993

A.B. 63 (Chapter 182)

Assembly Bill 63 amends the provisions related to sentencing in first degree murder cases. The measure requires a separate penalty hearing for all cases in which a defendant is convicted of first degree murder. Current law requires a separate hearing only if the death penalty is sought. The bill authorizes a waiver of the separate hearing, however, if the death penalty is not sought and both parties agree to the waiver.

Assembly Bill 63 also permits the parties to agree to have the sentence imposed by the trial judge rather than a trial jury or a panel of judges.

This measure applies only to defendants who are tried for first degree murder on or after October 1, 1993.

The measure addresses situations in which the death penalty is not sought, and significant evidence exists which is relevant to the decision between a sentence of life with, or life without, the possibility of parole. Such evidence is not admissible in the determination of guilt phase, but is admissible in a sentencing proceeding.

Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 42-0-0
Referred to Senate Committee on Judiciary
SENATE VOTE: 20-1-0
Effective October 1, 1993

A.B. 74 (Chapter 2)

Assembly Bill 74 increases the penalty for criminal violations of the laws governing the sale of securities or commodities if the victim is 65 years of age or older. The bill requires that the additional term of imprisonment be equal to, and run consecutively with, the sentence prescribed for the violation.

Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 40-0-2
Referred to Senate Committee on Judiciary
SENATE VOTE: 20-0-1
Effective October 1, 1993

A.B. 75 (Chapter 21)

Assembly Bill 75 expands the penalty for certain crimes committed on school property. The bill provides that possession of a dangerous weapon while loitering, trespassing, vandalizing, or creating any other nuisance on school grounds increases the offense from a misdemeanor to a gross misdemeanor. The measure defines and includes "dangerous knife" as a dangerous weapon.

Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 41-0-1
Referred to Senate Committee on Human Resources and Facilities
SENATE VOTE: 21-0-0
Effective October 1, 1993

A.B. 576 (Chapter 332)

Assembly Bill 576 reduces from 10 to 6 years the maximum term of imprisonment for commodities fraud and other violations of the commodities provisions.

Assembly Bill 576 provides consistency in the penalties for both securities and commodities crimes.

Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 41-1-0
Referred to Senate Committee on Judiciary
SENATE VOTE: 21-0-0
Effective October 1, 1993

Parole and Probation

S.B. 6 (Chapter 662)

Senate Bill 6 amends the provisions concerning the custody of parole violators detained in county jail.

Current law entitles a suspected parole violator to a preliminary inquiry "as promptly as convenient" to determine whether there is probable cause to return the offender to the Department of Prisons for a violation of parole. This measure specifies that the hearing must be held within 15 working days after the arrest.

The measure further requires the Department of Parole and Probation to take custody of the parolee within 15 working days following the preliminary inquiry, or 30 days if the person was paroled by another state. If the department fails to take custody within the required time, the county sheriff may release the offender from jail if there are no other charges pending.

Referred to Senate Committee on Judiciary and re-referred to Committee on Finance
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 42-0-0
Effective October 1, 1993

S.B. 11 (Chapter 27)

Senate Bill 11 makes a technical correction related to the continued detention of a parolee alleged to have violated the conditions of parole. Existing law provides time limits within which the State Board of Parole Commissioners must consider a case, upon an initial finding by the inquiring officer that probable cause exists for revocation of parole. This measure replaces the phrase "revocation of parole" with the phrase "the continued detention," since the determination made by the inquiring officer concerns the continued detention of the parolee pending a hearing, not the revocation of parole.

Referred to Senate Committee on Judiciary
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 42-0-0
Effective March 30, 1993

S.B. 234 (Chapter 136)

Senate Bill 234 directs the Department of Parole and Probation to review and, if appropriate, approve a prisoner's plan of placement upon release. If the plan is not approved, the department is required to help the prisoner devise a suitable proposal. The department's review or assistance must be conducted after approval of parole by the State Board of Parole Commissioners and prior to release.

Senate Bill 234 codifies the department's existing practice of ensuring that a parolee has a plan for placement in the community.

Referred to Senate Committee on Judiciary
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 42-0-0
Effective October 1, 1993

S.B. 292 (Chapter 83)

Senate Bill 292 eliminates the requirement that the Department of Parole and Probation report to the Department of Prisons concerning the eligibility for good time credits for offenders in residential confinement.

The Department of Prisons supervises offenders in residential confinement and maintains records concerning good time credits for use in projected release dates. Thus, reports from the Department of Parole and Probation are unnecessary.

Referred to Senate Committee on Judiciary
SENATE VOTE: 19-0-2
Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 42-0-0
Effective July 1, 1993

S.B. 320 (Chapter 84)

Senate Bill 320 clarifies that the eligibility date for parole is based on the longest of two or more concurrent sentences being served by a prisoner.

The measure codifies the current practice of the Department of Prisons for determining eligibility for a prisoner serving concurrent terms.

Referred to Senate Committee on Judiciary
SENATE VOTE: 19-0-2
Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 42-0-0
Effective October 1, 1993

S.B. 392 (Chapter 217)

Senate Bill 392 changes the name of the probation committee in counties with a population between 100,000 and 400,000 to the committee for juvenile services. The bill also delineates the duties of the committee and establishes that the committee's primary responsibility is to advise the court on matters involving juveniles. In addition, the committee's advisory duties are expanded to include the control, management, and operation of facilities and employees within the department of juvenile services.

Referred to Senate Committee on Judiciary
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 42-0-0
Effective October 1, 1993

A.B. 5 (Chapter 6)

Assembly Bill 5 revises certain provisions governing parole and probation to include consideration of an offender's child support obligations. The measure requires that a presentence investigation report include information concerning an offender's child support obligation and any overdue payments. Assembly Bill 5 also directs a district court judge to consider conditions of probation which would promote the payment of any delinquent or future child support obligations.

Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 41-0-1
Referred to Senate Committee on Judiciary
SENATE VOTE: 21-0-0
Effective October 1, 1993

Victims of Crime

S.B. 60 (Chapter 386)

Senate Bill 60 expands the requirement that a person arrested for certain sexual assaults be tested for the presence of human immunodeficiency virus (HIV) and any commonly contracted sexually transmitted disease (STD) identified by the State Board of Health. The measure also requires the testing of a minor detained under similar circumstances. The bill directs the agency that has custody of the arrested person to obtain and submit a specimen for testing to the health authority.

If a person is convicted, the courts must order the offender to pay all costs related to his and the victim's testing.

Further, the bill directs the health authority to disclose the results of all tests to the victim or the victim's parent or guardian, if that person is a minor.

If the testing indicates the victim may have been exposed to HIV or any commonly contracted STD, the health authority must, upon request, provide the victim with:

- An examination for exposure to HIV and any commonly contracted STD;
- Counseling regarding these diseases; and
- Referral for appropriate health care or other assistance.

The bill also repeals the statutory requirement that an arrested person undergo examination and treatment for exposure to HIV or syphilis.

Current law requires testing only for syphilis and HIV. The portions of the bill dealing with victim notification, testing, counseling and referral services are mandated by Congress as a condition for states receiving Federal narcotics control grant funds.

Referred to Senate Committee on Human Resources and Facilities
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Health and Human Services
ASSEMBLY VOTE: 41-0-1
Effective July 1, 1993

S.B. 279 (Chapter 93)

Senate Bill 279 provides that an order of restitution against a criminal offender constitutes a civil lien. The bill also clarifies that the provisions of Chapter 209 regarding the termination of restitution payments from offenders in restitution centers apply only to the payments made through the Department of Prisons pursuant to the restitution center program. Other restitution orders are not terminated.

Senate Bill 279 provides an enforcement tool for victims who are entitled to restitution. Under existing law, restitution payments frequently cease once an offender is released from prison.

Referred to Senate Committee on Judiciary
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 42-0-0
Effective October 1, 1993

S.B. 291 (Chapter 212)

Senate Bill 291 extends the statute of limitations for a victim of a felony with respect to money or property gained by the offender as a result of notoriety. The measure allows a victim to bring an action for damages against the person who committed the crime within 5 years after that person becomes legally entitled to proceeds from material based upon or substantially related to the crime.

If the statute of limitations otherwise established for the crime has expired, the liability of the offender to the victim is limited to the value of proceeds actually received for contributions to material related to the crime. The bill defines "material" to include books and movies, and "victim" to include a surviving spouse, parent, or child.

In addition, the bill repeals the existing law requiring three-fourths of the money earned by an offender as a result of his notoriety to be deposited in the fund for victims of crime.

The repealed provision is based on a similar New York law, commonly referred to as the "Son of Sam" law. The New York statute was recently declared unconstitutional by the United States Supreme Court. This measure attempts to address the constitutional issues raised in that case while still enabling a victim to commence a cause of action against an offender who profits from the crime.

Referred to Senate Committee on Judiciary
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 36-6-0
Effective June 10, 1993

A.B. 86 (Chapter 18)

Assembly Bill 86 expands the prohibition against a murderer inheriting from the victim to include a murderer who dies before being convicted of the crime. The measure stipulates that, if the probate court administering a victim's estate determines that a deceased person committed the murder, that person is not entitled to share in the victim's estate, the victim's share of joint tenancy property, or proceeds from the victim's life insurance policy.

Assembly Bill 86 enhances the current law that prevents a convicted murderer's estate from inheriting from the victim. This measure addresses situations in which a person murders his spouse, then commits suicide. It allows the probate court to make a finding of murder if the offender has committed suicide or is deceased before a conviction occurs. That finding prevents the murderer's estate from inheriting from the victim.

Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 38-3-1
Referred to Senate Committee on Judiciary
SENATE VOTE: 21-0-0
Effective October 1, 1993

A.B. 174 (Chapter 62)

Assembly Bill 174 provides that a person convicted of sexual assault has no right to custody or visitation of a child conceived as a result of the assault. An exception is created where the the child's natural mother or legal guardian consents, and a court determines it is in the child's best interest.

The measure does not apply to a convicted person who is the victim's spouse at the time of the assault. During divorce proceedings, however, a court is required to consider the assault in determining custody or visitation privileges.

Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 42-0-0
Referred to Senate Committee on Judiciary
SENATE VOTE: 21-0-0
Effective April 14, 1993

A.B. 244 (Chapter 593)

Assembly Bill 244 provides that certain court, investigative, and other related records which identify a victim of a sexual assault are confidential. Identifying information includes but is not limited to the victim's photograph, likeness, name, address, or telephone number.

Identifying information concerning the victim may be disclosed only to: (1) the defendant and his attorney; (2) a person directly involved in the investigation, prosecution, or defense of the case; (3) an entity which provides counseling or other services to victims; or (4) a person specifically named in a court order who has demonstrated good cause for such disclosure. Only the information in the records that could identify the victim is confidential. The remainder of the records is not confidential.

A public officer or employee with access to identifying information who intentionally releases the information to anyone other than those authorized by law is guilty of a misdemeanor.

The measure further authorizes a victim to request that a pseudonym be used on all files, records, and documents pertaining to the sexual assault. Alternatively, a victim may waive, in writing, the confidentiality of the identifying information. The law enforcement agency must make a good faith effort to substitute the pseudonym for the name of the victim on all relevant records, but is immune from liability for unknowingly or unintentionally disclosing identifying information or failing to substitute the pseudonym on all records.

Assembly Bill 244 addresses concerns that victims of sexual assault may be unwilling to report assaults for fear of public identification.

Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 42-0-0
Referred to Senate Committee on Judiciary
SENATE VOTE: 21-0-0
Effective October 1, 1993

COURTS AND PROCEDURES

S.B. 554 (Chapter 449)

Senate Bill 554 revises provisions concerning the applicability of Nevada's statute of repose to provide a grace period. The limitation on actions related to real property, where the improvements occurred before July 1, 1983, are not applicable to actions which accrued before April 10, 1991, and are filed before July 1, 1994.

Senate Bill 554 brings Nevada's statute of repose into compliance with *The Constitution of the State of Nevada.* In 1983, the pertinent statutes were declared unconstitutional. The statutes were then amended and, in 1991, made applicable to actions involving improvements made prior to 1983. The effect was to limit such actions to a time certain as provided by the statute of repose. However, Nevada's Supreme Court ruled that the 1991 amendments were unconstitutional because they did not grant a grace period for persons to file claims, and thereby cut off existing claims. This measure provides the necessary grace period.

Referred to Senate Committee on Judiciary
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 42-0-0
Effective July 9, 1993

A.B. 41 (Chapter 153)

Assembly Bill 41 clarifies that a constable may be reimbursed for executing a writ by the court that issued the writ.

Currently, the law allows a justice of the peace to reimburse a constable for executing a writ. However, testimony indicated that the 1991 Legislature authorized constables to perform this service for a district court as well as a justice of the peace, but did not make the necessary language change to allow a district court to pay the constables.

Referred to Assembly Committee on Government Affairs
ASSEMBLY VOTE: 41-0-1
Referred to Senate Committee on Government Affairs
SENATE VOTE: 21-0-0
Effective October 1, 1993

A.B. 50 (Chapter 220)

Assembly Bill 50 increases the filing fees charged for civil actions and divorces which support legal services for indigent or elderly persons. The fee for either party to a civil action is raised from $18 to $25 and for either party to a divorce action from $7 to $14. The bill specifies the division of the fee between legal programs for the indigent and those for the elderly. Municipal programs are included among the beneficiaries of these funds.

Referred to Assembly Concurrent Committees on Judiciary and Ways and Means
ASSEMBLY VOTE: 40-2-0
Referred to Senate Committee on Judiciary
SENATE VOTE: 21-0-0
Effective July 1, 1993

A.B. 55 (Chapter 298)

Assembly Bill 55 amends provisions relating to the disbursement of administrative assessments for misdemeanor violations. The bill provides that the portion of administrative assessments designated for the use of municipal or justices' courts be deposited in a special revenue fund rather than the municipal or county general fund, respectively. The measure further stipulates that assessment money which is not planned for capital expenditures may be held in the special revenue fund for 2 fiscal years before requiring transfer to the municipal or county general fund. Finally, the bill defines uses for which money apportioned to a juvenile, justice or municipal court may be used to improve its operations. These uses include the training of personnel, capital goods acquisitions, management and operation studies, and audits.

Assembly Bill 55 enables the courts to carry over administrative assessment fees from one fiscal year to the next and to improve access to and management of available funds.

Referred to Assembly Concurrent Committees on Judiciary and Ways and Means
ASSEMBLY VOTE: 41-0-1
Referred to Senate Committee on Finance
SENATE VOTE: 21-0-0
Effective July 1, 1993

A.B. 486 (Chapter 277)

Assembly Bill 486 amends the statute governing exoneration of an obligor and release of bail upon sentencing. The bill eliminates the exception that allows a court to retain bail if a defendant is ordered to appear in court after sentencing.

Assembly Bill 486 responds to concerns that some courts have held bail past the time of sentencing, as allowed by existing law, although the traditional purpose of bail is to guarantee a defendant's appearance in court through sentencing only.

Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 37-4-1
Referred to Senate Committee on Judiciary
SENATE VOTE: 21-0-0
Effective October 1, 1993

A.B. 502 (Chapter 222)

Assembly Bill 502 makes various changes relating to child support enforcement. The measure removes a sunset provision concerning court-appointed hearing masters and extends the hearing masters program to the Eighth Judicial District. In addition, the bill clarifies that a master's recommendation must be approved in district court.

Certain provisions concerning the State's child support enforcement program are amended to conform with Federal regulations. The bill mandates that child support guidelines be applied, not merely considered, in a paternity suit. In addition, for any child support order in which statutory guidelines are not followed, the measure requires that the order specify the amount which would have been established under the applicable formula. Finally, the bill defines those conditions under which immediate wage withholding may be delayed.

Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 33-9-0
Referred to Senate Committee on Human Resources and Facilities
SENATE VOTE: 20-0-1
Effective June 11, 1993

A.B. 522 (Chapter 338)

Assembly Bill 522 amends the statutes concerning arbitration of civil cases. The bill consolidates certain provisions involving mandatory arbitration and deletes a reference to the National Judicial College's involvement in arbitration training. In addition, the measure stipulates that governmental immunity provisions apply to arbitrators performing their duties under the court-annexed arbitration program.

The measure repeals those sections that are consolidated with others. The provision regarding the right to trial after arbitration is retained.

Assembly Bill 522 makes technical revisions to statutes enacted in 1991 at the recommendation of a legislative interim study.

Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 38-0-4
Referred to Senate Committee on Judiciary
SENATE VOTE: 21-0-0
Effective July 1, 1993

A.B. 689 (Chapter 493)

Assembly Bill 689 amends the statutes concerning the placement of delinquent children and children in need of supervision. The measure requires a juvenile court to notify the Division of Child and Family Services at least 3 days prior to any hearing to consider committing a child to the division's custody. In addition, the court must allow the division, if requested, up to 10 days to investigate the case and make a recommendation.

The bill also requires the division, with the assistance of certain entities involved in juvenile justice, to develop a plan for the establishment of a uniform system of reporting and collecting information concerning juvenile justice.

Finally, the bill makes several technical changes and reorganizes certain sections of existing law.

Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 42-0-0
Referred to Senate Committee on Judiciary
SENATE VOTE: 21-0-0
Effective: Certain sections are effective July 9, 1993.
Remaining provisions are effective October 1, 1993.

A.B. 718 (Chapter 411)

Assembly Bill 718 authorizes each board of county commissioners to establish and maintain a program for certain jurors to donate their jurors' fees to a protective services agency which provides a program for the prevention of abuse or neglect of a child or to benefit an abused or neglected child. This measure applies to a grand juror or a trial juror in the district court or justice's court.

Referred to Assembly Committee on Government Affairs
ASSEMBLY VOTE: 41-0-1
Referred to Senate Committee on Judiciary
SENATE VOTE: 21-0-0
Effective October 1, 1993

A.B. 742 (Chapter 492)

Assembly Bill 742 amends the statutes concerning court reporter fees. The measure stipulates that if more than one court reporter is required in a criminal proceeding, each is entitled to the daily fee for reporters. The bill further provides that if transcripts in a criminal proceeding are ordered to be delivered by the next court day, each reporter in the criminal proceeding is entitled to an additional one-half of the regular fee for transcription.

Assembly Bill 742 represents a compromise in a dispute between counties and court reporters.

Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 42-0-0
Referred to Senate Committee on Judiciary
SENATE VOTE: 21-0-0
Effective July 9, 1993

A.B. 789 (Chapter 547)

Assembly Bill 789 revises certain provisions relating to public attorneys to authorize private practice for limited duration under certain circumstances. Current law prohibits, in counties with populations of more than 100,000, the private practice of law by deputy district attorneys and public defenders and

their deputies and assistants. This measure allows an attorney, appointed either to prosecute or to defend a person for limited duration and with limited jurisdiction, to continue the private practice of law, provided the practice does not conflict with his appointment.

In addition, the bill clarifies that district attorneys and their deputies and assistants, as well as the specially appointed attorneys, are included in those employees of the State or its political subdivisions who are immune from civil liability.

Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 41-0-1
Referred to Senate Committee on Judiciary
SENATE VOTE: 21-0-0
Effective July 1, 1993

General Court Procedures

S.B. 12 (Chapter 214)

Senate Bill 12 expands the circumstances under which costs of prosecuting certain prisoners are charged against the State or local government. Existing law provides that the costs of prosecuting an inmate of the state prison for escaping, attempting to escape, or committing a crime while imprisoned are a charge against the State. This measure includes the costs of prosecution of an inmate *acting in concert* with another, whether principal or accessory, to commit such offenses. Similar revisions are made regarding local governments for situations involving jails and local detention facilities.

Senate Bill 12 provides statutory authority for the allocation of funds necessary to cover these prosecution costs.

Referred to Senate Committee on Judiciary and re-referred to Committee on Finance
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 42-0-0
Effective July 1, 1993

S.B. 227 (Chapter 92)

Senate Bill 227 provides that tort actions involving the State of Nevada must be tried either in Carson City or in the county in which the tort arose. The measure also requires the plaintiff to name in the complaint the particular department or agency of the State whose actions are the basis of the claim. Finally, the bill requires that the summons and a copy of the complaint be served upon the administrative head of the named agency, in addition to the Secretary of State.

Existing law permits an action against the State to be tried in any county designated by the plaintiff, even though witnesses and evidence are more readily available in Carson City or the county in which the tort arose. Further, requiring the designation of a specific agency in a complaint enables the State to respond properly.

Referred to Senate Committee on Judiciary
SENATE VOTE: 19-0-2
Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 42-0-0
Effective October 1, 1993

S.B. 293 (Chapter 150)

Senate Bill 293 prohibits a court from denying or reducing an award for attorneys' fees and court costs solely because the prevailing party in a civil suit is the State, a local government, a public officer, or a public employee. The measure requires a court to award amounts that are specified by statute or rule. If the amount is not set by statute or rule, then the court must grant a reasonable amount.

Currently, judges may reduce or deny awards to public entities, although similar cases between private litigants would result in an award of appropriate legal fees.

Referred to Senate Committee on Judiciary
SENATE VOTE: 19-1-1
Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 42-0-0
Effective October 1, 1993

S.B. 341 (Chapter 127)

Senate Bill 341 provides for the disposition of abandoned watercraft and clarifies the enforcement of liens against vessels. The measure also provides a definition of "under way."

The language in Senate Bill 341 regarding abandoned vessels is similar to current statutory provisions regarding abandoned vehicles.

Referred to Senate Committee on Natural Resources
SENATE VOTE: 20-1-0
Referred to Assembly Committee on Natural Resources, Agriculture and Mining
ASSEMBLY VOTE: 38-4-0
Effective October 1, 1993

S.B. 478 (Chapter 296)

Senate Bill 478 broadens the basis for exercising personal jurisdiction over a party to a civil action. Jurisdiction may be conferred on any basis that is not inconsistent with the *Nevada* or *United States Constitutions*. Existing provisions specifying the personal service of process upon a person outside the State and the acts that constitute the basis of jurisdiction are deleted.

Senate Bill 478, which revises Nevada's long-arm statute, is designed to make it easier for citizens of Nevada to have their day in court against out-of-state persons who violate civil law.

Referred to Senate Committee on Judiciary
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 39-2-1
Effective October 1, 1993

S.B. 540 (Chapter 641)

Senate Bill 540 authorizes the use of an unsworn declaration under penalty of perjury as a substitute for a notarized affidavit. The bill does not allow such a substitution for documents that require a witness or authentication of a signature. The measure prescribes the form to be used for the declaration. The penalties for making a willful and false statement in a declaration or willfully making an unqualified statement without knowledge of truth parallel the penalties in existing law for perjury.

Senate Bill 540 is based on the Federal system that allows the use of a declaration or affidavit in certain circumstances, as it is often difficult to prepare an affidavit and locate a notary. The bill does not authorize a declaration, however, when an authenticated signature or witness is required.

Referred to Senate Committee on Judiciary
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 38-4-0
Effective October 1, 1993

A.B. 49 (Chapter 46)

Assembly Bill 49 expands the information which must be contained in a judgment of conviction or judgment of imprisonment. The bill requires the judgments to include any term of imprisonment, fine, restitution, or administrative assessment entered against the offender.

This measure was requested to provide consistency in judgments and to ensure prison authorities are notified of imposed fines or assessments. Currently, not all courts include the information.

Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 40-0-2
Referred to Senate Committee on Judiciary
SENATE VOTE: 21-0-0
Effective October 1, 1993

A.B. 62 (Chapter 20)

Assembly Bill 62 amends the provisions related to a convicted person's petition for restoration of civil rights or sealing of criminal records. The measure requires that any application for restoration of civil rights or petition to seal criminal records must be accompanied by a current certified record of the applicant's criminal history from the Central Repository for Nevada Records of Criminal History.

The measure clarifies, for both the applicant and the State, which records are being sealed and the reasons, if any, for a denial of civil rights restoration or records sealing.

Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 41-0-1
Referred to Senate Committee on Judiciary
SENATE VOTE: 21-0-0
Effective October 1, 1993

A.B. 65 (Chapter 43)

Assembly Bill 65 expands the circumstances under which testimony given before a magistrate during preliminary proceedings may be used in lieu of direct testimony at trial. The measure permits testimony from a preliminary hearing to be used at trial if the witness later refuses to testify despite being ordered to do so.

Assembly Bill 65 was requested to address situations in which a witness testifies at a preliminary hearing but later refuses to testify at trial. Testimony indicated that some witnesses are intimidated between the preliminary hearing and the trial and refuse to testify because of fear for their safety or the safety of others. These witnesses are considered "available" under the current law and, thus, their prior testimony cannot be used at trial.

Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 35-5-2
Referred to Senate Committee on Judiciary
SENATE VOTE: 20-1-0
Effective October 1, 1993

A.B. 68 (Chapter 143)

Assembly Bill 68 extends the statute of limitations for commencing a civil action for sexual abuse of a minor from 3 years to 10 years under the circumstances prescribed in current law.

Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 41-1-0
Referred to Senate Committee on Judiciary
SENATE VOTE: 21-0-0
Effective October 1, 1993

A.B. 71 (Chapter 164)

Assembly Bill 71 amends provisions related to the return of property retained as evidence. The measure requires the peace officer or law enforcement agency having custody of such property to return it to the rightful owner within 120 days after its return is requested. The prosecuting attorney may require that photographs of the property be taken before its release or may deny a request if retention of the property is deemed necessary for use as evidence. The measure further stipulates that authenticated photographs of returned property are admissible in any criminal or civil proceeding.

Assembly Bill 71 was requested to expedite the return of personal property to persons who are not accused of any crime. Currently, no deadline exists for the return of such property.

Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 42-0-0
Referred to Senate Committee on Judiciary
SENATE VOTE: 21-0-0
Effective October 1, 1993

A.B. 79 (Chapter 141)

Assembly Bill 79 establishes the conditions under which a videotaped deposition of a child who is a victim of sexual abuse may be used in lieu of direct testimony. The measure requires that a videotaped deposition be used only if, before the deposition is taken, a justice of the peace or district judge finds that such use is necessary to protect the victim's welfare and that the presence of the accused at trial would be unduly traumatic for the victim. Also, the court must make a subsequent finding that such conditions continue to exist at the time the party seeks to use the deposition.

Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 41-0-1
Referred to Senate Committee on Judiciary
SENATE VOTE: 20-0-1
Effective October 1, 1993

A.B. 81 (Chapter 50)

Assembly Bill 81 amends the provisions relating to the filing of criminal charges. The measure permits the prosecuting attorney, when a defendant agrees to plead guilty or nolo contendere to a lesser charge and waives the right to a preliminary hearing, to file only the lesser charge with the district court. If the agreement is rejected by the court or later withdrawn by the defendant, the prosecuting attorney may then file an amendment charging all of the offenses in the original complaint.

Assembly Bill 81 reduces the paperwork associated with plea bargains. Under current law, the original as well as the amended charges must be filed in court simultaneously, even though the amended charges may never be used.

Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 41-0-1
Referred to Senate Committee on Judiciary
SENATE VOTE: 21-0-0
Effective April 14, 1993

A.B. 82 (Chapter 51)

Assembly Bill 82 amends the provisions relating to the district court's authorization for the use of a pen register or trap and trace device upon application by the Attorney General or a district attorney. The measure adds investigators employed by the Attorney General or a district attorney who have statutory peace officer powers to the definition of officers allowed to submit affidavits supporting an application to use such a tracing device.

Assembly Bill 82 reduces the number of persons involved in an investigation. Under current law, investigators employed by the Attorney General or district attorney may not submit the affidavit required for a tracing device and must request another peace officer to do so. Testimony indicated that this is an added expense and time-consuming. The investigators for the Attorney General and district attorneys already have peace officer powers, and this measure does not grant new or additional peace officer powers.

Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 23-19-0
Referred to Senate Committee on Judiciary
SENATE VOTE: 20-1-0
Effective October 1, 1993

A.B. 85 (Chapter 52)

Assembly Bill 85 changes the provisions relating to documents admissible in certain proceedings concerning the existence of alcohol or controlled substances in a person's blood. The measure permits the submission of a declaration signed under penalty of perjury, in lieu of a notarized affidavit, to establish that a blood sample was drawn from a particular person.

This measure addresses the difficulty of locating a notary public during certain hours to witness the signing of an affidavit. Testimony indicated that many of the samples are drawn at night, when the services of a notary public are not readily available.

Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 40-0-2
Referred to Senate Committee on Judiciary
SENATE VOTE: 20-1-0
Effective October 1, 1993

A.B. 142 (Chapter 56)

Assembly Bill 142 expands the circumstances under which an order authorizing interception of wire or oral communication may be obtained. The measure includes a sexual offense against a child among those crimes for which an interception may be made by investigative or law enforcement personnel upon authorization by the appropriate court.

Assembly Bill 142 was supported by survivors of sexual abuse, who testified that the severity and nature of the crime warrant its inclusion in the list of crimes for which an interception currently may be made with a court order.

Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 42-0-0
Referred to Senate Committee on Judiciary
SENATE VOTE: 21-0-0
Effective October 1, 1993

A.B. 228 (Chapter 73)

Assembly Bill 228 amends the provisions related to the issuance of subpenas by the prosecution. The measure authorizes all prosecuting attorneys, rather than solely the district attorney, to issue subpenas for witnesses.

Assembly Bill 228 enables a city attorney to issue subpenas. Prosecuting entities must involve a district attorney to issue a subpena under the current law. This measure allows prosecutors to bypass that administrative step.

Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 42-0-0
Referred to Senate Committee on Judiciary
SENATE VOTE: 19-1-1
Effective October 1, 1993

A.B. 321 (Chapter 590)

Assembly Bill 321 increases from $60 to $75 per hour the fee that an attorney may charge in a criminal case where such attorney has been appointed by a court to represent a defendant. The bill clarifies that the law does not prohibit a governmental entity from contracting with a private attorney to provide a

defense at a lesser charge if the case does not involve a felony punishable by death or life in prison.

Referred to Assembly Committee on Ways and Means
ASSEMBLY VOTE: 42-0-0
Referred to Senate Committee on Judiciary
SENATE VOTE: 21-0-0
Effective October 1, 1993

A.B. 345 (Chapter 113)

Assembly Bill 345 adopts the Uniform Foreign-Money Claims Act. The Act provides for uniform procedures from one state to another in handling claims involving foreign currencies. The Act addresses both arbitration and judicial proceedings, but does not preclude the parties to an action or transaction from altering certain procedures or from determining independently the currency to be used in a claim.

Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 41-1-0
Referred to Senate Committee on Judiciary
SENATE VOTE: 21-0-0
Effective January 1, 1994

A.B. 348 (Chapter 170)

Assembly Bill 348 amends the provisions relating to criminal jurisdiction over certain juvenile offenders. The bill provides that a person between the ages of 16 years and 18 years who has been certified as an adult, or a person under 18 years of age who has been convicted and sentenced as an adult for murder, attempted murder, or a lesser included offense, shall continue to be treated as an adult in all other judicial proceedings. Upon a determination of exceptional circumstances, however, an offender may be remanded to and accepted by the juvenile court. The measure further provides that the person is not automatically treated as an adult for subsequent offenses if the original charges are dismissed or the person is found not guilty.

The measure eliminates the need to recertify juvenile offenders for additional felony offenses and allows a person already certified as an adult to be tried in adult, rather than juvenile, court on misdemeanor and gross misdemeanor charges.

Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 41-1-0
Referred to Senate Committee on Judiciary
SENATE VOTE: 21-0-0
Effective October 1, 1993

A.B. 350 (Chapter 114)

Assembly Bill 350 amends provisions of the Uniform Federal Lien Registration Act. The bill specifies that Federal liens against certain trusts, such as fiduciary trusts, or against the estate of a decedent are to be filed with the Secretary of State. The measure also clarifies that provisions requiring a filing officer to issue a certificate concerning the existence of a lien apply only to Federal liens governed by the Act, and that the certificate must state that it reveals active liens only. Finally, the bill eliminates the requirement that county recorders maintain certain records related to Federal tax liens filed with the Secretary of State.

Assembly Bill 350 amends the Uniform Federal Lien Registration Act to conform with revisions by the Uniform Law Commissioners.

Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 42-0-0
Referred to Senate Committee on Judiciary
SENATE VOTE: 21-0-0
Effective October 1, 1993

A.B. 361 (Chapter 460)

Assembly Bill 361 authorizes justices of the peace in commissioner townships and municipal judges to perform up to 20 marriage ceremonies a year provided they do not accept any fee, gratuity, or other item of value in connection with the service. Acceptance of payment constitutes a misdemeanor.

In addition, the bill allows county clerks to authorize, in writing, out-of-state ministers in good standing with their denominations to perform up to five marriages a year in Nevada. A separate authorization is required for each marriage.

Municipal judges and justices of the peace in commissioner townships are occasionally asked by friends or family members to conduct a marriage ceremony. Existing law prohibits them from performing the service. Also, out-of-state ministers are often asked to perform marriages in Nevada for close

friends and relatives. This measure will allow their participation in these ceremonies.

Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 41-0-1
Referred to Senate Committee on Judiciary
SENATE VOTE: 21-0-0
Effective January 1, 1994

A.B. 363 (Chapter 138)

Assembly Bill 363 amends the statutes relating to witnesses to allow the admission into evidence of the affidavits of medical laboratory directors. The bill provides that the affidavit of a laboratory director may be submitted in any proceeding as evidence of the results of a test conducted by the medical laboratory. The affidavit must describe the test and its administration.

Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 42-0-0
Referred to Senate Committee on Judiciary
SENATE VOTE: 20-1-0
Effective October 1, 1993

A.B. 393 (Chapter 330)

Assembly Bill 393 allows a criminal defendant to waive his right to be present for sentencing. The defendant must have been present at trial through the pleading or finding of guilt and must be incarcerated in another jurisdiction at the time of sentencing.

In order for the waiver to be valid, it must:

1. Be made knowingly, intelligently and voluntarily after consultation with a Nevada attorney;

2. Be signed and dated by the defendant and notarized; and

3. Be signed and dated by the defendant's attorney after it has been signed by the defendant and notarized.

Assembly Bill 393 avoids the costs of returning a prisoner from another jurisdiction when the prisoner prefers to waive the right to be present for sentencing. The standards for executing a waiver will ensure the defendant understands the right that is being waived.

Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 24-17-1
Referred to Senate Committee on Judiciary
SENATE VOTE: 20-0-1
Effective October 1, 1993

A.B. 465 (Chapter 331)

Assembly Bill 465 requires certain persons to make restitution for the costs incurred to return them for specified proceedings. The measure applies to convicted persons who are extradited to this State, probation violators who are returned to court, and parole violators returned to the State Board of Parole Commissioners.

If the person returned to Nevada for criminal proceedings is subsequently convicted of, or pleads guilty or no contest to, the criminal charge for which he was returned or a lesser criminal charge, the court shall conduct an investigation concerning restitution of the costs of extradition. Before an offender is required to make restitution, the court must conduct an investigation of the financial ability of the person to pay. Any existing obligations for the payment of child support, restitution to crime victims, or administrative assessments provided for by law must be given priority over the payment of extradition expenses.

If the court determines that the person is financially able to pay his existing obligations, it must order the person to make restitution for the costs of extradition. Upon completion of the offender's sentence, any restitution remaining unpaid constitutes a civil liability and must be a condition of parole, if appropriate.

Finally, the bill clarifies that the Office of the Attorney General, not the Governor, is the state agency charged with payment of extradition expenses.

Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 41-0-1
Referred to Senate Committee on Judiciary
SENATE VOTE: 21-0-0
Effective October 1, 1993

A.B. 487 (Chapter 137)

Assembly Bill 487 provides that a post-conviction petition for a writ of habeas corpus must be filed in the county where the conviction occurred.

The measure makes a technical revision to reflect changes to the *Constitution of the State of Nevada* and related statutory language governing writs of habeas corpus.

Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 41-0-1
Referred to Senate Committee on Judiciary
SENATE VOTE: 21-0-0
Effective October 1, 1993

A.B. 489 (Chapter 176)

Assembly Bill 489 requires the Office of the Attorney General to pay the costs of an international extradition. The measure further directs the State Board of Examiners to adopt regulations governing the payment of expenses for both interstate and international extraditions.

Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 41-0-1
Referred to Senate Committee on Finance
SENATE VOTE: 21-0-0
Effective July 1, 1993

A.B. 520 (Chapter 578)

Assembly Bill 520 revises the statutes governing the division of income and property of a married couple when one spouse requires long-term care. The measure provides that a division of resources and income may be made if one spouse meets the definition of institutionalized spouse and the other meets the definition of community spouse. The Federal definitions of these terms are adopted by reference. In these cases, a court may divide the couple's income and resources either equally or by allocating to the non-patient spouse the greatest amount permitted under Federal law.

The measure authorizes a court to modify the division of resources by exceeding the Federal caps regarding the amount awarded to the community spouse if exceptional circumstances result in significant financial distress. The court also may modify the award if the transfer of property is inadequate to meet the Federal amount allowed to the community spouse.

A copy of the petition for relief to modify the amount must be filed with the Welfare Division which may, no later than 45 days after receipt, intervene and move to modify the order.

Assembly Bill 520 addresses situations in which a spouse admitted to a long-term care facility becomes Medicaid eligible by transferring assets and resources to the spouse who is not a patient. The bill is designed to ensure that the institutionalized spouse pays a reasonable portion of the costs of care without impoverishing the other spouse. The bill brings Nevada's law into compliance with Federal law.

Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 38-0-4
Referred to Senate Committee on Judiciary
SENATE VOTE: 21-0-0
Effective October 1, 1993

A.B. 525 (Chapter 177)

Assembly Bill 525 extends the statute of limitations for criminal prosecution of sexual abuse of a child. If the victim discovers, or reasonably should have discovered, the abuse prior to reaching 21 years of age, an indictment must be found or a complaint filed before the age of 21. Otherwise, the statute of limitations is extended to the age of 28 years.

If a timely indictment or complaint is defective such that no judgment can be given, the measure further authorizes another prosecution for the same offense to be commenced within 6 months.

Existing law requires criminal actions to be commenced before the victim reaches 21 years of age. This measure addresses situations in which, because of the nature and severity of the crime, a victim represses the memory of abuse.

Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 36-6-0
Referred to Senate Committee on Judiciary
SENATE VOTE: 21-0-0
Effective October 1, 1993

A.B. 530 (Chapter 318)

Assembly Bill 530 amends the provisions relating to compensation to jurors and witnesses for certain expenses. The bill allows a board of county commissioners to authorize a per diem allowance for jurors equal to the in-state allowance for meals received by state employees. Currently, no allowance for meals is authorized. The per-mile travel allowance may also be raised from the statutory rate of 15 cents per mile to the 24 cents currently allowed state employees.

Similar changes are allowed for witnesses. The measure permits a county to raise the per-mile travel allowance and to compensate a witness for lodging and meals at the per diem rate of state employees. Currently, no allowance is given to witnesses for either lodging or meals.

Assembly Bill 530 addresses concerns that the amounts specified in statute are inadequate to compensate jurors and witnesses for expenses related to their services. The bill does not *require*, however, that counties raise their rates; it allows them to do so.

Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 39-0-3
Referred to Senate Committee on Judiciary
SENATE VOTE: 21-0-0
Effective October 1, 1993

A.B. 540 (Chapter 267)

Assembly Bill 540 authorizes expedited procedures for the issuance of a temporary restraining order for protection against domestic violence. The measure permits a court to consider specific facts communicated by telephone to determine whether a temporary order may be granted. The court must confirm with the law enforcement agency that the applicant is an alleged victim and that the alleged perpetrator is in custody. If approved, the order may be transmitted to a facsimile machine at the facility where the alleged perpetrator is being held.

Assembly Bill 540 addresses concerns that a victim of domestic violence may not have sufficient time to submit the affidavit required by existing law and, thus, is unable to obtain a restraining order before the alleged perpetrator is released from custody.

Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 40-0-2
Referred to Senate Committee on Judiciary
SENATE VOTE: 20-0-1
Effective October 1, 1993

A.B. 621 (Chapter 279)

Assembly Bill 621 deletes the provision that allows a district attorney and a defendant, upon a plea of guilty or nolo contendere to certain offenses, to agree to recommend a punishment. The deleted language includes a provision that permits the defendant, if the court rejects the recommendation, to withdraw the plea.

Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 35-6-1
Referred to Senate Committee on Judiciary
SENATE VOTE: 14-6-1
Effective June 24, 1993

A.B. 627 (Chapter 254)

Assembly Bill 627 allows the use of an affidavit of the owner or occupant of real or personal property at certain judicial proceedings. The measure applies to a witness who resides outside the State or more than 100 miles from the place of a preliminary or grand jury proceeding. The affidavit may be used in lieu of actual testimony to establish: (1) that the witness was the owner or occupant of the property; and (2) that the defendant did not have the owner's permission to possess or enter the property.

If a defendant establishes that a substantial dispute exists concerning the facts of the affidavit or that the witness should be cross-examined, the magistrate may order the district attorney to produce the witness and may continue the examination for a later date.

Often, the victim of a theft may be a nonresident and unwilling to return to the State for a preliminary proceeding. This bill eliminates the need to compel the attendance of such a witness.

Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 36-4-2
Referred to Senate Committee on Judiciary
SENATE VOTE: 20-0-1
Effective October 1, 1993

A.B. 637 (Chapter 346)

Assembly Bill 637 amends the statutes concerning admissibility of evidence in judicial proceedings. The measure provides that evidence of and expert testimony concerning domestic violence are admissible under certain circumstances. Such information may be used when determining whether a person killed another in self-defense, toward the establishment of a legal defense, or is excepted from criminal liability because an act was committed under threats or menaces causing fear of substantial bodily harm.

Assembly Bill 637 recognizes the influence of domestic violence upon the actions of its victims and provides for its consideration in certain judicial proceedings.

Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 41-0-1
Referred to Senate Committee on Judiciary
SENATE VOTE: 21-0-0
Effective June 30, 1993

A.B. 655 (Chapter 321)

Assembly Bill 655 amends the provisions relating to Medicaid liens on judgments or settlements from a third party responsible for the illness or injury for which Medicaid payments were made. The measure stipulates that the Medicaid lien must be satisfied in full at the time the proceeds of the recovery are distributed to the recipient or his attorney or, in the case of an out-of-court settlement, at the time a court dismisses the action.

In addition, the bill strengthens the requirements that the Welfare Division be notified before a recipient enters into a settlement with or commences an action against a third party. Failure to comply results in the Welfare Division's waiver of a reduction in the Medicaid lien for attorney's fees.

Assembly Bill 655 responds to recent situations in which Medicaid liens were denied, postponed, or reduced for attorney's fees without the division's knowledge or approval.

Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 41-0-1
Referred to Senate Committee on Human Resources and Facilities
SENATE VOTE: 21-0-0
Effective October 1, 1993

Governmental Immunity and Civil Liability

S.B. 4 (Chapter 663)

Senate Bill 4 clarifies the provisions concerning governmental liability for failure to inspect a building or discover a hazard. Existing law provides that governmental entities are immune from liability in such cases. The bill clarifies the law by stating that an inspection of a private building, facility, or improvement is a public duty and does not ensure the absence of any hazard or deficiency.

Senate Bill 4 addresses situations in which a city is named a party to actions arising from poor workmanship by private parties. Although the city is immune, a court may refuse to grant summary judgment motions; thus, the city is required to go to trial or settle. Clarification of the law is expected to reduce the costs of being forced to participate in litigation the law was designed to prevent.

Referred to Senate Committee on Judiciary
SENATE VOTE: 18-2-1
Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 34-8-0
Effective July 13, 1993

S.B. 155 (Chapter 302)

Senate Bill 155 amends the provisions concerning actions against the State and political subdivisions. The measure clarifies that employees or volunteers of a public firefighting agency are included among those persons for whom immunity from liability is provided.

Senate Bill 155 grants immunity for discretionary acts or acts exercising due care in the execution of a statute or regulation, provided such acts do not constitute gross negligence.

Referred to Senate Committee on Judiciary
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 41-0-1
Effective October 1, 1993

S.B. 171 (Chapter 102)

Senate Bill 171 directs the State Librarian to, by regulation, establish and approve minimum periods for local governments to retain records.

Referred to Senate Committee on Government Affairs
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Government Affairs
ASSEMBLY VOTE: 41-0-1
Effective October 1, 1993

S.B. 236 (Chapter 435)

Senate Bill 236 grants immunity from liability to the State and its counties for damages suffered by people from the use of minor county roads. The bill also allows the user of a minor county road to file a map of the road with the

county recorder, revises the requirements for designating and indexing these roads, and relieves counties of the responsibility for including these roads on the map of their road systems.

Referred to Senate Committee on Transportation
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Transportation
ASSEMBLY VOTE: 42-0-0
Effective October 1, 1993

S.B. 405 (Chapter 653)

Senate Bill 405 provides immunity from civil liability for claims based upon a good faith communication to a legislator, officer, or employee of the State or Federal Government. If a civil action is brought against such a person, the Attorney General or other legal representative of the governmental entity to whom the communication is made is authorized to provide a defense for the person.

In addition, the bill entitles the prevailing party in such an action, including a governmental agency if that agency provided the defense, to reasonable costs and attorneys' fees.

Finally, the bill clarifies that a witness is absolutely privileged to publish defamatory matter as part of or preliminary to a legislative proceeding, if the matter has some relation to the proceeding. To knowingly misrepresent a fact, however, constitutes a misdemeanor.

Senate Bill 405 provides protection from strategic lawsuits against public participation, known as "SLAPP" suits. The initiation or threat of a SLAPP suit is used to discourage a person's efforts to communicate information to a governmental agency.

Referred to Senate Committee on Judiciary
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 35-6-1
Effective July 13, 1993

S.B. 495 (Chapter 512)

Senate Bill 495 extends immunity from civil liability to certain volunteers involved with emergency medical services in counties with populations less than 100,000. Immunity is provided to volunteer emergency medical dispatchers when approved emergency communication protocols have been

observed. Volunteer medical directors of emergency services that employ an emergency medical dispatcher are also immune from liability if the agency uses a medical priority dispatch system that includes a quality assurance program. This immunity does not apply to acts amounting to gross negligence or willful misconduct.

The bill also defines "emergency medical dispatcher" and requires the State Board of Health to provide by regulation for the training and certification of medical dispatchers. An educational institution or public or private entity may provide such a training program.

The immunity provisions apply only to counties with populations less than 100,000, since many of the emergency medical service personnel in the smaller counties are volunteers.

Referred to Senate Committee on Human Resources and Facilities
SENATE VOTE: 20-1-0
Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 42-0-0
Effective October 1, 1993

S.B. 545 (Chapter 427)

Senate Bill 545 defines the occupation of financial planner and provides for its duties and liabilities. The definition excludes attorneys, licensed public accountants, investment advisers, and insurance agents who provide financial advice incidental to their professions.

The bill establishes a statutory cause of civil action for a client to recover the amount of economic loss and litigation costs from a financial planner for violations of the law and fiduciary duty, and gross negligence. A financial planner is required to maintain liability insurance or a surety bond of $1 million or more.

Referred to Senate Committee on Commerce and Labor
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Commerce
ASSEMBLY VOTE: 41-0-1
Effective October 1, 1993

A.B. 365 (Chapter 393)

Assembly Bill 365 removes the criminal penalty for a state officer who refuses to allow access to a public record. Instead of the criminal penalty, the measure substitutes a procedure for civil enforcement of the laws governing access to

public records. The bill also grants immunity from liability for damages to public officers, employees and their employers who act in good faith in disclosing or refusing to disclose information.

Referred to Assembly Committee on Government Affairs
ASSEMBLY VOTE: 41-0-1
Referred to Senate Committee on Government Affairs
SENATE VOTE: 21-0-0
Effective October 1, 1993

A.B. 784 (Chapter 545)

Assembly Bill 784 amends the laws regarding public accommodations. The bill expands the limitation on the civil liability of hotels, inns, motor courts, boardinghouses, or lodging houses to cover property left in motor vehicles on the premises. Currently, the limitation applies to property left in guest rooms and provides that, in the absence of gross neglect, the owner or keeper is not liable for property which is lost, damaged, destroyed or stolen.

Referred to Assembly Committee on Commerce
ASSEMBLY VOTE: 42-0-0
Referred to Senate Committee on Commerce and Labor
SENATE VOTE: 20-0-1
Effective July 12, 1993

A.B. 789 (Chapter 547)

Assembly Bill 789 revises certain provisions relating to public attorneys to authorize private practice for limited duration under certain circumstances. Current law prohibits, in counties with populations of more than 100,000, the private practice of law by deputy district attorneys and public defenders and their deputies and assistants. This measure allows an attorney, appointed either to prosecute or to defend a person for limited duration and with limited jurisdiction, to continue the private practice of law, provided the practice does not conflict with his appointment.

In addition, the bill clarifies that district attorneys and their deputies and assistants, as well as the specially appointed attorneys, are included in those employees of the State or its political subdivisions who are immune from civil liability.

Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 41-0-1
Referred to Senate Committee on Judiciary
SENATE VOTE: 21-0-0
Effective July 1, 1993

Structure of Court System

S.B. 413 (Chapter 430)

Senate Bill 413 increases the jurisdictional threshold for justice courts from $5,000 to $7,500. The threshold for small claims court is increased from $2,500 to $3,500. The filing fee schedule for commencing an action in these courts is revised to reflect the changes.

In addition, the bill establishes a procedure for service of process at a residence with a gated entrance. If a guard is posted at the gate and entry is denied, service may be accomplished by leaving a copy of the documents with the guard. If there is no guard, and entry is not reasonably available, then the court may authorize service by certified or registered mail to the residence.

Senate Bill 413 was requested to provide better access to the State's lower courts. The measure addresses concerns that the costs of litigation have outgrown the jurisdictional levels of the lower courts and, thus, the alternatives are filing in district court or not pursuing an action. The new filing fees offset the administrative burden on the lower courts which will result from the increased caseload.

Referred to Senate Committee on Judiciary
SENATE VOTE: 20-1-0
Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 34-8-0
Effective October 1, 1993

S.B. 479 (Chapter 479)

Senate Bill 479 expands the jurisdiction of the justice and municipal courts to include cases involving juveniles charged with minor traffic offenses. The bill allows the juvenile court to transfer such a case to the justice or municipal court in any jurisdiction, if such action is in the juvenile's best interest. A mechanism is provided to transfer the case back to the juvenile court with the consent of the judge of the juvenile division.

The bill authorizes the transfer of minor traffic cases to the justice of municipal court, regardless of the population of the county in which the court is located. These cases often can be resolved expeditiously and inexpensively in justice or municipal court.

Referred to Senate Committee on Judiciary
SENATE VOTE: 20-0-1
Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 41-0-1
Effective October 1, 1993

A.B. 66 (Chapter 389)

Assembly Bill 66 removes a sunset provision concerning establishment of the neighborhood justice center in Clark County and the mediation program for child custody and visitation in Washoe County. The measure also allows the board of county commissioners to authorize the neighborhood justice center to charge a fee for services related to complex cases and for training provided by the center.

Currently, Clark County's neighborhood justice center must provide dispute resolution services at no charge. Complex cases require more of the center's resources, however, and warrant an appropriate fee, so that the center may assist as many people as possible. In addition, representatives of the programs in both Clark and Washoe Counties testified concerning the programs' success and recommended removal of the sunset provision.

Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 41-1-0
Referred to Senate Committee on Government Affairs
SENATE VOTE: 21-0-0
Effective October 1, 1993

A.B. 523 (Chapter 252)

Assembly Bill 523 amends certain provisions governing the jurisdiction of family courts. The bill expands the jurisdiction of family courts to include proceedings for involuntary court-ordered admission to a mental health facility. The measure removes jurisdiction over certain proceedings related to the compromise of a claim of a minor, such as personal injury suits.

Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 42-0-0
Referred to Senate Committee on Judiciary
SENATE VOTE: 19-0-2
Effective October 1, 1993

EDUCATION

S.B. 218 (Chapter 524)

Senate Bill 218 allows school districts to enter into agreements with accredited postsecondary institutions for the purpose of assigning student teachers to certain training positions within the public schools.

Under current law, the University and Community College System of Nevada is the only entity allowed to provide student teachers to school districts in this State. This bill allows school districts to place student teachers from any accredited institution with a teacher education program. Such institutions include private schools, such as Sierra Nevada College, and certain accredited institutions based in other states. School districts must not enter into an agreement under these provisions that continues beyond June 30, 1997.

Senate Bill 218 addresses the demand for regular classroom teachers in Nevada. School districts often hire candidates who have completed student teaching assignments at schools within the district.

Referred to Senate Committee on Human Resources and Facilities
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Education
ASSEMBLY VOTE: 40-2-0
Effective July 1, 1993. Expires by limitation on June 30, 1997.

S.B. 313 (Chapter 294)

Senate Bill 313 revises the procedure to be used by the State Board of Education for the suspension or revocation of licenses held by educational personnel. When the board receives a request for a hearing by a person whose license has been recommended for suspension or revocation, the Superintendent of Public Instruction and the licensee are required to select a hearing officer from a list submitted by the American Arbitration Association. Under current law, hearing officers are chosen from a list of certain Nevada attorneys that is maintained by the board.

The measure further specifies that a hearing be scheduled within 30 days after the selection of the hearing officer and that the hearing officer's recommendation be reported to the board within 15 days following the hearing. The board may accept or reject the recommendation, or it may return the report to the hearing officer for further evidence and recommendation. The decision of the board is declared to be final in a

contested case. The bill also revises the Nevada Administrative Procedures Act to allow for judicial review of the board's decisions in such actions.

Referred to Senate Committee on Human Resources and Facilities
SENATE VOTE: 20-1-0
Referred to Assembly Committee on Education
ASSEMBLY VOTE: 36-5-1
Effective October 1, 1993

S.B. 314 (Chapter 195)

Senate Bill 314 changes the name of the University of Nevada System to the University and Community College System of Nevada and makes this change in all chapters of *Nevada Revised Statutes* that refer to the system. The measure was requested to reflect the structure of the current system and to provide community college faculty with a sense of being in an equal partnership with university faculty.

Referred to Senate Committee on Human Resources and Facilities
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Education
ASSEMBLY VOTE: 42-0-0
Effective July 1, 1993

A.B. 75 (Chapter 21)

Assembly Bill 75 expands the penalty for certain crimes committed on school property. The bill provides that possession of a dangerous weapon while loitering, trespassing, vandalizing, or creating any other nuisance on school grounds increases the offense from a misdemeanor to a gross misdemeanor. The measure defines and includes "dangerous knife" as a dangerous weapon.

Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 41-0-1
Referred to Senate Committee on Human Resources and Facilities
SENATE VOTE: 21-0-0
Effective October 1, 1993

A.B. 154 (Chapter 101)

Assembly Bill 154 requires each school bus to be equipped with a mechanical device that is attached to the front exterior of the bus and which, when extended, causes persons to walk around it. The device must be approved by the State Board of Education and installed at the expense of each school district or bus operator. Such installation is not required for any school bus

which is used solely to transport pupils with special needs who are individually loaded and unloaded without having to walk in front of the bus.

This measure provides that school bus drivers must operate the mechanical device when the bus is stopped to load or unload pupils. A school district may upgrade or replace the device with another mechanism that has been approved by the State Board of Education.

Referred to Assembly Committee on Education
ASSEMBLY VOTE: 40-0-2
Referred to Senate Committee on Human Resources and Facilities
SENATE VOTE: 21-0-0
Effective October 1, 1993

A.B. 217 (Chapter 542)

Assembly Bill 217 adds to the requirements for a person who applies for a permit to represent a postsecondary educational institution that is not licensed to operate in Nevada. Such a person must present evidence that the institution is accredited.

Postsecondary schools located in other states often use agents to recruit students from Nevada. Existing law requires these individuals to register with the Commission on Postsecondary Education as agents of that school. Requiring that the schools they represent be accredited ensures that these individuals represent legitimate, viable institutions, thus protecting Nevadans from possible unscrupulous practices.

Referred to Assembly Committee on Education
ASSEMBLY VOTE: 42-0-0
Referred to Senate Committee on Human Resources and Facilities
SENATE VOTE: 21-0-0
Effective October 1, 1993

A.B. 223 (Chapter 109)

Assembly Bill 223 revises the provisions governing the list of officers appointed by the State Board of Education to conduct hearings regarding the demotion or dismissal of, or refusal to reemploy, teachers, administrators and other licensed employees of school districts.

This measure adds a provision allowing a hearing officer to be selected from a list provided by the American Arbitration Association if the number of names on the state board's list of qualified, trained hearing officers falls below 10.

Furthermore, the bill provides that the employee and the superintendent of the school district are not precluded from mutually selecting a Nevada attorney to serve as a hearing officer for a particular hearing.

Referred to Assembly Committee on Education
ASSEMBLY VOTE: 38-0-4
Referred to Senate Committee on Human Resources and Facilities
SENATE VOTE: 21-0-0
Effective October 1, 1993

A.B. 370 (Chapter 134)

Assembly Bill 370 includes protection for other school employees in the statute that makes it unlawful to threaten or assault pupils or teachers within a building or grounds of a public school. The measure expands the locations where such threats and assaults are prohibited to include school transportation vehicles and places where pupils or school employees are involved in school-sponsored activities. In addition, the bill removes the provision that describes the area of school grounds and clarifies the circumstances under which a person violating the law is guilty of a misdemeanor.

Referred to Assembly Committee on Education
ASSEMBLY VOTE: 41-0-1
Referred to Senate Committee on Human Resources and Facilities
SENATE VOTE: 21-0-0
Effective July 1, 1993

A.B. 454 (Chapter 200)

Assembly Bill 454 revises the provision which requires a school district to credit a teacher's previous experience with another Nevada school district for the purpose of determining the salary of the teacher. It requires the present employing school district to give teachers the same credit for previous teaching service as they were receiving at the end of employment with their former school district. If the former employing school district does not provide the teachers with credit for their final year of service, the present school district must give them credit for the final year.

This measure also establishes that a school district is not required to credit teachers for service that exceeds the maximum credit for teaching experience in the district's salary schedule. Furthermore, it does not permit a school district to deny credit for previous teaching service on the ground that the service differs in kind from the teaching experience for which credit is otherwise given by the district. In addition, the bill defines "previous teaching service."

Referred to Assembly Committee on Education
ASSEMBLY VOTE: 41-0-1
Referred to Senate Committee on Human Resources and Facilities
SENATE VOTE: 19-1-1
Effective July 1, 1993

A.B. 589 (Chapter 399)

Assembly Bill 589 requires the Board of Regents to establish a program of student teaching and practicum through agreements with the school districts.

Referred to Assembly Committee on Education
ASSEMBLY VOTE: 32-10-0
Referred to Senate Committee on Human Resources and Facilities
SENATE VOTE: 21-0-0
Effective July 2, 1993

Elementary and Secondary Education

S.B. 47 (Chapter 68)

Senate Bill 47 authorizes public and private schools to conduct drills to instruct pupils about appropriate emergency procedures in the event of a chemical explosion or natural disaster.

Current law requires schools to conduct monthly fire drills. This measure allows school districts to conduct no more than three disaster-type exercises during the school year, in place of the same number of fire drills. Drills must be conducted under the supervision of the chief of the respective fire department and designee of the board of trustees of the local school district.

Referred to Senate Committee on Human Resources and Facilities
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Education
ASSEMBLY VOTE: 42-0-0
Effective July 1, 1993

S.B. 67 (Chapter 213)

Senate Bill 67 changes the grades during which achievement and proficiency tests must be given to pupils. Current law mandates testing at grade levels 3, 6, 9, and 12. The bill changes this requirement to grades 4, 8, and 11.

The revised testing times are expected to be more appropriate to the developmental levels of students and more in keeping with the organizational structure of schools in Nevada. Additionally, the bill will result in a cost savings to the school districts by testing one less grade level.

Referred to Senate Committee on Human Resources and Facilities
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Education
ASSEMBLY VOTE: 39-2-1
Effective July 1, 1993

S.B. 91 (Chapter 664)

Senate Bill 91 authorizes the board of trustees for each school district to establish rules concerning school-based decision making for public schools within the district. The measure lists specific subject matters which the rules must address. Further, the bill permits state and local waivers from regulations for schools that adopt a program of school-based decision making.

Site-based decision making is an approach to educational reform that allows an individual school to make its own decisions concerning finances and curriculum. A school council, which typically consists of the principal, parents, teachers, and other community members, sets the policy direction for the school. Proponents of this approach argue that by increasing parental involvement and shifting policy decisions to the individual building level, schools will be encouraged to evaluate innovative educational techniques and will direct resources in an efficient manner to address the particular needs of the school.

The bill, as amended, allows each school district to design its own program of site-based decision making. It presents a list of the rules for creating and administering such programs, and allows the school districts to address these rules to accommodate local needs.

Referred to Senate Committee on Human Resources and Facilities
SENATE VOTE: 20-1-0
Referred to Assembly Committee on Education
ASSEMBLY VOTE: 40-1-1
Effective July 1, 1993. Expires by limitation on June 30, 1997.

S.B. 265 (Chapter 521)

Senate Bill 265 revises the statutory designations for pupils enrolled in special programs in public elementary and secondary schools. The measure adds the definition of "gifted and talented pupil" to refer to students under 18 years of

age who demonstrate outstanding academic skills or aptitudes requiring special programs or services to progress effectively. In addition, the term "disabled" is substituted for "handicapped" to reflect a similar change in Federal legislation concerning special education programs. Further, eligibility for programs for handicapped persons in public schools is raised from 18 to 22 years of age.

The bill also authorizes the expenditure of any available Federal funds for the unique special education and related services necessary to return to Nevada those pupils placed in out-of-state facilities when an appropriate program was not available in Nevada.

Senate Bill 265 also requires the State Board of Education to develop specific standards for programs of instruction or special services to benefit pupils with autism, severe emotional disturbances, traumatic brain injury, and gifted and talented abilities. Finally, the measure repeals the sunset clause to the 1991 statute requiring the Department of Human Resources and the State Department of Education to perform a joint review of all out-of-state and out-of-district placements of children with autism, severe emotional illness, or traumatic brain injury.

Referred to Senate Committee on Finance
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Ways and Means
ASSEMBLY VOTE: 42-0-0
Effective June 30, 1993

S.B. 354 (Chapter 625)

Senate Bill 354 prohibits the use of corporal punishment in public schools. The measure defines the term to include the intentional infliction of physical pain or physical restraint as a disciplinary technique for pupils. The bill also clarifies that corporal punishment does not include the use of reasonable and necessary force to prevent injuries to oneself or to others, to prevent the destruction of property, to take a weapon from a pupil, or to escort a disruptive pupil who refuses to go voluntarily with the proper authorities.

Referred to Senate Committee on Human Resources and Facilities
SENATE VOTE: 19-2-0
Referred to Assembly Committee on Education
ASSEMBLY VOTE: 37-2-3
Effective October 1, 1993

S.B. 511 (Chapter 644)

Senate Bill 511 changes the law concerning the accountability program for public schools. The statute is expanded to require each school district to report each year to the residents of the district and the State Board of Education concerning specific information on educational quality and pupil achievement for *each school* in the district. Under existing law, each school district is required to report such information concerning the district as a whole.

This measure requires the Superintendent of Public Instruction to establish a uniform system for school accountability reports. In carrying out these provisions, the superintendent must consult with representatives of the Nevada State Education Association, Nevada Association of School Boards, Nevada Association of School Administrators, and Nevada Parent Teachers Association.

The bill requires that school districts provide the accountability reports to their residents during March of each year and to the state board on or before April 15 of each year. On or before June 15 of each year, each school district must report to the state board on the effectiveness of its accountability program and efforts to correct deficiencies. After analyzing the information, the superintendent is required to prepare a report concerning the effectiveness of the school accountability programs. The superintendent must submit this report to the Legislature in odd-numbered years and the Legislative Commission in even-numbered years.

The school accountability law requires each school district to report to its residents concerning educational goals and objectives; comparisons between current and previous pupil achievement at each age and grade; 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 the 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 the communication between parents and the district. All of this information currently is reported for the school district as a whole, but not for individual schools.

Senate Bill 511 responds to concerns that each individual school should be held accountable for the education of its pupils and the expenditure of tax dollars. This legislation requires that the accountability reports include information for each school in the district and the district as a whole. The

educational goals and objectives would continue to be reported only for the district as a whole.

Referred to Senate Committee on Finance
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Education
ASSEMBLY VOTE: 36-5-1
Effective July 1, 1993. Expires by limitation on July 1, 1997.

S.B. 553 (Chapter 424)

Senate Bill 553 requires the board of trustees of each school district to administer examinations for achievement and proficiency to 9th grade students during the 1993-94 school year. Each board must submit the results of such examinations to the Superintendent of Public Instruction.

Referred to Senate Committee on Finance
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Education
ASSEMBLY VOTE: 41-0-1
Effective July 9, 1993

A.B. 192 (Chapter 290)

Assembly Bill 192 requires the board of trustees for each school district to establish procedures to be followed by peace officers when arresting pupils on school grounds during school hours. The procedures must be developed in conjunction with, and be adopted by, the law enforcement agency that has jurisdiction over any part of a school district. The policy must also address conditions under which a school's chief administrative officer is notified about an arrest.

Referred to Assembly Committee on Education
ASSEMBLY VOTE: 42-0-0
Referred to Senate Committee on Human Resources and Facilities
SENATE VOTE: 21-0-0
Effective October 1, 1993

A.B. 207 (Chapter 336)

Assembly Bill 207 directs the Superintendent of Public Instruction and the Director of the Department of Human Resources to appoint a task force to study the feasibility of establishing course work in American Sign Language in secondary and post-secondary schools for credit as a foreign language and as a special course in elementary schools.

This measure also contains provisions regarding the membership, duties, meetings, and expenses of the task force. A majority of the members must be persons who are deaf or who are related to a deaf person. The findings and recommendations of this group must be submitted, not later than November 15, 1994, to the Director of the Legislative Counsel Bureau for transmittal to the Legislative Commission.

The bill appropriates $3,812 from the State General Fund to the Department of Human Resources to cover the per diem and travel expenses of the members of the task force.

Referred to Assembly Committee on Education and
re-referred to Committee on Ways and Means
ASSEMBLY VOTE: 41-0-1
Referred to Senate Committee on Human Resources and Facilities
SENATE VOTE: 21-0-0
Effective July 1, 1993

A.B. 290 (Chapter 667)

Assembly Bill 290 requires the State Board of Education to establish a pilot program to evaluate the feasibility of transferring the responsibility of public school management decisions to administrators, staff members, and parents at individual schools. The purpose of the program is to provide more flexibility in the operation of public schools and increase the accountability of educational personnel.

The board is required to designate 10 public schools to participate in the pilot program. To become eligible, a school must submit an application to the state board and include evidence of support for such participation. The board may also require a school to provide additional information. On or before January 10, 1995, the state board must submit a report regarding the pilot program to the Director of the Legislative Counsel Bureau for transmittal to the members of the Legislative Commission.

Referred to Assembly Concurrent Committees on Education
and Ways and Means
ASSEMBLY VOTE: 41-0-1
Referred to Senate Committee on Finance
SENATE VOTE: 21-0-0
Effective July 1, 1993

A.B. 427 (Chapter 613)

Assembly Bill 427 prohibits a student from carrying or possessing a beeper, portable telephone, or any other similar device on school grounds. A student may carry or possess such a device only with written consent from the school principal.

Referred to Assembly Committee on Education
ASSEMBLY VOTE: 40-0-2
Referred to Senate Committee on Human Resources and Facilities
SENATE VOTE: 21-0-0
Effective July 1, 1993

A.B. 527 (Chapter 215)

Assembly Bill 527 authorizes school districts, subject to the approval of the State Board of Education, to establish alternative programs for the education of pupils at risk of dropping out of high school. The measure describes the characteristics of pupils who would be eligible to participate in the alternative programs, and sets forth the educational opportunities and support services which may be provided to pupils in such programs.

Referred to Assembly Committee on Education
ASSEMBLY VOTE: 42-0-0
Referred to Senate Committee on Human Resources and Facilities
SENATE VOTE: 21-0-0
Effective July 1, 1993

A.B. 529 (Chapter 223)

Assembly Bill 529 requires the board of trustees of a school district to establish a program of instruction relating to child abuse for pupils in kindergarten and grades 1 through 6. The program must include instruction regarding the types of child abuse and the methods to recognize, report, prevent, and stop such abuse.

Although the state curriculum for health education in kindergarten and grades 3 and 6 currently includes some information relating to child abuse, such instruction is not mandated by statute. This legislation requires that each school district provide pupils in kindergarten and grades 1 through 6 with specific instruction to protect themselves and others from child abuse.

Referred to Assembly Committee on Education
ASSEMBLY VOTE: 41-0-1
Referred to Senate Committee on Human Resources and Facilities
SENATE VOTE: 16-4-1
Effective October 1, 1993

A.B. 578 (Chapter 384)

Assembly Bill 578 requires the State Board of Education to establish a course of study in adult roles and responsibilities to prepare pupils for their potential roles as parents and as members of family groups. The course must be taught between grades 6 and 12 and may be a separate or part of another course.

The curriculum is to be determined by each school district's board of trustees with the assistance of teachers, administrators, licensed school counselors, pupils, and parents. Instruction must be provided in personal and family management, daily living skills, coping with stress, money management, establishing and maintaining relationships, and the skills and knowledge relating to the relationship between parents and children.

Referred to Assembly Committee on Education
ASSEMBLY VOTE: 38-0-4
Referred to Senate Committee on Human Resources and Facilities
SENATE VOTE: 11-10-0
Effective July 1, 1993

A.B. 584 (Chapter 385)

Assembly Bill 584 requires the State Board of Education to establish a program of suicide prevention to be taught to each pupil by the completion of grade 12 as part of a required course of study.

Referred to Assembly Committee on Education
ASSEMBLY VOTE: 40-1-1
Referred to Senate Committee on Human Resources and Facilities
SENATE VOTE: 14-7-0
Effective July 1, 1993

A.B. 643 (Chapter 404)

Assembly Bill 643 requires the Superintendent of Public Instruction to establish pilot programs to develop internships which prepare and train pupils to serve as apprentices in businesses. Such internships must be designed for pupils in grades 11 and 12 and must allow the pupils to earn academic credit. The pilot programs must be established, in cooperation with the county school districts and the State Apprenticeship Council, for the 1994-1995 school year.

This measure requires the Superintendent to submit related progress reports to the State Board of Education and to the Legislative Counsel Bureau for transmittal to the Legislative Commission.

A student who is working as an intern pursuant to this bill is not considered to be an employee under the provisions which govern compensation, wages, and hours.

Referred to Assembly Committee on Education
ASSEMBLY VOTE: 41-0-1
Referred to Senate Committee on Human Resources and Facilities
SENATE VOTE: 19-2-0
Effective July 1, 1993

A.B. 741 (Chapter 561)

Assembly Bill 741 establishes certain requirements for school foundations and restricts the attendance of pupils suspended or expelled for specific offenses.

School Foundations

The measure requires a school foundation, defined as a nonprofit corporation formed exclusively to support an elementary or secondary school in Nevada, to comply with state laws relating to open meetings and public records. A school foundation, however, is not required to disclose the names of any contributors or the amounts of their contributions. Such a foundation must, upon request, allow a contributor to examine any of the foundation's documents or other information relating to that contributor. The measure also states that school foundations are exempt from the state tax on transfers of real property.

Alternative Educational Programs

The bill also prohibits a student who has been suspended or expelled from school for certain violations from enrolling in another school in the same district or in another school district for the period of that suspension or expulsion. Such violations include battery on a school employee, possession of a dangerous weapon, or the sale or distribution of a controlled substance.

The measure also allows a school district's board of trustees to admit a pupil who has been expelled or suspended for these reasons to an alternative education program following an investigative review. Finally, the bill urges each school district to develop an alternative program for such pupils or to enter into an agreement with a district that has a program already in place. School districts adopting alternative programs are required to submit a report

concerning these programs, and any recommended legislation, to the 1995 Legislature.

Referred to Assembly Committee on Education
ASSEMBLY VOTE: 27-14-1
Referred to Senate Committee on Human Resources and Facilities
SENATE VOTE: 21-0-0
Effective October 1, 1993

Higher Education

S.B. 65 (Chapter 60)

Senate Bill 65 allows a student to apply credits received for approved higher education courses at a community college or university to the total number of credits needed to graduate from high school.

Current law allows high school students to substitute certain college and university courses for similar high school classes. Such courses must first be approved by the local school board and the State Board of Education. This measure allows a student to receive credit for an approved course that may not have a counterpart class in high school.

The student is no longer limited to taking only those approved college and university courses that can be substituted for courses which are required for high school graduation. The bill allows all courses to be considered for high school credit, subject to the approval of the State Board of Education and local school boards, as is required under current law.

Referred to Senate Committee on Human Resources and Facilities
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Education
ASSEMBLY VOTE: 42-0-0
Effective July 1, 1993

S.B. 314 (Chapter 195)

Senate Bill 314 changes the name of the University of Nevada System to the University and Community College System of Nevada and makes this change in all chapters of *Nevada Revised Statutes* that refer to the system. The measure was requested to reflect the structure of the current system and to provide community college faculty with a sense of being in an equal partnership with university faculty.

Referred to Senate Committee on Human Resources and Facilities
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Education
ASSEMBLY VOTE: 42-0-0
Effective July 1, 1993

S.B. 322 (Chapter 626)

Senate Bill 322 mandates that a university foundation, defined as a nonprofit corporation formed exclusively to support a university or community college in Nevada, must comply with State laws relating to open meetings and public records.

This measure specifies that a university foundation is **not** required to disclose the names of any contributors or potential contributors, the amount of their contributions, or any information which may reveal or lead to the discovery of their identities. Such a foundation must, upon request, allow a contributor to examine any of the foundation's documents or other information relating to that person.

The measure also states that university foundations are exempt from the State tax on transfers of real property, and it further states that such a foundation may allow a president or administrator of the university or community college which it supports to serve on its governing board.

Referred to Senate Committee on Government Affairs
SENATE VOTE: 19-0-2
Referred to Assembly Committee on Education
ASSEMBLY VOTE: 34-3-5
Effective October 1, 1993

A.B. 191 (Chapter 198)

Assembly Bill 191 requires the Board of Regents of the University of Nevada System to report to the Director of the Legislative Counsel Bureau, by April 15 of each odd-numbered year, concerning the activities of the police departments within the university system. The bill specifies the items to be included in the report and requires that the Director submit the report to the Legislature.

This bill was proposed in response to an incident on the University of Nevada, Las Vegas, campus which resulted in the use of force and an arrest. The measure allows the Legislature to monitor the policies and procedures of the

university police departments to ensure that the officers do not exceed their authority and that their ultimate purpose remains the protection of students.

Referred to Assembly Committee on Education
ASSEMBLY VOTE: 40-0-2
Referred to Senate Committee on Human Resources and Facilities
SENATE VOTE: 21-0-0
Effective October 1, 1993

A.B. 219 (Chapter 594)

Assembly Bill 219 changes the fees charged by the Commission on Postsecondary Education. This measure revises the commission's fees by:

- Establishing a fee of $1,000 for an application by any unlicensed out-of-state educational institution to employ agents in Nevada.
- Increasing the fee from $250 to $750 for a change of ownership.
- Increasing the fee from $100 to $500 to add a new degree or vocational program.
- Increasing the fee from $50 to $200 for an initial agent's permit and from $50 to $100 for the renewal of an agent's permit.
- Establishing a fee of $5 for a transcript of an academic record filed with the commission's administrator by an institution that discontinues its operation.

This legislation allows the Commission on Postsecondary Education to charge fees that reflect the cost of processing certain applications and other licensing and permitting activities.

Referred to Assembly Committee on Education
ASSEMBLY VOTE: 41-0-1
Referred to Senate Committee on Human Resources and Facilities
SENATE VOTE: 21-0-0
Effective July 1, 1993

A.B. 402 (Chapter 192)

Assembly Bill 402 provides that the Board of Regents of the University of Nevada System must require a university student who participates as a member of a varsity athletic team to make satisfactory progress toward obtaining a

degree. It also requires the board to establish standards for determining the academic progress of such students.

The standards must include requirements that a student-athlete enroll in a sufficient number of certain courses each semester and maintain a minimum grade-point average in those courses. Furthermore, such students must enroll in courses which will allow them to complete their academic degree requirements within a reasonable period after admission to the university.

Referred to Assembly Committee on Education
ASSEMBLY VOTE: 39-0-3
Referred to Senate Committee on Human Resources and Facilities
SENATE VOTE: 21-0-0
Effective July 1, 1993

ELECTIONS

S.B. 250 (Chapter 523)

Senate Bill 250 revises Nevada's election laws. The measure is designed to provide greater voter participation and ensure open ballot access. Voter registration and election procedures are improved and strict penalties are provided for fraudulent activities. The bill's revisions include:

- Making it unlawful for any person to provide compensation for registering voters that is based on the number or party of those registered;
- Providing for the color-coding and dating of ballots by election;
- Changing the period for candidate filing from early January through mid-May to early March through early June;
- Prohibiting the use of a candidate's nickname on the ballot if the name indicates political, economic, social, or religious views or is the name of any well-known person, living or dead;
- Expanding and clarifying the provisions for the challenge of a voter;
- Prohibiting the fraudulent request for an absentee ballot in the name of another person;
- Providing for the issuance of voter identification cards and for duplicate copies of a certificate of registration;
- Prohibiting the use of a business address when registering to vote, unless the person actually resides there;
- Requiring a mail-in registrant to appear in person for the first election after his registration is effective unless he requests an absent ballot in person in the county clerk's office or makes a written request for an absent ballot and his signature on that request is notarized.
- Providing additional safeguards to ensure the integrity of Nevada's programs for voter registration by mail, registration at an office of the Department of Motor Vehicles and Public Safety, and voting by absent ballot;

- Easing the requirements for access to the ballot by minor political parties;

- Establishing felony penalties and additional civil penalties for various actions which constitute election or voter fraud;

- Establishing provisions which authorize early voting up to 17 days before an election at temporary or permanent polling places throughout a county;

- Requiring election officers to post alphabetical listings of voters at each precinct on election day, to identify the name of each voter who voted during the previous hour and to prohibit the examination of pollbooks by political party representatives and others during the course of an election;

- Providing for the separate reporting of election returns by precinct for absent and early voting;

- Requiring the county clerks of all counties to have an alphabetical listing of all registered voters published in a newspaper or newspapers of general circulation in the county before both primary and general elections;

- Allowing the offices of a county clerk to remain open for the purpose of voter registration on the Nevada Day legal holiday in even-numbered years;

- Requiring that mechanical voting systems used in the State comply with Federal Election Commission standards; and

- Bringing Nevada into full compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act.

Referred to Senate Committee on Government Affairs
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Elections and Procedures
ASSEMBLY VOTE: 42-0-0
Effective: Certain provisions are effective January 1, 1995, or January 1, 1997. Most sections are effective October 1, 1993.

S.B. 302 (Chapter 23)

Senate Bill 302 amends the Henderson City Charter to require a candidate for mayor, city council member, or judge to have been a resident of the city for 1 year prior to the deadline for filing for office.

The 3-year residency requirement in Henderson's current city charter is the most stringent in the State. Although 28 local entities in Nevada require only 30 days of residence to run for office, nine jurisdictions mandate between 6 months and 2 years.

Referred to Senate Committee on Government Affairs
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Government Affairs
ASSEMBLY VOTE: 41-0-1
Effective March 30, 1993

S.B. 552 (Chapter 638)

Senate Bill 552 makes various changes to Nevada's election laws. The procedures for filing petitions and collecting and verifying signatures are modified. The number of signatures that a person must collect to qualify as an independent candidate on the ballot is reduced. Further, the measure provides that the Secretary of State is Nevada's chief officer of elections and is responsible for the execution and enforcement of state and Federal laws relating to elections.

The Secretary of State is required to prepare a pamphlet describing the requirements for filing and circulating petitions, including a sample petition format. Pamphlets must be made available to the public and distributed upon request. A fee may be charged for a pamphlet in an amount not to exceed the cost of its production.

Referred to Senate Committee on Government Affairs
SENATE VOTE: 20-1-0
Referred to Assembly Committee on Elections and Procedures
ASSEMBLY VOTE: 41-0-1
Effective October 1, 1993

A.B. 34 (Chapter 14)

Assembly Bill 34 changes the deadline for a person to file a notice of intention to become a candidate for a proposed town board. This bill applies only to candidates who will be on the same ballot as the proposal for a town board form of government.

If the proposal and the board candidates will be submitted to the voters at a general election, the filing deadline is no later than 5 p.m. on the second Tuesday in May of the general election year. If the question and candidates will be submitted to the voters at a special election, a potential candidate must file at least 30 days before the election.

Referred to Assembly Committee on Government Affairs
ASSEMBLY VOTE: 41-0-1
Referred to Senate Committee on Government Affairs
SENATE VOTE: 20-0-1
Effective October 1, 1993

A.B. 105 (Chapter 152)

Assembly Bill 105 revises the definition of "candidate" in the statutes concerning ethics in government. A candidate is a person who has filed a declaration or acceptance of candidacy or whose name appears on an official ballot at any election.

Referred to Assembly Committee on Elections and Procedures
ASSEMBLY VOTE: 42-0-0
Referred to Senate Committee on Government Affairs
SENATE VOTE: 21-0-0
Effective October 1, 1993

A.B. 106 (Chapter 244)

Assembly Bill 106 allows a county clerk to appoint a high school senior as a trainee for the position of election board officer. The student must be a United States citizen, a resident of the State and county served, and at the time of service be enrolled in or have completed the required course in American government. Also, the principal of the high school involved must certify that the student is performing at an acceptable academic level and approve the student's request for appointment.

The bill also requires appointment without party affiliation and training classes and authorizes compensation. Finally, under no circumstances may trainees comprise more than one-third of the election board of any precinct or serve as chairman of the election board.

This measure was requested to provide additional qualified persons to serve as poll workers on election day and to enhance a student's education concerning the election process.

Referred to Assembly Committee on Elections and Procedures
ASSEMBLY VOTE: 42-0-0
Referred to Senate Committee on Government Affairs
SENATE VOTE: 20-0-1
Effective October 1, 1993

A.B. 429 (Chapter 174)

Assembly Bill 429 provides that, if only one candidate has filed for election to the board of directors of a county fire protection district, the candidate must be declared elected and no election may be held for that office. The measure applies only to county fire protection districts created by election under the provisions of Chapter 474 of *Nevada Revised Statutes.*

Referred to Assembly Committee on Elections and Procedures
ASSEMBLY VOTE: 41-0-1
Referred to Senate Committee on Human Resources and Facilities
SENATE VOTE: 21-0-0
Effective October 1, 1993

A.B. 531 (Chapter 345)

Assembly Bill 531 limits the circumstances under which a special election may be held. The bill requires that most matters, such as local bond issues and tax increases, be submitted to the voters at a primary or general election. Existing law allows a special election to be called by a county, city, improvement district, or other authorized governmental entity regarding a variety of issues. This measure authorizes special elections only if the governing body determines, by a unanimous vote of its members, that an emergency exists and immediate action by the voters is necessary to prevent or mitigate a substantial financial loss to the entity or to enable the provision of an essential service to the residents of the area.

Assembly Bill 531 does not limit the ability of a court or the Legislature to order that a special election be held, nor does it affect other purposes for special elections, such as the recall of public officers, authorized by law or *The Constitution of the State of Nevada.*

The bill addresses concerns that special elections are expensive to conduct and that most matters can wait until the next primary or general election. Also significant is the low voter turnout commonly experienced at special elections. Some entities that were unable to gain voter support for an issue at a general or primary election have been known to resubmit the matter to the voters at a special election when low voter turnout may increase the chances of passage.

Referred to Assembly Committee on Elections and Procedures
ASSEMBLY VOTE: 40-2-0
Referred to Senate Committee on Government Affairs
SENATE VOTE: 21-0-0
Effective January 1, 1994

EMPLOYERS AND EMPLOYEES

S.B. 344 (Chapter 179)

Senate Bill 344 allows an out-of-state employer to pay wages on a monthly basis to certain employees in this State. These persons include those employed in executive, administrative, or professional positions, or those employed as outside salesmen or supervisors. Current law requires all wages of employees in private employment to be paid at least semimonthly. The bill specifically excludes employees whose wages are governed by a collective bargaining agreement.

Senate Bill 344 relieves multi-jurisdictional companies with complex payroll systems to allow integration of those systems with every state in which they conduct business and have supervisory management employees. It is intended to allow these companies the flexibility to pay their professional and management personnel on a monthly basis.

Nevada is one of few states that do not allow the private sector to pay its management personnel on a monthly basis. Nevada's current law limiting the payment of private wages to a semimonthly basis has been essentially unchanged since 1919. This bill is viewed as a housekeeping measure to help bring Nevada's statutes in line with most other states' laws governing employment practices of the private sector.

Referred to Senate Committee on Commerce and Labor
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Labor and Management
ASSEMBLY VOTE: 37-3-2
Effective October 1, 1993

S.B. 467 (Chapter 480)

Senate Bill 467 requires employers to notify their insurers and employees of their intent to change insurers or to terminate, reduce, or modify substantially any benefit under a group life insurance policy. An insurer is prohibited from canceling, failing to renew, or renewing with altered terms a group life insurance policy unless written notice is given to the insured.

The bill also changes the maximum amount which may be paid as an extended disability benefit under a group health policy upon the death of the insured. The limit is increased from $500 to three times the amount of the policy's monthly benefit.

Referred to Senate Committee on Commerce and Labor
SENATE VOTE: 19-0-2
Referred to Assembly Committee on Commerce
ASSEMBLY VOTE: 41-0-1
Effective October 1, 1993

A.B. 436 (Chapter 248)

Assembly Bill 436 consolidates into one bill three significant changes to Nevada's unemployment compensation program. It includes: (1) a prohibition against receiving unemployment benefits while receiving workers' compensation benefits; (2) authorization for ESD to share its information with other agencies, such as the Commission on Economic Development; and (3) revisions to eligibility conditions to comply with Federal law.

Benefits Prohibition

This measure prohibits persons from collecting unemployment benefits while they are receiving industrial insurance benefits for rehabilitative services or temporary partial disability. This prohibition currently applies only to injured workers who are on temporary total disability.

The bill also allows persons who have been on rehabilitation or temporary partial disability the option of using wages earned immediately prior to the disabling injury to establish an unemployment insurance claim. Because disability compensation is not considered earned income for determining unemployment compensation benefits, some workers who are laid off after returning to work following a period of rehabilitation or temporary partial disability may not qualify for unemployment compensation. The current law allows only those injured workers with temporary total disabilities to use this alternative unemployment compensation base period. Unemployment benefits based on an alternative base period are not charged against the employer's record for experience rating.

Information Sharing

The bill authorizes the dissemination of information contained in the records of the Employment Security Department (ESD) for employment assistance and economic diversification purposes. The number of employees of, and the total wages paid by, each employer may be disclosed upon request by a state agency that intends to use the information for the benefit of the State's residents. The agency may be required to certify that it will maintain the confidentiality of the information and prevent its unauthorized disclosure. The ESD is allowed to

recover its actual costs of administrative expenses for various agency information requests.

Eligibility Compliance

This measure also revises certain eligibility conditions for unemployment benefits to comply with Federal law. Current Nevada law does not satisfy Federal requirements that provide three methods of measuring employment and earnings to determine a claimant's monetary eligibility for extended unemployment benefits. The bill adds the three methods to the State's law. This portion of the act becomes effective upon passage and approval.

The change in eligibility requirements relates to the payment of extended unemployment benefits which Nevada is not currently paying and which is not expected to be triggered in the foreseeable future. However, this change is necessary as a condition of conformity with the Federal Unemployment Tax Act (Public Law 102-318 of 1992).

If Nevada's law is found to be out of compliance with Federal requirements, the State could be subject to the loss of substantial funding for the unemployment insurance program, and employers in Nevada could be charged significantly higher unemployment taxes.

Referred to Assembly Committee on Labor and Management
ASSEMBLY VOTE: 41-0-1
Referred to Senate Committee on Commerce and Labor
SENATE VOTE: 21-0-0
Effective: The sections concerning methods of measuring employment and earnings are effective June 18, 1993.
The remainder of the act is effective October 1, 1993.

A.B. 454 (Chapter 200)

Assembly Bill 454 revises the provision which requires a school district to credit a teacher's previous experience with another Nevada school district for the purpose of determining the salary of the teacher. It requires the present employing school district to give teachers the same credit for previous teaching service as they were receiving at the end of employment with their former school district. If the former employing school district does not provide the teachers with credit for their final year of service, the present school district must give them credit for the final year.

This measure also establishes that a school district is not required to credit teachers for service that exceeds the maximum credit for teaching experience

in the district's salary schedule. Furthermore, it does not permit a school district to deny credit for previous teaching service on the ground that the service differs in kind from the teaching experience for which credit is otherwise given by the district. In addition, the bill defines "previous teaching service."

Referred to Assembly Committee on Education
ASSEMBLY VOTE: 41-0-1
Referred to Senate Committee on Human Resources and Facilities
SENATE VOTE: 19-1-1
Effective July 1, 1993

A.B. 586 (Chapter 273)

Assembly Bill 586 revises the provision which limits the number of hours an employee may work in an underground mine within any 24-hour period. It provides that the existing 8-hour limit does not include time consumed for meals or travel into or out of the actual worksite.

This measure allows an exception to the limit if a majority of the affected employees agree to a policy for periods of work in excess of 8 hours in a 24-hour period. Before such a policy may be adopted, it must be proposed by the employer and affirmed by the results of an election in which the employees cast secret ballots. Prior to the election, the employer is required to hold informational meetings to explain the effect of the proposed policy on the hours and compensation of the affected employees.

The provisions of this act do not apply to employees who are covered by a valid collective bargaining agreement.

Referred to Assembly Committee on Labor and Management
ASSEMBLY VOTE: 39-0-3
Referred to Senate Committee on Commerce and Labor
SENATE VOTE: 21-0-0
Effective June 24, 1993

FAMILY TOPICS

Adoption

S.B. 73 (Chapter 47)

Senate Bill 73 authorizes the Welfare Division to accept gifts and grants to assist in the production of a booklet describing adoption procedures in Nevada and the children available. Existing law requires the division to produce the document, but does not address the use of grants or gifts in the production. This measure clarifies that authority and requires that such gifts and grants be kept in a separate account for production of the booklet.

Referred to Senate Committee on Judiciary
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 42-0-0
Effective October 1, 1993

S.B. 75 (Chapter 133)

Senate Bill 75 requires the Welfare Division to establish criteria for determining the suitability of a prospective adoptive home.

The measure further requires that, if a home is determined to be unsuitable, the division allow prospective adoptive parents to review and respond to the investigation prior to release of the final report. The identities of persons who submit information or are interviewed for the home study are declared confidential.

Referred to Senate Committee on Judiciary
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 41-1-0
Effective October 1, 1993

S.B. 77 (Chapter 65)

Senate Bill 77 requires the Welfare Division to adopt regulations that permit open adoptions. The regulations must allow the natural and prospective adoptive parents to determine, by mutual consent, the amount of identifying information that will be communicated concerning each party.

Senate Bill 77 originated from an interim legislative study of adoption. Existing law permits only "limited knowledge" and no identifying information concerning the natural and adoptive parents.

Referred to Senate Committee on Judiciary
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 42-0-0
Effective October 1, 1993

S.B. 78 (Chapter 216)

Senate Bill 78 expands the provisions that prohibit Nevada attorneys from providing certain services related to adoptions to include attorneys authorized to practice law in another state. The measure also clarifies that attorneys may receive reasonable compensation for legal services related to adoptions, but may not be compensated for finding children or parents for the purpose of adoption. The Welfare Division is required to report any violators to the State Bar of Nevada or the bar association of the state where the violator is licensed to practice law.

Senate Bill 78 originated from a legislative interim study of adoptions in Nevada. The measure addresses concerns that some attorneys, particularly out-of-state attorneys, are arranging adoptions for a fee.

Referred to Senate Committee on Judiciary
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 42-0-0
Effective October 1, 1993

S.B. 79 (Chapter 660)

Senate Bill 79 removes the requirement that prospective adoptive parents be of limited means in order to qualify for financial assistance when adopting a child with special needs. This measure also eliminates the requirement that the Welfare Division make a diligent effort to locate a suitable home where financial assistance is not required.

Senate Bill 79 originated with a legislative interim study of adoption in Nevada. The measure is expected to benefit special needs children by encouraging their placement in permanent homes. In addition, the measure should result in a net savings to the State. While the bill allows the payment of subsidies to parents not currently eligible, the cost of the subsidy is less than the cost of care for such children within state facilities or foster homes.

Referred to Senate Committee on Judiciary and re-referred to Committee on Finance
SENATE VOTE: 19-0-2
Referred to Assembly Committee on Judiciary and re-referred to Committee on Ways and Means
ASSEMBLY VOTE: 42-0-0
Effective October 1, 1993

S.B. 80 (Chapter 42)

Senate Bill 80 authorizes licensed child placement agencies to conduct the necessary home study in adoption cases. Existing law authorizes only the Welfare Division to conduct the home study. The licensed agency must submit progress reports to the Welfare Division. If it appears that the licensed agency will not complete the study within the 60-day requirement, the division is required to take over the study.

The temporary placement of the child during the pending study is also addressed by this bill. Additionally, enforcement provisions allow the Welfare Division to remove a child placed in violation of the adoption provisions. The measure makes it a gross misdemeanor for any person to place or aid, abet, or counsel in the placement of a child in violation of the chapter.

This bill originated from a legislative interim study of adoption procedures in Nevada. The recommendation to allow licensed agencies to conduct home studies is based, in part, on the study of adoption procedures conducted by an independent consultant in 1990.

Referred to Senate Committee on Judiciary
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 42-0-0
Effective October 1, 1993

S.B. 81 (Chapter 57)

Senate Bill 81 requires the Division of Child and Family Services to impose fees for certain services provided. The measure exempts services related to Nevada children's homes and adoption of children with special needs. The administrator of the division also may waive a fee if it is determined that the person required to pay that fee is financially unable to do so. A sliding scale and a maximum fee are provided for in the measure.

This measure was recommended by the Interim Committee to Review Child and Family Services.

Referred to Senate Committee on Government Affairs
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Health and Human Services
ASSEMBLY VOTE: 41-1-0
Effective October 1, 1993

A.B. 54 (Chapter 19)

Assembly Bill 54 clarifies the requirements for allowing release of information contained in the State Register for Adoptions. The measure stipulates that a natural parent's consent to disclose information concerning the adopted person or certain relatives must be in writing.

Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 41-0-1
Referred to Senate Committee on Judiciary
SENATE VOTE: 21-0-0
Effective October 1, 1993

Child Custody

S.B. 411 (Chapter 431)

Senate Bill 411 allows the Division of Child and Family Services to use benefit payments that a child receives from Federal employee survivor benefits, Supplemental Security Income, and Veterans Administration programs. The division may use such money to pay a portion of the child's cost of care in a children's home. The bill provides that any surplus balance above the cost of care may be held in trust.

In addition, the measure specifies that, if a child is placed in a foster home, the funds may be used to pay a foster parent and provide the child with beneficial items not otherwise covered under foster care allowances.

This measure was recommended by the Audit Subcommittee of the Legislative Commission to address an audit finding. Current law requires that the referenced Federal benefits be held in trust and paid to the child when he leaves the institution. However, existing statutes allow the division to use these funds to offset the cost of care for all other children in the division's custody. Senate Bill 411 makes the practice consistent throughout the agency.

Referred to Senate Committee on Human Resources and Facilities
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Health and Human Services
ASSEMBLY VOTE: 42-0-0
Effective July 9, 1993

S.B. 470 (Chapter 445)

Senate Bill 470 clarifies and expands the statutes governing child custody and the removal or concealment of a child from the person with custody. The bill provides that, if no court order exists establishing custody and the parents are married to each other, each parent has joint legal custody. It is a felony to willfully conceal or remove a child from the other parent with joint legal custody with the intent to deprive the parent of the parent-child relationship.

If a child is born out of wedlock, the mother has primary physical custody if the mother has not married the father and no court has established paternity. The father has primary physical custody of the child if the mother has abandoned the child to the custody of the father. Concealing or removing a child born out of wedlock from the primary physical custody of the other parent constitutes a felony.

The measure also expands the current provision exempting from criminal sanctions the removal of a child for the child's protection to include removal of the child while attempting to protect oneself from abuse.

Referred to Senate Committee on Judiciary
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 41-1-0
Effective October 1, 1993

S.B. 472 (Chapter 516)

Senate Bill 472 makes changes regarding the custody of children. The bill authorizes a court to issue a pick-up order if it finds such an order is in the best interests of a child. A pick-up order authorizes a party, with assistance from law enforcement, to obtain physical custody of a child from the party having physical custody of the child. The child must then be produced before the court as soon as practicable to allow the court to determine proper custody.

A 24-hour notice is required to the party with physical custody, unless such notice would defeat the purpose of the pick-up order. Proceedings regarding such orders are required to be given priority on the court calendar.

The measure also authorizes a court to waive certain requirements to disclose a child's past and present addresses if the waiver would protect the child from physical or emotional abuse or if the address of the child is a shelter for victims of domestic violence.

Finally, the measure requires the clerk of the court to register foreign custody decrees and authorizes a fee of not more than $25 for such registrations.

Referred to Senate Committee on Judiciary
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 41-0-1
Effective October 1, 1993

S.B. 526 (Chapter 450)

Senate Bill 526 changes the manner in which interest is calculated and paid to individual accounts in the Trust Fund for Child Welfare. Current law requires the Welfare Division to establish separate interest-bearing accounts for each child in its custody. Expenses for the care of a child are deducted from that child's account. This measure allows the Division of Child and Family Services to keep one account for the fund, while calculating interest for each child's subaccount based upon the interest rates quoted by three or more banks for savings accounts containing $3,000 or less. The bill also specifies the manner in which interest is to be credited to each child's subaccount.

The measure also allows child support payments for a youngster in the division's custody to be used by the agency to offset the costs of caring for that child.

This measure results from an audit recommendation by the Legislative Counsel Bureau's Audit Division. A single account will allow the State to accrue interest at a higher rate than is possible with separate accounts. The additional amount gained will be used to enhance programs of the Division of Child and Family Services.

Referred to Senate Committee on Human Resources and Facilities
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Health and Human Services
ASSEMBLY VOTE: 42-0-0
Effective July 1, 1993

A.B. 174 (Chapter 62)

Assembly Bill 174 provides that a person convicted of sexual assault has no right to custody or visitation of a child conceived as a result of the assault. An exception is created where the the child's natural mother or legal guardian consents, and a court determines it is in the child's best interest.

The measure does not apply to a convicted person who is the victim's spouse at the time of the assault. During divorce proceedings, however, a court is required to consider the assault in determining custody or visitation privileges.

Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 42-0-0
Referred to Senate Committee on Judiciary
SENATE VOTE: 21-0-0
Effective April 14, 1993

A.B. 583 (Chapter 499)

Assembly Bill 583 adds a new section to the statutes governing parentage to authorize contracts for assisted conception under certain circumstances. The measure allows a married couple to enter into a contract with a surrogate mother in which an egg and sperm from the intended parents are placed in the surrogate through the intervention of medical technology. A person identified as an intended parent is considered a natural parent under the law.

The measure prohibits compensation to the surrogate other than reimbursement for medical and other necessary expenses specified in the contract.

Assembly Bill 583 eliminates the requirement that the genetic parents adopt a child carried to term by a surrogate.

Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 40-1-1
Referred to Senate Committee on Judiciary
SENATE VOTE: 21-0-0
Effective October 1, 1993

Child Support

S.B. 164 (Chapter 132)

Senate Bill 164 authorizes a district attorney or the Welfare Division to require an employer to enroll a child in a parent's health insurance plan if the parent fails to comply with a court order requiring such enrollment. Prior to seeking coverage, the enforcing authority must give the parent an opportunity to comply with the order or demonstrate that coverage is not available at a reasonable cost.

The bill prescribes the requirements for filing a notice with the employer and establishes the procedures for enrollment. The employer is not required to enroll a child who is not eligible for health insurance under the plan. The measure further authorizes the payments of insurance premiums for the child to be deducted from the parent's wages. If wages are insufficient to pay the premiums, the employer must notify the enforcing authority.

Courts often require an obligated parent to provide health insurance for a child if it is available at a reasonable cost, but the division estimates that only 20 percent of the obligated parents are complying with such orders.

Referred to Senate Committee on Judiciary
SENATE VOTE: 18-0-3
Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 42-0-0
Effective October 1, 1993

S.B. 298 (Chapter 627)

Senate Bill 298 requires a court to award interest and reasonable attorneys' fees for arrearages of child support obligations. Interest is awarded at the statutory rate. The court may refuse to award interest or attorneys' fees if it finds that the responsible parent would experience undue hardship as a result of the award.

The measure also adds child support and spousal maintenance to the list of assets that are exempt from execution.

Referred to Senate Committee on Judiciary
SENATE VOTE: 20-0-1
Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 41-1-0
Effective October 1, 1993

A.B. 5 (Chapter 6)

Assembly Bill 5 revises certain provisions governing parole and probation to include consideration of an offender's child support obligations. The measure requires that a presentence investigation report include information concerning an offender's child support obligation and any overdue payments. Assembly Bill 5 also directs a district court judge to consider conditions of probation which would promote the payment of any delinquent or future child support obligations.

Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 41-0-1
Referred to Senate Committee on Judiciary
SENATE VOTE: 21-0-0
Effective October 1, 1993

A.B. 492 (Chapter 250)

Assembly Bill 492 makes various changes concerning child support. The measure authorizes the Welfare Division to release information regarding a parent's child support obligation and any arrearage to a credit bureau. The bill further permits the Welfare Division, without court appointment, to serve as guardian ad litem in paternity cases brought by the district attorney.

Assembly Bill 492 establishes a procedure for change of venue when the person to whom support is owed moves to another jurisdiction. The bill also expands the definition of income to include that of independent contractors, and permits a lien for child support obligation to continue until the judgment is satisfied.

In addition, the measure clarifies that child support may be collected from a pension, disability award, or similar source whether paid in a lump sum or periodically. Assembly Bill 492 permits private attorneys to obtain an assignment of industrial insurance compensation. Currently, only district attorneys have that authority.

Finally, the measure authorizes immediate income withholding in certain child welfare cases unless all parties agree to an alternative or a court finds good

cause to not withhold. This provision brings Nevada's child support enforcement program into compliance with Federal law.

Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 42-0-0
Referred to Senate Committee on Judiciary
SENATE VOTE: 21-0-0
Effective October 1, 1993

A.B. 502 (Chapter 222)

Assembly Bill 502 makes various changes relating to child support enforcement. The measure removes a sunset provision concerning court-appointed hearing masters and extends the hearing masters program to the Eighth Judicial District. In addition, the bill clarifies that a master's recommendation must be approved in district court.

Certain provisions concerning the State's child support enforcement program are amended to conform with Federal regulations. The bill mandates that child support guidelines be applied, not merely considered, in a paternity suit. In addition, for any child support order in which statutory guidelines are not followed, the measure requires that the order specify the amount which would have been established under the applicable formula. Finally, the bill defines those conditions under which immediate wage withholding may be delayed.

Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 33-9-0
Referred to Senate Committee on Human Resources and Facilities
SENATE VOTE: 20-0-1
Effective June 11, 1993

A.B. 604 (Chapter 344)

Assembly Bill 604 amends the statutes relating to child support. The bill provides a civil penalty for delinquent payments in the amount of 10 percent per annum, or portion thereof, for the period the required installment remains unpaid.

The measure further directs occupational and professional licensing boards and governmental entities which issue licenses to provide, upon request of the Welfare Division, the names and addresses of their licensees. The Welfare Division is required to provide that information to district attorneys and public agencies involved in the collection of child support. A district attorney or public agency which identifies a person in arrearage who is licensed by a board or governmental entity must contact that person to provide an

opportunity to satisfy the claim. If the claim is not satisfied, the issuer of the permit or license must be notified.

Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 41-0-1
Referred to Senate Committee on Judiciary
SENATE VOTE: 21-0-0
Effective: The provisions concerning civil penalties are effective on October 15, 1995. The remainder of the bill is effective on October 1, 1993.

Divorce

A.B. 347 (Chapter 135)

Assembly Bill 347 amends provisions relating to the disposition of property upon divorce. The measure clarifies that community property is to be divided equally, unless the court finds a compelling reason to make an unequal disposition.

Assembly Bill 347 addresses concerns that recent court decisions citing "equitable" rather than "equal" distributions and examining the "respective merits" of the parties may cause issues of fault to become an element of judicial disposition of community property.

Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 42-0-0
Referred to Senate Committee on Judiciary
SENATE VOTE: 21-0-0
Effective October 1, 1993

A.B. 435 (Chapter 612)

Assembly Bill 435 amends the provisions relating to the disposition of property upon divorce. The measure stipulates that if separate property is used to acquire property held in joint tenancy, the property held in joint tenancy must be divided according to each party's contribution toward its acquisition. The bill authorizes a judge to consider the intention of the parties in placing the property in joint tenancy, the length of the marriage, and any other relevant factor in determining the amount of contribution to be returned to the parties as separate property. Any increase in valuation of the property is considered joint tenancy property.

Assembly Bill 435 addresses situations in which one party to a divorce placed a substantial separate property in joint tenancy after the marriage and the property is later treated as community property.

Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 42-0-0
Referred to Senate Committee on Judiciary
SENATE VOTE: 20-0-1
Effective October 1, 1993

FINANCIAL INSTITUTIONS

S.B. 201 (Chapter 657)

Senate Bill 201 makes it unlawful for a person to present, or cause a merchant to present, a credit card draft for payment to a financial institution under certain circumstances. The credit card draft may not be presented without the institution's express authorization if the draft pertains to a sale of goods or services that was not made by the merchant in the ordinary course of business.

Senate Bill 201 makes it illegal for fraudulent telemarketers to "cash in" on credit card numbers by laundering them through a merchant. Legitimate telemarketers and others, such as mail order businesses, normally obtain bank authorization to send in credit card drafts without an imprint of the card. Fraudulent operators generally do not have such an authorization, so they attempt to process the drafts through a merchant who receives a percentage of the amount on the draft. When a consumer rejects the charges that appear on the credit card bill, the bank or the merchant is required to pay. Senate Bill 201 makes it a crime to factor a credit card draft through a merchant.

Referred to Senate Committee on Commerce and Labor
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Commerce
ASSEMBLY VOTE: 40-1-1
Effective July 13, 1993

S.B. 328 (Chapter 227)

Senate Bill 328 changes certain provisions governing the licensing and discipline of mortgage companies. It revises the qualifications for issuing a license to a mortgage company by establishing more specific criteria. The measure requires the Commissioner of Financial Institutions to conduct an annual examination of each licensed mortgage company. It also revises and clarifies the conditions under which the commissioner may take disciplinary action to impose an administrative fine or suspend, revoke, or place conditions upon the license of a mortgage company.

Referred to Senate Committee on Commerce and Labor
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Commerce
ASSEMBLY VOTE: 39-0-3
Effective October 1, 1993

S.B. 407 (Chapter 230)

Senate Bill 407 makes various changes relating to the licensing and regulation of escrow agencies and agents. It adds requirements for the notification of, and investigation by, the Division of Financial Institutions when an escrow agency changes ownership or control. An escrow agency is required to pay its assessments and cooperate with the audits and examinations conducted by the division.

The bill prohibits an escrow licensee from conducting other business unless authorized by the Commissioner of Financial Institutions, and places conditions on the business of administering escrows in the same place as a mortgage company. It clarifies the requirement for escrow agents employed by a licensed escrow agency to be named as principals on the agency's surety bond.

This measure establishes a uniform annual renewal date for escrow licensees and increases the fees for the application, issuance and renewal of escrow licenses. The records retention period is made consistent at 6 years within the statutes governing escrow agencies.

Senate Bill 407 makes the fees and requirements within the Escrow Agency Act consistent with those imposed on other licensees of the Division of Financial Institutions. The changes are intended to enhance protection of the public, improve the operations of the division, and clarify certain provisions of the law relating to escrow agencies.

Referred to Senate Committee on Commerce and Labor
SENATE VOTE: 19-0-2
Referred to Assembly Committee on Commerce
ASSEMBLY VOTE: 39-0-3
Effective October 1, 1993

S.B. 477 (Chapter 648)

Senate Bill 477 makes changes to the retail installment sales provisions of Nevada law. The definition of time price differential is repealed and replaced with a definition of interest. The difference between the repealed definition and the new definition is that annual membership fees for credit cards, charges

for delinquency or for returned checks, and fees for obligations incurred over the credit limits are specifically included within the definition of interest. The repealed definition of time price differential specifically excludes or does not address such items. The bill also includes within the definition of interest other fees and costs upon which the parties have agreed.

The bill defines card issuer and service provider and clarifies the provisions that address payment of an account of a holder of a credit card. The effect of the new sections is to create a defense for a payee bank that receives a payment in good faith if the negotiable instrument used to post the account was forged, altered, or unauthorized.

Senate Bill 477 clarifies the definition of interest. Because Nevada does not have a usury law, it is important for merchants to have clear definitions of interest, particularly when entities and courts in other states are considering transactions in this State.

Referred to Senate Committee on Judiciary
SENATE VOTE: 19-0-2
Referred to Assembly Committee on Commerce
ASSEMBLY VOTE: 42-0-0
Effective October 1, 1993

A.B. 48 (Chapter 3)

Assembly Bill 48 amends the provisions of the Uniform Commercial Code dealing with perfection of a purchase money security interest. The measure extends the time period from 10 days to 20 days within which a seller or lender may file a statement of collateral security after the debtor receives possession of the collateral.

Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 41-0-1
Referred to Senate Committee on Judiciary
SENATE VOTE: 21-0-0
Effective October 1, 1993

A.B. 299 (Chapter 112)

Assembly Bill 299 amends the laws relating to banks. The bill eliminates a provision which required that all banking corporations hold their annual meeting no later than March 31.

Referred to Assembly Committee on Commerce
ASSEMBLY VOTE: 42-0-0
Referred to Senate Committee on Commerce and Labor
SENATE VOTE: 20-0-1
Effective October 1, 1993

A.B. 617 (Chapter 402)

Assembly Bill 617 amends the provisions of the Uniform Commercial Code governing commercial paper, bank deposits, and collections. The measure establishes procedures governing monetary instruments and debt collection. In addition, the bill addresses situations in which certain drafts or checks are dishonored or otherwise not paid. Procedures for payment of a lost, destroyed, or stolen check are revised. The measure also addresses causes of action associated with commercial paper.

Certain definitions are revised and others added in order to clarify provisions of the Uniform Commercial Code and incorporate new developments in financial transactions.

Assembly Bill 617 adopts the Uniform Law Commissioners' latest revisions to the Uniform Commercial Code.

Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 42-0-0
Referred to Senate Committee on Judiciary
SENATE VOTE: 21-0-0
Effective: Certain sections are effective on July 2, 1993.
Remaining provisions are effective on October 1, 1993.

A.B. 629 (Chapter 495)

Assembly Bill 629 amends the laws relating to installment loans. It clarifies that lenders must be licensed by the Commissioner of the Division of Financial Institutions if they are located in the State and make or solicit loans outside the State. Previously, only lenders who solicited or made loans in Nevada were required to be licensed.

The measure also expands the types of insurance which a lender may provide or take as security for a loan to include unemployment insurance, insurance to protect the lender's interest in collateral for a loan, single interest nonfiling insurance, and other credit-related insurance approved by the Commissioner. The amount charged for the insurance may not exceed the amount of the premium. In the case of single interest nonfiling insurance, the charge may not

exceed the amount charged by a county recorder to record and release a security interest on personal property.

Referred to Assembly Committee on Commerce
ASSEMBLY VOTE: 41-0-1
Referred to Senate Committee on Commerce and Labor
SENATE VOTE: 21-0-0
Effective October 1, 1993

A.B. 756 (Chapter 554)

Assembly Bill 756 authorizes the Commissioner of Insurance to license banks to sell annuities. The measure allows banks to sell annuities like other financial products. In other states, the responsibility for licensing for the sale of annuities is generally placed with the Commissioner of Insurance or similar office. The bill is expected to have no fiscal impact, as the Commissioner will utilize existing resources.

Referred to Assembly Committee on Commerce
ASSEMBLY VOTE: 31-9-2
Referred to Senate Committee on Commerce and Labor
SENATE VOTE: 14-3-4
Effective July 12, 1993

GAMING

S.B. 242 (Chapter 178)

Senate Bill 242 makes various changes concerning the regulation of gaming. The measure revises the definition of gaming devices to address new technologies. The definitions of gaming employees and independent agents are also revised. Also, the bill clarifies that certain disseminators of information and off-track pari-mutuel system operators must be licensed. A $500 annual license fee for operators of off-track pari-mutuel systems is established.

The bill authorizes the Nevada Gaming Commission to require a finding of suitability for providers of services related to the transmission of certain live broadcasts for wagering. In addition, the commission and the State Gaming Control Board are authorized to share certain gaming-related information with agents of foreign countries.

Other provisions stipulate that losses may be carried forward to offset gross revenues and license fees; the surrender of a license does not relieve the holder from payment of taxes or fees due; and changes of certain corporate officers must be reported within specific time limits.

Senate Bill 242 is based upon recommendations of a legislative interim study of gaming. Many of the revisions are designed to update current statutes in accordance with evolving technologies and practices in the gaming industry.

Referred to Senate Committee on Judiciary
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 40-0-2
Effective October 1, 1993

S.B. 243 (Chapter 362)

Senate Bill 243 revises the membership of the Gaming Policy Committee and increases the number of members from 8 to 10. The bill provides that the members representing the Senate and Assembly be appointed by the Legislative Commission rather than the Governor. The measure adds one member of a Nevada Indian Tribe appointed by the Inter-Tribal Council of Nevada. Two representatives of nonrestricted gaming licensees and one member of restricted gaming licensees are prescribed rather than two members from the gaming industry. Finally, the existing geographical restrictions relating to the gaming representatives are removed.

The Gaming Policy Committee, which is chaired by the Governor, provides a forum for the discussion of matters pertaining to gaming policy in Nevada. The recommendations of the committee are advisory and nonbinding with regard to the Gaming Control Board and the Nevada Gaming Commission.

This measure is based on the recommendations of the interim study of gaming. The membership of the committee has not been amended since its inception and is revised to reflect the changing nature of gaming in Nevada.

Referred to Senate Committee on Judiciary
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 38-1-3
Effective October 1, 1993

S.B. 268 (Chapter 486)

Senate Bill 268 authorizes limited-liability companies to hold state gaming licenses. The bill establishes the requirements that a limited-liability company must meet in order to hold a license. These provisions parallel existing laws that authorize limited partnerships to hold gaming licenses. Some of the key provisions include:

- The company must be formed in Nevada and maintain a principal office and records in the State.
- Members in the company are subject to suitability findings.
- Any disposition of interests in the company must be approved in advance by the Nevada Gaming Commission.
- All members in the company must be licensed individually.
- Persons and entities that are not direct members of the company but which may exert influence over the company are subject to individual licensing.
- Various financial and operational reporting is required.
- Persons found unsuitable or whose licenses are revoked or denied must be removed from the company.

The remainder of the bill amends existing gaming and limited-liability laws to include the authority of a limited-liability company to hold a gaming license.

Many business entities are choosing to conduct business as limited-liability companies because of the significant Federal tax advantages. The bill will authorize operations that choose the limited-liability form of incorporation to hold a gaming license.

Referred to Senate Committee on Judiciary
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 40-0-2
Effective October 1, 1993

S.B. 393 (Chapter 262)

Senate Bill 393 revises the statutes governing work permits of gaming employees. The measure authorizes the Nevada Gaming Commission to modify decisions of the State Gaming Control Board regarding work permits. Existing law allows the commission only to sustain or reverse a decision of the board.

The measure also authorizes the board to issue a limited work permit for a person who has been convicted of a misdemeanor crime. Existing law allows conditional issuances of work permits for persons who have been convicted of gross misdemeanors or felonies, but persons convicted of misdemeanors may only be denied or granted a permit.

Senate Bill 393 provides greater flexibility to the Nevada Gaming Commission when reviewing decisions of the board concerning work permits. The bill also increases the options available to the board with respect to applications of persons convicted of misdemeanors.

Referred to Senate Committee on Judiciary
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 40-0-2
Effective October 1, 1993. The provision regarding conditional permits for misdemeanants expires by limitation 2 years from the effective date of the act.

S.B. 475 (Chapter 513)

Senate Bill 475 abolishes the Nevada Racing Commission. The responsibility for regulating events involving horse racing or greyhound racing is transferred to the Nevada Gaming Commission and the Nevada Gaming Control Board.

Referred to Senate Committee on Judiciary
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Ways and Means
ASSEMBLY VOTE: 41-0-1
Effective July 12, 1993

A.B. 51 (Chapter 5)

Assembly Bill 51 clarifies the procedures for the collection of credit instruments that remain unpaid when a gaming property ceases operation. The measure requires the Nevada Gaming Commission to collect a monthly fee on all payments of credit instruments received by a licensee or affiliate after concluding gaming operations. The rate used to compute the monthly fee is derived from the licensee's historical experience in collecting credit instruments as well as the rates and limits set forth in existing law. The measure further requires the licensee to post a security to ensure payment of the fee.

Prior to the enactment of the current law in 1987, taxes were not being collected on credit instruments outstanding after a gaming licensee ceased operations. The 1987 law provided for collection, pursuant to regulations of the Gaming Commission. Assembly Bill 51 codifies the procedures for collection as adopted by the Gaming Commission.

Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 41-0-1
Referred to Senate Committee on Judiciary
SENATE VOTE: 21-1-0
Effective October 1, 1993

A.B. 196 (Chapter 360)

Assembly Bill 196 authorizes a nonprofit organization to operate an unrestricted number of charitable bingo games without obtaining a gaming license under certain circumstances. The measure enables a nonprofit organization to operate bingo games at more than one event per calendar quarter, subject to the following provisions:

- If the total value of all prizes is more than $2,500 per calendar quarter but less than $50,000 per calendar year, the organization must register with the State Gaming Control Board.

- If the annual prize value is more than $50,000 but less than $500,000, the organization must be approved by the board.

No registration or formal approval is required for organizations whose total prize value does not exceed $2,500 per calendar quarter. Registration and approval are valid for a calendar year and are revocable.

The bill establishes requirements for registration and approval and authorizes a $10 fee for registration and $25 for approval. In addition, the measure directs the State Gaming Commission to adopt appropriate regulations.

Finally, the bill prohibits a qualified organization from providing compensation to persons who are not regular employees or providing additional compensation to employees for certain services related to operation of the game. Further, net proceeds from games may be expended only for charitable or nonprofit activities in the State.

Assembly Bill 196 enables charitable, educational and other nonprofit associations to operate bingo games at more than one event per calendar quarter.

Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 42-0-0
Referred to Senate Committee on Judiciary
SENATE VOTE: 21-0-0
Effective October 1, 1993

A.B. 230 (Chapter 167)

Assembly Bill 230 amends the definition of gross revenue of a gaming licensee. The bill specifies that uncollected baccarat commissions are not included in the computation of gross revenue.

This measure was requested to clarify that uncollected baccarat commissions are not subject to taxation as gross revenues. Virtually all commissions, however, are collected from patrons and included as gross revenue subject to taxation.

Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 40-0-2
Referred to Senate Committee on Judiciary
SENATE VOTE: 18-0-3
Effective May 26, 1993

A.B. 233 (Chapter 363)

Assembly Bill 233 clarifies legislative intent regarding the scope and application of the casino entertainment tax. The measure provides that the 10 percent tax is not applicable to entertainment presented in a facility that would not have been subject to the Federal Cabaret Tax as that tax existed in 1965.

Referred to Assembly Committee on Judiciary and re-referred to Committee on Taxation
ASSEMBLY VOTE: 39-0-3
Referred to Senate Committee on Judiciary
SENATE VOTE: 19-0-2
Effective July 1, 1993

A.B. 293 (Chapter 110)

Assembly Bill 293 expands the definition of gaming information which is considered absolutely privileged when provided to the State Gaming Control Board or Nevada Gaming Commission. The measure includes, as absolutely privileged, information of a licensee or applicant submitted to the board or commission to assist them in their duties.

Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 40-0-2
Referred to Senate Committee on Judiciary
SENATE VOTE: 21-0-0
Effective May 11, 1993

A.B. 297 (Chapter 111)

Assembly Bill 297 amends certain provisions relating to gaming. The measure authorizes the Nevada Gaming Commission to issue a license to an eligible publicly traded corporation which complies with applicable gaming statutes. Related provisions are amended to reflect the inclusion of publicly traded corporations among those entities which may be granted a gaming license.

In addition, the measure extends the authority to seek declaratory judgments concerning gaming and lotteries to include an association of licensees or a nonprofit corporation representing licensees.

Existing law permits only individual licensees to obtain such judicial determinations. Additionally, a publicly traded corporation may hold a gaming license only through a subsidiary.

Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 40-0-2
Referred to Senate Committee on Judiciary
SENATE VOTE: 20-1-0
Effective May 11, 1993

A.B. 470 (Chapter 175)

Assembly Bill 470 amends the provisions governing foreign gaming operations. The measure eliminates the requirement for prior approval of foreign gaming and, instead, requires a licensee to report regularly on its foreign operations. The licensee must establish a $10,000 revolving fund with the State Gaming Control Board to cover the board's expenses related to the investigation of the licensee's participation in foreign gaming. In addition, prior to its participation in foreign gaming, the licensee must provide the board with any requested information concerning that participation.

The measure mandates the continued reporting requirements which must be met by the licensee, including annual operational and regulatory reports; quarterly reports regarding changes in ownership, control, officers, or key personnel; and all documents filed with the foreign jurisdiction. The bill further requires the licensee to adhere to certain standards of conduct.

The measure complements, and gives statutory authority to, a Nevada Gaming Commission regulation adopted in 1991 that permits advance approval provided certain conditions are met and comprehensive reports submitted. The regulation addresses the concern, among others, that the uncertainty associated with prior approval may hinder a Nevada licensee's ability to obtain a foreign license.

The bill also contains enforcement components that were recommended by an interim subcommittee that conducted a study of gaming. Those provisions clarify and strengthen the board's ability to take disciplinary action against Nevada licensees that commit violations of gaming laws in other jurisdictions.

Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 39-0-3
Referred to Senate Committee on Judiciary
SENATE VOTE: 19-0-2
Effective May 26, 1993

A.B. 611 (Chapter 498)

Assembly Bill 611 permits off-track pari-mutuel wagering on all in-state sporting events except jai-alai. The measure amends related regulatory provisions to incorporate in-state sporting events.

Assembly Bill 611 is expected to increase revenue for the gaming industry and the State from wagering on certain events like championship boxing. Existing law prohibits pari-mutuel wagering on in-state sporting events. The measure does not permit wagering on amateur sporting events.

Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 39-0-3
Referred to Senate Committee on Judiciary
SENATE VOTE: 20-0-1
Effective July 9, 1993

A.B. 614 (Chapter 497)

Assembly Bill 614 revises the limitation on the issuance of nonrestricted gaming licenses to resort hotels in counties whose population is 100,000 or more. The bill permits race book or sports pool operations at establishments that were licensed for such operation prior to July 1, 1993. The measure further authorizes a previously licensed operation to move within the same county if the operation is not otherwise prohibited in the new location.

Assembly Bill 614 clarifies the intent of the exemption for race and sports book establishments in the 1991 legislation that limited the issuance of nonrestricted gaming licenses to resort hotels.

Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 40-0-2
Referred to Senate Committee on Judiciary
SENATE VOTE: 20-0-1
Effective July 9, 1993

A.B. 626 (Chapter 280)

Assembly Bill 626 defines and provides for the regulation of cashless wagering. Related statutes, including those concerning cheating, are revised to incorporate cashless wagering. The measure also requires licensure of persons who manufacture, sell, or distribute devices used for cashless wagering systems.

"Cashless wagering system" is defined as a method of wagering in which the validity and value of a wagering instrument is determined, monitored, and

retained by a computer, which records each transaction involving the wagering instrument.

Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 38-2-2
Referred to Senate Committee on Judiciary
SENATE VOTE: 20-0-1
Effective June 24, 1993

HEALTH

S.B. 63 (Chapter 90)

Senate Bill 63 clarifies that a patient's medical records may not be transferred from state mental health facilities in violation of Federal law.

Under current Nevada law, patient records may be transferred from state mental health facilities to physicians or other health care facilities without the patient's consent. However, Federal law requires that consent be given by patients participating in federally funded drug and alcohol treatment programs.

Referred to Senate Committee on Human Resources and Facilities
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Health and Human Services
ASSEMBLY VOTE: 42-0-0
Effective October 1, 1993

S.B. 69 (Chapter 211)

Senate Bill 69 authorizes the sale of controlled substances and dangerous drugs to certain persons and agencies that provide emergency care or transportation. Such individuals or agencies must be registered with the Federal Drug Enforcement Administration and possess the appropriate professional certificate or license in Nevada or the equivalent certificate or license in another state. In addition, the measure allows the State Health Officer or the medical director of emergency medical services to designate pharmacies that are permitted to sell controlled substances and dangerous drugs to stock ambulances.

Senate Bill 69 allows hospital pharmacies to restock certain drugs and supplies in out-of-state ambulances that are used to transport patients from an accident site near the State's borders.

Referred to Senate Committee on Human Resources and Facilities
SENATE VOTE: 18-0-3
Referred to Assembly Committee on Health and Human Services
ASSEMBLY VOTE: 40-0-2
Effective June 10, 1993

S.B. 254 (Chapter 226)

Senate Bill 254 allows pharmacists to exchange information relating to the suspected misuse of drugs. Such exchanges are limited to situations in which persons are suspected of obtaining excessive amounts of drugs, failing to use a drug according to its directions, or taking a drug in combination with other drugs in a manner that could result in injury. The State Board of Pharmacy is required to adopt appropriate regulations.

Pharmacists are required by Federal law to counsel patients and warn them of possible drug interactions, but they may not be aware of drugs obtained by patients from another pharmacy. Under current Nevada law, communication between pharmacists is not allowed, so they are unable to take the extra step to compare notes with other pharmacies if a person is suspected of misusing prescriptions. This bill authorizes pharmacists to share such information under limited circumstances.

Referred to Senate Committee on Commerce and Labor
SENATE VOTE: 18-0-3
Referred to Assembly Committee on Commerce
ASSEMBLY VOTE: 39-0-3
Effective October 1, 1993

S.B. 369 (Chapter 188)

Senate Bill 369 permits the Board of Trustees of the Fund for Hospital Care to Indigent Persons to pay certain claims submitted by out-of-state hospitals. The fund was established to reimburse hospitals for the treatment of indigent persons who are victims of motor vehicle accidents occurring on publicly maintained Nevada highways.

Under current law, claims from hospitals in other states cannot be reimbursed. This measure allows the board to pay such claims.

The authorization for out-of-state hospitals to receive reimbursement is necessary to protect trauma network agreements with bordering states. When accidents occur in areas near the state border, a hospital in a neighboring state may be closer to the accident scene or better able to care for an injured person than the nearest Nevada hospital.

Referred to Senate Committee on Human Resources and Facilities
SENATE VOTE: 20-0-1
Referred to Assembly Committee on Health and Human Services
ASSEMBLY VOTE: 36-6-0
Effective October 1, 1993

S.B. 461 (Chapter 650)

Senate Bill 461 makes a number of changes to the regulatory authority of the state and local public health agencies with regard to the provision of emergency medical services in Nevada. The measure establishes two jurisdictional mechanisms for regulating emergency services:

1. In counties with populations under 100,000, the State Board of Health remains the regulatory authority; or

2. For those counties with populations of 100,000 or more, regulatory authority is transferred to the district or county board of health.

In addition, the State Health Officer, in consultation with the district health officers, is required to establish statewide minimum standards for ambulance attendants, firemen and ambulances involved in the delivery of emergency medical services. The bill also requires the State's Board of Medical Examiners to issue certifications of training to physicians and physician assistants who serve as attendants. Likewise, the State Board of Nursing must issue such certifications to registered nurses. In counties of 400,000 or more, both boards may establish more restrictive training requirements. A health officer must accept the certification of an emergency medical technician from another jurisdiction.

Finally, the State Board of Health retains the authority to regulate the State's trauma network. The bill also requires the local health authorities, in counties with a population of less than 100,000, to adopt regulations that are at least as restrictive as those adopted by the State Board of Health. The board reserves the right to determine whether these regulations meet the state standards.

Referred to Senate Committee on Human Resources and Facilities
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Health and Human Services
ASSEMBLY VOTE: 40-1-1
Effective October 1, 1993

S.B. 559 (Chapter 620)

Senate Bill 559 requires the Nevada Legislature's Committee on Health Care to conduct a study to evaluate and develop a mandatory coordinated care system for all Medicaid recipients. The study must examine available medical care systems, review funding sources and provider compensation methods, assess various cost containment approaches, and evaluate the impact and replacement of any lost hospital tax revenues. The committee's recommendations regarding such a system must be submitted by July 1, 1994, to the Governor and the Department of Human Resources (DHR). The DHR must establish this system no later than July 1, 1995.

The bill requires DHR to include the University of Nevada School of Medicine (UNSOM) in the development, implementation, and service delivery aspects of the program. The UNSOM is authorized to establish a nonprofit organization to provide research and patient education assistance and to accept gifts, grants, and donations to support the program.

The measure also revises the qualifications of the members of the Legislature's Committee on Health Care. A legislator must not be prohibited from serving on the committee if the member's specified involvement with a health facility would not materially affect the independent judgment of a reasonable person. In addition, membership must not be denied if serving on the committee would not materially affect any financial interest the legislator has in a health facility in a manner greater than any other person with a similar interest.

Referred to Senate Committee on Finance
SENATE VOTE: 20-0-1
Referred to Assembly Committee on Ways and Means
ASSEMBLY VOTE: 41-0-1
Effective July 13, 1993

A.B. 245 (Chapter 87)

Assembly Bill 245 prohibits the unauthorized possession, transfer, or use of a Medicaid card to unlawfully obtain benefits. The measure provides penalties for the following offenses involving a Medicaid card:

- Stealing a card;
- Knowingly receiving or possessing a stolen card;
- Selling, buying, or authorizing the unlawful use of the card; or
- Providing or obtaining medical care with the intent to defraud.

Finally, the bill specifies that any person who possesses two or more cards in the name of another person is presumed to have unlawfully obtained them, unless clear and convincing evidence is presented otherwise.

Referred to Assembly Committee on Health and Human Services
ASSEMBLY VOTE: 42-0-0
Referred to Senate Committee on Human Resources and Facilities
SENATE VOTE: 20-0-1
Effective October 1, 1993

Health Care Professions

S.B. 211 (Chapter 375)

Senate Bill 211 repeals a provision authorizing the State Board of Nursing to certify nursing assistants to perform designated acts in medical facilities which provide acute care.

The bill eliminates this provision because of concerns that the related regulations were unnecessary, would cause confusion among certified nursing assistants, could expose nurses and facilities to licensure action for inappropriate delegation, and could be harmful to the public if nursing assistants were allowed to perform tasks for which they might not understand the implications.

Referred to Senate Committee on Commerce and Labor
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Commerce
ASSEMBLY VOTE: 41-0-1
Effective October 1, 1993

S.B. 246 (Chapter 259)

Senate Bill 246 revises provisions relating to the practice of pharmacy and the State Board of Pharmacy. It specifies the procedures for compelling compliance with a subpena and entitles the board to the award of reasonable costs and attorney fees in the enforcement of a subpena and other court proceedings.

The board is allowed to participate in and expend money for programs that enhance the practice of pharmacy, such as seminars and continuing education programs. The bill defines an intern pharmacist and clarifies the provisions relating to such a person's authorized duties and activities.

The measure modifies provisions concerning the revision of the schedules of controlled substances to make distribution of the schedules more efficient. It also clarifies the procedure for authenticating a prescription for a controlled substance that is written by an authorized person from another state. A pharmacist is allowed to add certain address information to a prescription for a Schedule II (strong narcotic) controlled substance.

New language allows a waiver to be granted to a hospital in a rural area that cannot afford a full-time pharmacist. Three substances are removed from the list of poisons in the statutes, since they are sold over the counter in various forms. Finally, the measure repeals three obsolete sections of the law.

Referred to Senate Committee on Commerce and Labor
SENATE VOTE: 19-0-2
Referred to Assembly Committee on Commerce
ASSEMBLY VOTE: 41-0-1
Effective October 1, 1993

S.B. 399 (Chapter 520)

Senate Bill 399 adds provisions concerning pharmacists and supportive personnel in a pharmacy. Upon receipt of a prescription and after review of the patient's record, a pharmacist must communicate with the patient or person caring for him to enhance therapy through drugs. The communication must include appropriate elements of counseling for the patient, as established in regulations adopted by the State Board of Pharmacy. The counseling must be in person, if practicable, or by telephone or in writing. Counseling is not required for inpatients of a hospital or a licensed health care facility that administers drugs.

The bill also provides for the regulation and biennial registration of supportive personnel in pharmacies. Supportive personnel are defined as persons who perform technical services that do not require the judgment of a pharmacist but that are related to the preparation and distribution of drugs under direct supervision of a pharmacist.

The board is required to adopt regulations regarding the qualifications, registration, and supervision of supportive personnel and the services they may perform. The qualifications must include at least 1 year of postsecondary education, the successful completion of a training program, 1,500 hours of work experience, or other experience or education which the board deems to be equivalent.

The measure repeals provisions relating to hospital pharmaceutical technicians.

Referred to Senate Committee on Commerce and Labor
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Commerce
ASSEMBLY VOTE: 41-1-0
Effective October 1, 1993

S.B. 434 (Chapter 518)

Senate Bill 434 provides for the licensing of administrators of residential facilities for groups. The licensing is to be conducted by the State Board of Examiners for Administrators of Facilities for Long-Term Care, currently known as the State Board of Examiners for Nursing Facility Administrators. The membership of the board is increased from five to seven members, to include one member who is an administrator of a group residential facility with less than seven clients and one member who is an administrator of such a facility with seven or more clients. The Governor is directed to appoint these new members as soon as practicable after March 1, 1994.

The bill specifies the criteria for licensing, including passing an examination prescribed by the board. The administrator of a group residential facility funded by the Mental Hygiene and Mental Retardation Division is exempt from the licensing requirement.

Referred to Senate Committee on Commerce and Labor
SENATE VOTE: 20-0-1
Referred to Assembly Committee on Commerce
ASSEMBLY VOTE: 42-0-0
Effective: Licensing and certain other provisions are effective October 1, 1994. Remaining sections are effective March 1, 1994.

S.B. 522 (Chapter 622)

Senate Bill 522 prohibits a health care practitioner from referring a patient for a service or goods to a health facility, medical laboratory, or commercial establishment in which the practitioner has a financial interest. Exceptions are provided for rural areas, certain arrangements with health maintenance organizations, group practices, surgical centers for ambulatory patients, lithotripsy services, and cases where the financial interest represents an investment in certain publicly traded securities. The bill defines group practice and specifies criteria for the services provided, and the billing and compensation procedures used, by a group practice to qualify for the exception.

Referred to Senate Committee on Commerce and Labor
SENATE VOTE: 20-0-1
Referred to Assembly Committee on Commerce
ASSEMBLY VOTE: 38-0-4
Effective October 1, 1993

A.B. 211 (Chapter 390)

Assembly Bill 211 amends certain provisions concerning specific health care functions.

The bill authorizes certain additional persons to possess and administer controlled substances and dangerous drugs, including:

- Registered nurses (RNs) and licensed practical nurses (LPNs) at the direction of a dentist, podiatrist, or advanced practitioner of nursing, or pursuant to chart order for a patient at another location;

- Any person designated by the ultimate user in a written agreement;

- An animal technician at the direction of the supervising veterinarian; and

- An employee of a residential facility for groups pursuant to a written agreement with the ultimate user.

The bill also allows certain persons to possess and administer dangerous drugs, under certain circumstances or with supervision, including physician's assistants, licensed dental hygienists, dialysis technicians, chiropractic physicians, and physical therapists.

The measure also specifies that a skilled nursing or intermediate care facility must not be operated without a licensed nursing facility administrator present at the facility. Intermediate care facilities for the mentally retarded do not require the supervision or presence of a licensed nursing facility administrator.

The bill requires the Board of Health to establish minimum qualifications for administrators and employees of residential facilities for groups, with consideration given to the standards set by nationally recognized organizations which accredit such facilities. Further, the board must adopt separate regulations concerning the possession and administration of controlled substances or dangerous drugs by employees of residential facilities for groups. The bill specifies that the regulations must require certain conditions before an employee may assist the ultimate user with these substances or drugs.

Finally, A.B. 211 addresses the State Board of Nursing. The bill provides that any records or information obtained during an investigation by the board are confidential until the investigation is completed. The conditions under which the records and information become public records are outlined.

Referred to Assembly Committee on Health and Human Services
ASSEMBLY VOTE: 40-1-1
Referred to Senate Committee on Human Resources and Facilities
SENATE VOTE: 21-0-0
Effective October 1, 1993

A.B. 262 (Chapter 391)

Assembly Bill 262 repeals provisions requiring a permit to sell or manufacture hypodermic needles and prophylactic products and requiring a record to be kept of hypodermic devices sold without prescription. The bill also repeals sections of the law governing the requirements and standards for prophylactic devices.

This measure was requested to address changes in Federal requirements. The Federal Drug Administration has taken over the licensing and regulation of prophylactic products, and many types of hypodermic needles are no longer restricted.

Referred to Assembly Committee on Commerce
ASSEMBLY VOTE: 41-0-1
Referred to Senate Committee on Commerce and Labor
SENATE VOTE: 21-0-0
Effective October 1, 1993

A.B. 513 (Chapter 610)

Assembly Bill 513 amends the laws relating to physical therapy. The bill provides for the regulation of physical therapy technicians, defined as unlicensed persons who perform limited activities under the immediate supervision of a physical therapist.

The bill also authorizes the State Board of Physical Therapy Examiners to issue a temporary license to a physical therapist's assistant who meets the qualifications for licensure and is in Nevada temporarily to assist in a medical emergency. The term "physical therapy assistant" is changed to "physical therapist's assistant." The bill also makes it clear that a physical therapist's assistant is not required to be licensed during his clinical training if he works under the direct supervision of a physical therapist.

Finally, the bill allows the board or its hearing officer to require a licensee who is disciplined to pay the costs of the disciplinary hearing.

Referred to Assembly Committee on Commerce
ASSEMBLY VOTE: 41-1-0
Referred to Senate Committee on Commerce and Labor
SENATE VOTE: 19-0-2
Effective October 1, 1993

A.B. 691 (Chapter 533)

Assembly Bill 691 amends the statutes to substitute the term "podiatric physician" for "podiatrist." The bill also authorizes podiatric physicians to use the title of "D.P.M.," "Podiatrist," "Podiatric Physician," "Podiatric Physician-Surgeon," or "Physician-Surgeon D.P.M."

Referred to Assembly Committee on Commerce
ASSEMBLY VOTE: 41-0-1
Referred to Senate Committee on Commerce and Labor
SENATE VOTE: 21-0-0
Effective October 1, 1993

A.B. 746 (Chapter 559)

Assembly Bill 746 amends the law regarding the licensure to practice medicine. The bill eliminates a provision that specifies the minimum course of study which an applicant for licensure must complete. The Board of Medical Examiners is authorized to license an applicant who has passed the United States Medical Licensing Examination, or a combination of that examination and the Federation Licensing Examination or the examination given by the National Board of Medical Examiners, if that combination of examinations is approved by the board. The fee for administering the Federation Licensing Examination or the United States Medical Licensing Examination is set at $400. A provision limiting the re-examination of applicants is repealed.

An applicant also is allowed to complete either a graduate education program approved by the board or a program approved by the Accreditation Council for Graduate Medical Education of the American Medical Association or the Coordinating Council of Medical Education of the Canadian Medical Association.

The bill amends a provision concerning the waiver of requirements for graduate education or fellowship training for a physician who will work in a

medically underserved area to provide that these physicians must have completed their residency training in the United States or Canada.

In addition, the measure amends provisions concerning the placement of a physician on inactive status to remove the requirement that the board be notified that the physician has ceased to practice. The bill also provides that the physician must practice allopathic medicine, rather than homeopathic medicine, to avoid having the license placed on inactive status.

The provisions regarding the issuance of certain types of licenses to out-of-state physicians are amended. The licenses affected are a *locum tenens* license (which allows a physician to serve as substitute for another) and a temporary license (which allows a physician to serve a community which is without adequate medical care). The measure provides that, to qualify for these licenses, the physician must be licensed and in good standing in another state.

Physicians who have received loans or scholarships from the Federal Government or state and local governments on the condition that they perform public service may be disciplined if they do not begin that service within 1 year of the date that such service is to begin.

Finally, the bill provides for a committee designated by the Board of Medical Examiners to investigate complaints against physicians. These complaints may later be adjudicated by the remainder of the board.

Referred to Assembly Committee on Commerce
ASSEMBLY VOTE: 41-0-1
Referred to Senate Committee on Commerce and Labor
SENATE VOTE: 21-0-0
Effective October 1, 1993

Health Care Services and Facilities

S.B. 64 (Chapter 117)

Senate Bill 64 changes the definition of "surgical center for ambulatory patients" to delete references to anesthesiologists.

Referred to Senate Committee on Human Resources and Facilities
SENATE VOTE: 20-0-1
Referred to Assembly Committee on Health and Human Services
ASSEMBLY VOTE: 40-2-0
Effective October 1, 1993

S.B. 184 (Chapter 359)

Senate Bill 184 allows a physician who anticipates the death of a patient because of an illness, infirmity, or disease to authorize a registered nurse, or the registered nurses employed by a medical facility, to make a pronouncement of death of that patient. Such an authorization is valid for 120 days and must be written, signed and dated by the physician. The authorized registered nurse or nurses must also be specified.

If the pronouncement of death is made by a registered nurse, the authorizing physician is required to sign the medical certificate of death within 24 hours after being presented with the certificate. The registered nurse is allowed to release the body of a patient who has died in a medical facility to a licensed funeral director, pending completion of the death certificate, when such a release is authorized in writing by the physician or medical head of the facility.

Under current law, a physician must be called in to sign a death certificate and authorize the release of the body upon the death of a patient in a long-term care or other medical facility. This bill is intended to accommodate physicians and facilitate the process for the families and the medical facility when a death occurs from expected causes and the attending physician is not immediately available.

Referred to Senate Committee on Commerce and Labor
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Health and Human Services
ASSEMBLY VOTE: 40-0-2
Effective October 1, 1993

S.B. 311 (Chapter 282)

Senate Bill 311 eliminates the requirement that a county hospital provide a detention room for the purpose of conducting court-ordered medical examinations for persons who are alleged to be mentally ill. The measure also clarifies that a private hospital may perform required examinations of persons alleged to be mentally ill. Finally, the board of trustees of a county hospital may provide a suitable room for the custodial supervision of persons who are alleged to be mentally ill or dangerous to themselves or others.

This measure codifies current hospital practice as most hospitals do not presently maintain a "lock down" type of room for these patients.

Referred to Senate Committee on Human Resources and Facilities
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Health and Human Services
ASSEMBLY VOTE: 39-0-3
Effective October 1, 1993

S.B. 357 (Chapter 228)

Senate Bill 357 expands the definition of "medical laboratory" to include facilities in which examinations of specimens are performed for other than therapeutic purposes. The term does not include a forensic laboratory operated by a law enforcement agency. The bill provides that Nevada's laws regarding medical laboratories do not apply to any test or examination conducted by a law enforcement officer or agency.

This measure also clarifies that any person authorized by law to use the findings of laboratory tests and examinations may request a medical laboratory to examine specimens. The bill further provides consistency with existing law by requiring a medical laboratory to report the results of examinations involving communicable diseases to the appropriate health authority.

Current law excludes from regulation laboratories involved in such areas as toxicology testing and drug testing for job applicants, employees, parolees or probationers. Without regulation, patients and clients have no assurance of the accuracy of the findings from these laboratories.

This bill is similar to Senate Bill 192 of the 1991 Session which was vetoed by the Governor. The final version of S.B. 192 included language that excluded a forensic laboratory operated by a law enforcement agency, but that exclusion was limited only to "preliminary examinations." Evidentiary tests administered at a law enforcement agency would not have been exempt, and the Governor believed that this law could have handcuffed law enforcement agencies in their fight against persons driving under the influence on Nevada's roads.

Referred to Senate Committee on Commerce and Labor
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Commerce
ASSEMBLY VOTE: 38-1-3
Effective October 1, 1993

S.B. 368 (Chapter 483)

Senate Bill 368 revises the definition of "institutional pharmacy" within the applicable chapters of *Nevada Revised Statutes* for the purposes of regulation by the State Board of Pharmacy. The term is broadened to include: (1) a pharmacy on the premises of a medical facility that supplies its medication, whether or not the pharmacy is operated by the facility; and (2) an off-premise pharmacy that distributes medication based upon chart orders from, and serving only the patients of, a medical facility.

The expanded definition is designed to include pharmacies in certain hospitals, prison medical facilities and nursing homes.

Referred to Senate Committee on Commerce and Labor
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Commerce
ASSEMBLY VOTE: 42-0-0
Effective October 1, 1993

S.B. 494 (Chapter 477)

Senate Bill 494 revises the statutory provisions concerning Nevada's Medicaid program. The measure revises Nevada's Medicaid provider tax to comply with new Federal guidelines. This tax allows the State to use funds collected from intergovernmental transfers and taxes on hospitals to obtain Federal matching funds for the Medicaid program. An additional state benefit of $50.4 million is expected from the program.

The Department of Human Resources is required to apply for waivers and otherwise comply with Federal directives necessary to revise the State's Medicaid tax on hospitals. The measure exempts small county hospitals from the provider tax and authorizes counties and hospital districts to enter into interlocal agreements with the department regarding the tax. For those hospitals subject to the tax, the Medicaid tax may not exceed the federally allowed maximum amount of 6 percent of the hospital's net revenue from both inpatients and outpatients.

The department must pay each hospital a specified amount for the treatment of a disproportionate share of indigent or low-income patients. The amounts are

allocated by first setting aside $100,000 for each disproportionate share hospital, and apportioning the remaining amount into three pools for Clark County, Washoe County, and all other counties based upon total billed charges for the previous year. In counties with a population greater than 100,000, a special allocation will be made to the hospital in each county serving the greatest number of indigent patients. The remaining funds are allocated to the eligible hospitals based upon Medicaid patient utilization and the client population being served. The bill establishes a cap on the amount of the tax to be collected at $38,350,000 for fiscal year 1993-94, and $40,300,000 for FY 1994-95.

In addition, the measure requires each county to execute an interlocal agreement with the Department of Human Resources for the treatment of the medically indigent. In exchange for this shift of responsibility for treating the county's indigent population, each county must transfer to the department its funds previously designated to pay for indigent care. This amount, plus that collected from the hospital tax, is used by the department to obtain additional Federal matching funds for the State's Medicaid program.

Finally, the measure repeals a portion of the Medicaid provider tax enacted by the 1991 Legislature. Previously, other health care providers, such as physicians and dentists, were taxed based upon their actual Medicaid case load. Due to new Federal requirements, these entities will no longer be taxed, and the enabling statutes for taxing these providers is deleted.

Referred to Senate Committee on Finance
SENATE VOTE: 19-2-0
Referred to Assembly Committee on Ways and Means
ASSEMBLY VOTE: 38-4-0
Effective July 1, 1993

S.B. 533 (Chapter 511)

Senate Bill 533 extends various statutory protections for patients in state mental health facilities to patients admitted to private facilities. These protections include:

- Reporting any denial of rights to the Commission on Mental Health and Mental Retardation;
- Requiring staff to report incidents of abuse or neglect;
- Releasing voluntary clients upon their written request; and

- Providing notice of an emergency admission to family members.

The bill specifies that no liability is incurred to a mental health facility for the required release of voluntary clients. The measure also expands the definition of "abuse" to include verbal intimidation or coercion of a patient. The definition of "neglect" is broadened to include the failure of facility staff to follow the treatment and care policies of the facility.

Senate Bill 533 further requires that the local office that receives Federal funds to protect and advocate the rights of mentally ill persons be notified of all involuntary, court-ordered admissions to public and private mental health facilities. Additionally, the measure provides that all patients in mental health facilities receive information concerning the services provided by such a local office and that this information also be posted in each public or private facility.

The measure specifies the penalty for violating statutory requirements concerning the admission and discharge of patients. The bill also repeals an archaic section of the *Nevada Revised Statutes* regarding persons committed to a public or private hospital or mental health facility.

Referred to Senate Committee on Human Resources and Facilities
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Health and Human Services
ASSEMBLY VOTE: 42-0-0
Effective October 1, 1993

A.B. 73 (Chapter 598)

Assembly Bill 73 defines and prohibits criminal neglect of patients in medical facilities. The measure stipulates that a professional caretaker who fails to provide such care as is reasonable and necessary to protect the health and safety of a patient is guilty of criminal neglect under certain circumstances. The act or omission must be a departure from the conduct of an ordinarily prudent person, the consequences of which could have reasonably been foreseen.

The measure does not apply to acts or omissions that are the result of inattention, mistaken judgment, or misadventure. Also exempt are acts or omissions relating to patients voluntarily treated solely through spiritual means or relating to a patient's living will. Corporate shareholders are not subject to liability unless they have actual knowledge of the neglect and show deliberate indifference to such neglect.

Criminal neglect which results in death or substantial bodily harm is a felony. Otherwise, such neglect is a gross misdemeanor. The Attorney General is required to notify the appropriate licensing board of any conviction under this measure.

Assembly Bill 73 addresses concerns that existing law requires the office to investigate, but does not define, certain instances of patient abuse and neglect. Further, while elder and child abuse statutes protect patients in those age groups, no law currently applies to patients between the ages of 18 and 60.

Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 42-0-0
Referred to Senate Committee on Judiciary
SENATE VOTE: 20-0-1
Effective October 1, 1993

A.B. 131 (Chapter 106)

Assembly Bill 131 authorizes health care facilities to abstract their own medical records related to cancer cases. Additionally, the bill allows the State Board of Health to adopt a schedule of fees for the abstraction of medical records by either the Health Division or the facility. The fee assessed to facilities that abstract their own records must not exceed one-third of the amount charged to facilities for which the Health Division abstracts the records. This measure also expands the term "health care facility" to include freestanding facilities for plastic reconstructive, oral and maxillofacial surgery.

Referred to Assembly Committee on Health and Human Services
ASSEMBLY VOTE: 42-0-0
Referred to Senate Committee on Human Resources and Facilities
SENATE VOTE: 21-0-0
Effective October 1, 1993

A.B. 168 (Chapter 311)

Assembly Bill 168 removes restrictions on the location at which a medical examination of an allegedly mentally ill person may be performed before such persons are transported to a mental health facility. The measure allows the examination to be performed outside a hospital.

Police officers who have custody of an allegedly mentally ill person may experience delays waiting in hospitals for an examination. This bill will alleviate the delays and expedite the officers' return to duty.

Referred to Assembly Committee on Health and Human Services
ASSEMBLY VOTE: 38-0-4
Referred to Senate Committee on Human Resources and Facilities
SENATE VOTE: 21-0-0
Effective October 1, 1993

A.B. 193 (Chapter 616)

Assembly Bill 193 defines "homes for individual residential care" to include providers who, for a fee, furnish food, shelter, and limited supervision to infirm, mentally retarded, or handicapped persons. The measure requires such homes to register with the Health Division. The bill also authorizes the Health and Aging Services Division of the Department of Human Resources to conduct, in response to complaints, on-site unannounced visits of the individual residential care homes. Currently, this authority is limited to larger licensed facilities.

The measure requires the State Board of Health to establish regulations governing the registration of individual care homes. The Health Division's Bureau of Health Facilities must register the facilities and maintain a registry of each home. Homes for individual residential care continue to be exempt from the strict licensing requirements that apply to larger group care facilities. Persons who violate the registration requirements of the bill are guilty of a misdemeanor for second and subsequent citations.

Assembly Bill 193 responds to an increasing number of negative reports about the quality of care in certain individual residential care homes. Such homes are unlicensed and unregulated. Individual residential care homes typically involve a conventional, single-family dwelling in which one or two elderly persons receive food, shelter, and assistance for a fee. Some of these homes may take care of handicapped or mentally retarded individuals.

Often law enforcement and home health agencies bring problems to the attention of the agency. The Aging Services Division ombudsman investigates these complaints and resolves any problems. This measure expands that authority and provides a mechanism to count these homes and track complaints.

Referred to Assembly Committee on Health and Human Services and re-referred to Committee on Ways and Means
ASSEMBLY VOTE: 35-6-1
Referred to Senate Committee on Human Resources and Facilities
SENATE VOTE: 17-1-3
Effective: Provisions concerning registration are effective on January 1, 1994. Remaining provisions are effective on July 1, 1993.

A.B. 444 (Chapter 583)

Assembly Bill 444 revises the statutory provisions concerning the information that must be included on the itemized hospital bill that is provided to each hospital patient upon discharge.

The measure provides for a patient to be billed in accordance with hospital billing rates negotiated and agreed upon through preferred provider agreements or through other insurance arrangements that may differ from generally prescribed hospital billed rates. Under current law, patient bills must include an itemized accounting of the daily charges for services, equipment, supplies, and medicines presented in terminology the general public can easily understand. This act permits hospitals to issue an itemized bill specifying only the agreed upon billed rates for services, equipment, supplies, and medicine. The hospital, however, must continue to provide the itemized hospital bill promptly and must respond to any patient questions or inquiries in an expeditious manner.

In addition, A.B. 444 allows major hospitals to increase billed charges above the caps set by the 1991 Legislature. If a hospital's net revenue per admission decreases by at least 4 percent between fiscal year 1989-90 and the first 3 quarters of FY 1992-93, it may increase its billed charges by no more than 4 percent during FYs 1993-94 and 1994-95. A hospital also may request approval from the Director of the Department of Human Resources to increase the prices in its charge master if it considers that its financial condition is adversely affected by any governmental action.

Under the 1991 cost-containment law, a major hospital is not allowed to raise its billed charges above the current rate of inflation for medical services, unless the Director determines that the hospital's quality of care is seriously jeopardized.

Referred to Assembly Committee on Health and Human Services and re-referred to Committee on Ways and Means
ASSEMBLY VOTE: 41-0-1
Referred to Senate Committee on Human Resources and Facilities
SENATE VOTE: 19-2-0
Effective July 1, 1993

A.B. 459 (Chapter 316)

Assembly Bill 459 amends the law relating to health care records. The bill expands the definition of health care records to include information which is stored electronically. Health care providers are authorized to retain health care records on microfiche, computer disc, magnetic tape, and optical disc and to create, authenticate, and store those records on a computer system which limits access.

Referred to Assembly Committee on Commerce
ASSEMBLY VOTE: 41-0-1
Referred to Senate Committee on Commerce and Labor
SENATE VOTE: 21-0-0
Effective October 1, 1993

INSURANCE

S.B. 229 (Chapter 488)

Senate Bill 229 requires insurers to notify a client who has submitted a claim under an insurance policy on a boat that the claimant must file a description of the incident with the Department of Wildlife if a collision, accident, or other casualty resulted in death or injury to a person or caused property damage in excess of $200. Boat repair shops are required to provide the same notification to any person requesting repair of a boat involved in such an accident. The measure further directs the insurer and boat repair shop to transmit a copy of the notice to the Department of Wildlife.

This measure provides a mechanism for gathering accident data which may be helpful in developing boating safety courses and enforcement programs. A similar notice is required of motorists in comparable accidents, and the information derived from that data has been used to enhance driver training courses, road design, and other safety efforts.

Referred to Senate Committee on Natural Resources
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Natural Resources, Agriculture and Mining
ASSEMBLY VOTE: 41-0-1
Effective October 1, 1993

S.B. 237 (Chapter 434)

Senate Bill 237 makes various changes to the laws governing Nevada's Insurance Guaranty Association, which pays certain claims against property and casualty insurers who become insolvent.

The bill clarifies the types of insurance or other financial transactions that are excluded from coverage by the guaranty fund. It also clarifies the coverage for property losses for insured corporations that are located or insured in more than one state. Coverage is provided by Nevada's fund if premium taxes have been allocated to this State and no recovery has been made from another state's guaranty fund.

A $100 deductible is set for claims for unearned premiums. In addition, insurers are allowed to take premium tax credits for their guaranty fund assessments the year after each assessment, rather than upon the issuance of a final liquidation order. Since this change affects credits against premium taxes

for the State General Fund, transitory language allows the delay of certain credits until after 1996 and for a period of 10 years rather than 5 years.

This measure also clarifies provisions relating to the subrogation of claims by the guaranty fund, and the types of claims and the exhaustion of those claims before payment by the fund.

Referred to Senate Committee on Commerce and Labor
SENATE VOTE: 20-0-1
Referred to Assembly Committee on Commerce
ASSEMBLY VOTE: 42-0-0
Effective October 1, 1993

S.B. 388 (Chapter 261)

Senate Bill 388 authorizes a reciprocal insurer to own and hold real property. It also allows the attorney of a reciprocal insurer to execute documents relating to such property.

A reciprocal insurer consists of a group of subscribers who create an exchange to insure against specific losses. The exchange appoints an attorney in fact to conduct routine business and act as the agent for the subscribers.

Title companies in other states have requested the signatures of all of the subscribers when an exchange sells its branch offices or otherwise disposes of its real property. Senate Bill 388 clarifies existing law to allow a reciprocal insurer to own and hold real property and to authorize an exchange's attorney to act as its agent in executing documents relating to the property.

Referred to Senate Committee on Commerce and Labor
SENATE VOTE: 20-0-1
Referred to Assembly Committee on Commerce
ASSEMBLY VOTE: 41-0-1
Effective October 1, 1993

S.B. 555 (Chapter 621)

Senate Bill 555 establishes an exemption from regulation by the Commissioner of Insurance for a corporation that provides prepaid ambulance services. The corporation must present evidence to the commissioner that it is regulated by a political subdivision under an exclusive franchise. The exclusive franchise must limit the number of times any prepaid services may be used to a defined number that are medically necessary.

Referred to Senate Committee on Commerce and Labor
SENATE VOTE: 19-2-0
Referred to Assembly Committee on Commerce
ASSEMBLY VOTE: 41-0-1
Effective October 1, 1993

A.B. 91 (Chapter 105)

Assembly Bill 91 requires that when an insurance company receives an application to issue an insurance policy on the life of another person or to increase the amount of an existing policy, the person whose life is to be covered must be notified. The notification must be mailed within 48 hours of the time the application is filed. The requirement does not apply to group insurance policies.

Assembly Bill 91 addresses the increased incidence of criminal activity with respect to individual life and health insurance policies.

Referred to Assembly Committee on Commerce
ASSEMBLY VOTE: 42-0-0
Referred to Senate Committee on Commerce and Labor
SENATE VOTE: 21-0-0
Effective October 1, 1993

A.B. 569 (Chapter 575)

Assembly Bill 569 makes changes in several sections of the insurance code (Title 57 of *Nevada Revised Statutes*). The measure makes technical corrections to certain statutory references and clarifies various provisions. Among other provisions, the bill:

- Authorizes the Commissioner of Insurance to impose an administrative fine of up to $10,000 for each violation of the law concerning unauthorized transaction of insurance;

- Authorizes the commissioner to issue cease and desist orders, impose fines, and take other regulatory action against unauthorized insurers and provides that an unauthorized insurer who has been subject to a cease and desist order may not be granted an authorization as a surplus lines broker or an insurance license for 1 year after the order is issued;

- Requires premium finance companies to file schedules of their rates with the commissioner;

- Increases the amount of the bond which must be filed by commercial premium finance companies from $25,000 to $50,000;

- Provides that when a policy of insurance is cancelled and the unearned premium is returned, the premium financing company or agent must notify the insured within 15 days if the insured still owes the company money or within 30 days if he is entitled to a refund;

- Requires that surety bonds be purchased from an authorized insurer;

- Increases from 30 days to 60 days the time allowed for self-insured employers to fulfill worker's compensation deposit requirements; and

- Clarifies that the commissioner must revoke the certification of a self-insured employer under worker's compensation if the employer becomes insolvent or is involved in bankruptcy proceedings, but allows the commissioner to reinstate that certificate for a reasonable time to allow the State Industrial Insurance System to provide insurance for the employer.

Referred to Assembly Committee on Commerce
ASSEMBLY VOTE: 41-0-1
Referred to Senate Committee on Finance
SENATE VOTE: 21-0-0
Effective: Certain sections are effective on January 1, 1994.
Remaining provisions are effective on July 1, 1993.

Automobile Insurance

S.B. 30 (Chapter 194)

Senate Bill 30 requires an automobile insurance company to make payment on vehicle damage claims either directly to the garage or licensed body shop, or jointly to the insured and the garage or body shop that makes the repairs.

The measure requires a damaged vehicle to be repaired by a garage or licensed body shop if it is subject to a security interest or the legal and registered owners of the vehicle are different. This requirement does not apply if the vehicle is declared a total loss or the repair charges total $300 or less. The bill clarifies that, under all other circumstances, an insurer and insured may settle a vehicle damage claim without repairing the vehicle. These changes apply to all motor vehicle insurance policies that are issued or renewed on or after October 1, 1993.

Referred to Senate Committee on Commerce and Labor
SENATE VOTE: 20-0-1
Referred to Assembly Committee on Commerce
ASSEMBLY VOTE: 32-10-0
Effective October 1, 1993

S.B. 190 (Chapter 453)

Senate Bill 190 amends the law regarding the penalties that may be imposed for operating a motor vehicle without the required insurance. The bill allows the court to impose a fine of $1,000 and to suspend that penalty on the condition that the driver present proof of insurance to the court each month for 12 months.

Referred to Senate Committee on Transportation
SENATE VOTE: 18-1-2
Referred to Assembly Committee on Transportation
ASSEMBLY VOTE: 40-2-0
Effective October 1, 1993

A.B. 148 (Chapter 596)

Assembly Bill 148 requires certain reductions in the premium for motor vehicle insurance. If the policy includes coverage for medical expenses or uninsured and underinsured motorists or both, the bill requires that the premium be reduced for a vehicle equipped with a driver's side air bag or with air bags on both the driver's and front passenger's sides, or containing other safety devices, other than safety belts, that substantially enhance the safety of the occupants.

This reduction in premiums must be based on the actuarial and loss experience data available to the insurer, and it must be approved by Nevada's Commissioner of Insurance. Each reduction must be calculated based on the amount of the premium before any reduction is made under this provision and not on the amount of the reduced premium.

Referred to Assembly Committee on Commerce
ASSEMBLY VOTE: 39-3-0
Referred to Senate Committee on Commerce and Labor
SENATE VOTE: 21-0-0
Effective October 1, 1993

A.B. 157 (Chapter 595)

Assembly Bill 157 revises various provisions related to drivers' licenses, the registration of motor vehicles, and compulsory automobile insurance. The bill prohibits the Department of Motor Vehicles and Public Safety (DMV&PS) from charging a license reinstatement fee to persons who voluntarily surrender their licenses for medical reasons. The DMV&PS is also allowed to suspend a license for more than 1 year.

With respect to registration requirements, the bill permits the DMV&PS to accept a certificate of insurance or card approved by the Commissioner of Insurance as proof of insurance. The measure requires insurers to supply additional information when providing evidence of insurance and specifies the conditions under which new evidence of insurance must be submitted to the department. Also, the amount of property damage that must be sustained before the division is required to hold a hearing related to accidents involving uninsured motorists is increased from $350 to $750.

In addition, the bill changes the department's method of verification that owners of motor vehicles maintain mandated insurance coverage. The bill requires that insurers provide the department, or its designated agent, with a monthly record of each motor vehicle liability policy that is in effect or has been terminated during the previous month. If an insurer fails to provide this information, the department must not provide that insurer with data regarding drivers' license records. The information provided by the insurers is to be compared to lists of registered vehicles to determine which vehicles are not insured. Currently, insurers report only cancellations of policies rather than all policies that are in effect.

The department is required to maintain a data base containing the information submitted by the insurers or to contract with a nongovernmental agency to perform this task. Each month, the department or its contractor is required to compare the list of policies in force with the list of registered vehicles. If the comparison discloses that the owner of a motor vehicle may not have maintained insurance coverage, the owner must be notified. The owner has 10 days in which to respond. The bill also increases the minimum fine which may be imposed for failure to maintain insurance coverage from $300 to $600.

The bill provides that information in the data base is confidential and may be disclosed only to law enforcement agencies, to the person insured (or the insured's parent, guardian or legal representative), or to a person who suffers a loss or is injured in an accident and requests information for use in an accident report. A person who violates these confidentiality requirements may be fined up to $5,000 and imprisoned for 1 year to 6 years.

Referred to Assembly Committee on Transportation
ASSEMBLY VOTE: 42-0-0
Referred to Senate Committee on Transportation
SENATE VOTE: 20-1-0
Effective: Certain sections are effective on July 12, 1993. The insurance verification system is to begin operation on July 1, 1994. Remaining provisions are effective on October 1, 1993.

Health Insurance

S.B. 164 (Chapter 132)

Senate Bill 164 authorizes a district attorney or the Welfare Division to require an employer to enroll a child in a parent's health insurance plan if the parent fails to comply with a court order requiring such enrollment. Prior to seeking coverage, the enforcing authority must give the parent an opportunity to comply with the order or demonstrate that coverage is not available at a reasonable cost.

The bill prescribes the requirements for filing a notice with the employer and establishes the procedures for enrollment. The employer is not required to enroll a child who is not eligible for health insurance under the plan. The measure further authorizes the payments of insurance premiums for the child to be deducted from the parent's wages. If wages are insufficient to pay the premiums, the employer must notify the enforcing authority.

Courts often require an obligated parent to provide health insurance for a child if it is available at a reasonable cost, but the division estimates that only 20 percent of the obligated parents are complying with such orders.

Referred to Senate Committee on Judiciary
SENATE VOTE: 18-0-3
Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 42-0-0
Effective October 1, 1993

S.B. 397 (Chapter 229)

Senate Bill 397 clarifies that a certificated, nonprofit corporation for hospital, medical or dental services is allowed to issue blanket health insurance. The measure allows nonprofit health service organizations the option, as have other health insurance providers, to offer blanket health insurance to students in colleges, religious organizations, and other special groups.

Referred to Senate Committee on Commerce and Labor
SENATE VOTE: 19-0-2
Referred to Assembly Committee on Commerce
ASSEMBLY VOTE: 39-0-3
Effective June 11, 1993

S.B. 564 (Chapter 468)

Senate Bill 564 authorizes public agencies, including municipal corporations, and nonprofit medical facilities to enter into interlocal agreements for the purpose of obtaining health insurance. Existing law authorizes these entities to enter into agreements to obtain casualty, motor vehicle, property, and other specified forms of insurance.

Referred to Senate Committee on Human Resources and Facilities
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Government Affairs
ASSEMBLY VOTE: 41-0-1
Effective July 9, 1993

Industrial Insurance

S.B. 210 (Chapter 255)

Senate Bill 210 clarifies that a contractor commencing work with the State, or any political subdivision, must furnish certification of compliance with Nevada's laws governing industrial insurance and occupational diseases to the state agency, political subdivision or metropolitan police department in charge of letting the contract. Current law requires this certification to be provided to the public authority in charge of letting the contract.

This measure also includes officers of a metropolitan police department in the definition of police officer within the provisions regarding occupational diseases.

A legislative audit report indicated that the existing law could be interpreted to place responsibility with the State Board of Examiners for checking the compliance of state contractors with industrial insurance requirements. This measure clarifies that contractors are to furnish these compliance certificates to the state agency or local government in charge of letting the contract.

Referred to Senate Committee on Commerce and Labor
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Labor and Management
ASSEMBLY VOTE: 41-0-1
Effective October 1, 1993

S.B. 316 (Chapter 265)

Senate Bill 316 is a comprehensive measure to reform Nevada's workers' compensation programs and to enact cost savings provisions to deal with the financial situation of the State Industrial Insurance System (SIIS).

Some of the changes in the State's industrial insurance laws include provisions relating to fraud, subrogation recovery, benefit decisions, limits on reopening claims, SIIS management procedures, and limiting or reducing the payment of compensation benefits.

Contained in S.B. 316 are other major revisions to the State's workers' compensation laws, including provisions to:

- Simplify and clarify the procedures for reporting an injury. Require employer notification to the insurer of an accident only if it has required treatment or compensation for industrial insurance.

- Clarify prohibited fraudulent acts and establish a special fraud unit in the Office of the Attorney General with authority to investigate and prosecute criminal fraud for industrial insurance by employees, employers, and providers.

- Strengthen various penalties and administrative fines and establish an administrative procedure for violations of industrial insurance laws and regulations.

- Authorize SIIS to charge uninsured employers three times the amount of premium that would have been due for the period the employer was without industrial insurance, but not to exceed 6 years.

- For 2 years, freeze the average monthly wage used for calculating the payment of temporary total disability benefits.

- Prohibit payment of compensation if an employee has a preexisting condition or sustains a subsequent injury that is not the primary cause of the resulting disability.

- Reduce compensation for permanent partial disabilities by revising the factor from 0.6 percent to 0.54 percent of the average monthly wage for each degree of impairment.

- Require an injured worker who disagrees with a permanent partial disability rating, and who requests a second determination, to choose the next rating physician in rotation from the list maintained by the Division of Industrial Insurance Regulation. Furthermore, require hearing and appeals officers, when ordering new permanent partial disability ratings, to select rating physicians from the rotating list, unless the insurer and the injured worker agree otherwise.

- Extend various deadlines regarding the hearings and appeals process for contested claims and eliminate the deadline for hearing or appeals officers granting stays. In addition, provide that parties represented by legal counsel may stipulate to forego a hearing before a hearing officer and proceed directly to the appeals officer hearing. Furthermore, authorize the Director of the Department of Administration to appoint hearing officers who serve in the unclassified service and at the pleasure of the director.

- Make it unlawful for any person who is not an attorney admitted to practice law in Nevada to represent an employee before an appeals officer. Limit the categories of persons who may be licensed to represent employers at hearings of contested cases.

- Require the State's workers' compensation laws to be interpreted according to the plain meaning of the statutes.

- Allow SIIS to contract with managed care organizations (MCOs) and establish requirements for the selection of MCOs by the manager of SIIS.

  Limit the ability of any MCO to provide care to not more than 25 percent of the employees insured by SIIS in Clark County and to not more than 34 percent of the employees insured by SIIS in Washoe County. Furthermore, require that SIIS contract with no fewer than seven MCOs in Clark County and no fewer than five MCOs in Washoe County. Prohibit MCO contracts based solely on the number of employees receiving services. Provide that the principal owner of an MCO in Clark or Washoe County, or any member of the owner's immediate family, may not be a principal owner of another MCO in the same county.

- Provide for independent evaluations of MCOs and other medical care providers. The Manager of SIIS is required to contract with a private

person to conduct evaluations of the utilization review procedures of MCOs.

- Freeze the medical fee schedule until October 1, 1995, unless SIIS signs contracts with MCOs or the Governor approves an increase in the fee schedule. Allow the Director of the Department of Industrial Relations (DIR) to increase or decrease the medical fee schedule and authorize increases above the medical care component of the Consumer Price Index if approved by the DIR Advisory Council.

- Authorize self-insured employers to contract with MCOs.

- Require injured employees to choose their treating physician or chiropractor according to the terms of a contract which their insurer has made with an MCO.

- Provide that disputed decisions relating to accident benefits must, before going to a hearing officer, be appealed through the procedure for resolving complaints established by an MCO, if the insurer has contracted with an MCO.

- Prohibit, in most cases, a physician or chiropractor from referring an injured employee to a health service or facility in which a member of the physician's or chiropractor's immediate family has a financial interest. Exceptions are made for rural areas, certain arrangements with health maintenance organizations, group practices, surgical centers for ambulatory patients, and in cases where the financial interest represents an investment in publicly traded securities.

- Limit stress as a compensable injury. Provide that stress may be compensable if the employee proves by clear and convincing evidence that he has a mental injury caused by extreme stress in time of danger and the employment was the primary cause of the injury. Stress is not compensable if it is caused by gradual mental stimulus.

- Limit rehabilitation maintenance payments, limit eligibility for vocational rehabilitation, and require the use of private and public rehabilitation counselors.

  Allow SIIS to provide vocational rehabilitation services if it can do so at a cost lower than the services available from private or public counselors, but prohibit the system from developing a majority of the vocational rehabilitation plans in any one year. Limit eligibility for vocational

rehabilitation to injured employees who return to work at less than 80 percent of their past wage, and provide 90 days of job placement assistance for injured workers who possess marketable skills. Other vocational rehabilitation benefits are limited as follows:

1. Six months of benefits for an injured worker with a permanent physical impairment of less than 6 percent;

2. Nine months of benefits for an injured worker with a permanent physical impairment of 6 percent or more, but less than 11 percent; and

3. Twelve months of benefits for an injured worker with a permanent physical impairment of 11 percent or more.

Extensions in the length of the vocational rehabilitation programs and benefits may be granted for exceptional circumstances.

- Require that certified vocational rehabilitation counselors must supervise and review the work of counselors who are not certified. In addition, limit the caseload to 35 active claims for a vocational rehabilitation counselor who conducts full vocational assessments.

- Require each employer to establish a written safety program and implement its operation within 90 days and increase the maximum penalty from 3 percent to 15 percent of premium for violations of this requirement by employers insured by SIIS.

- Require the SIIS Manager to adopt a plan for reviewing employers who have excessive losses and allow the imposition of disincentives on such employers. Provide for procedures to terminate an employer's participation in such a plan.

- Authorize groups of five or more public and private employers to form associations for self-insurance effective July 1, 1995.

- Abolish the SIIS Board of Directors and allow the Governor to control SIIS until July 1, 1997. Require the Governor to report on the results of reforms to the Legislature early in the 1995 Session.

- Require the SIIS to operate more like a private insurance company, remove it from the State Budget Act, and establish clearer and stronger regulatory controls by the Commissioner of Insurance.

- For employers insured by SIIS, establish an employer-paid deductible of up to $100 for the payment of medical benefits and provide an optional program for additional deductible coverage at reduced premium. Require employers who have excessive losses to pay a deductible of up to $1,000 for medical benefits for their employees. Require SIIS to bill employers for the amount of any deductible that is owed to the system.

- Limit the application of the subsequent injury fund to self-insured employers and authorize SIIS to manage its own subsequent injury claims.

- Increase from $400 to $600 the monthly compensation for each person entitled to receive benefits for a permanent total disability or a death benefit for an industrial injury or occupational disease which occurred before July 1, 1980.

Referred to Senate Committee on Commerce and Labor
SENATE VOTE: 20-0-1
Referred to Assembly Concurrent Committees on Labor and Management and Commerce
ASSEMBLY VOTE: 37-4-1
Effective: Most provisions of the act are effective June 18, 1993. Certain provisions are effective July 1, 1993; July 1, 1994; July 1, 1995; July 1, 1996; or July 1, 1997.

A.B. 205 (Chapter 185)

Assembly Bill 205 removes the exemption of certain contractors from the provisions of the industrial insurance laws for their employees who are hired outside Nevada to work temporarily in this State. Under existing law, employers are not required to provide industrial insurance coverage for such employees if they are covered by workers' compensation in another state with reciprocal provisions. The current statute does not apply to a contractor on any project with a total cost exceeding $250,000.

This measure removes the exemption for those contractors on projects with a total cost of $250,000 or less. Therefore, it requires all contractors with employees hired in another state, but working temporarily in Nevada, to obtain industrial insurance coverage in this State.

Assembly Bill 205 was proposed to address the competitive advantage out-of-state contractors have over Nevada contractors in bidding for construction projects. Because of lower workers' compensation premium costs in other states, out-of-state contractors often can submit lower bids than Nevada contractors.

Referred to Assembly Committee on Labor and Management
ASSEMBLY VOTE: 42-0-0
Referred to Senate Committee on Commerce and Labor
SENATE VOTE: 21-0-0
Effective October 1, 1993

A.B. 342 (Chapter 22)

Assembly Bill 342 changes the maximum pay various employees are deemed to receive for purposes of determining employer premium rates under the State Industrial Insurance System (SIIS). It repeals the existing law which sets a maximum deemed wage of $36,000 paid by each employer to any one employee for services performed during the year and resets the wage cap at $27,000. However, the measure establishes a method to gradually increase the maximum deemed wage each year until the amount of $36,000 is restored in 1996.

The bill also gradually increases the maximum deemed wage for paid officers of any quasi-public or private corporation which is required to obtain industrial insurance coverage.

Furthermore, SIIS is required to give premium credit to any employer who paid premiums between July 1 and December 31, 1992, on wages in excess of the $27,000 cap.

Referred to Assembly Committee on Labor and Management
ASSEMBLY VOTE: 42-0-0
Referred to Senate Committee on Commerce and Labor
SENATE VOTE: 21-0-0
Effective March 29, 1993 (Certain sections, January 1, 1996)

A.B. 374 (Chapter 587)

Assembly Bill 374 is the "trailer" legislation to Senate Bill 316, the comprehensive measure to reform Nevada's workers' compensation system relating to industrial insurance. This bill adds certain provisions and makes technical changes and corrections to S.B. 316.

The bill authorizes licensed health care providers to form an organization for managed care under a common agreement to provide comprehensive medical and health care services for industrial injuries. Procedures and fees are specified for such providers to apply for and obtain permits from the Commissioner of Insurance. The Commissioner is required to evaluate and regulate these agreements.

Employers insured by the State Industrial Insurance System (SIIS) are allowed to select an organization for managed care in a manner prescribed by the Manager of SIIS and pursuant to the law.

Other changes contained in A.B. 374 include provisions to:

- Establish criteria for the manager to identify an employer with excessive losses.

- Clarify that any party to a dispute, not just the employee, may file a notice of appeal.

- Require that an application to reopen a claim be supported by medical evidence demonstrating an objective change in the claimant's medical condition.

- Clarify the entitlement of compensation for dependents of an employee injured before July 1, 1980.

- Remove a conflict in the bill relating to the placement of hearing officers in the unclassified service.

- Authorize public agencies and nonprofit medical facilities to enter into cooperative agreements concerning industrial insurance.

- Clarify the primary cause language of the stress provision to relate to the course of employment rather than the conditions at the place of employment.

- Clarify that an insurer may, without limitation, extend an injured worker's program for vocational rehabilitation.

- Reduce the period of time pertaining to the criteria for wage reimbursement for a program of on-the-job training from 1 year to 90 days for the employer and 6 months for the employee.

- Correct the sanctions for fraud violators to apply to any person, not just a claimant, and to include liability for the costs of the Office of the Attorney General as well as the insurer.

- Delete an erroneous reference to certification under Chapter 695F of NRS for a managed care organization and revise the population threshold language for the provision of managed care services.

- Correct the references from evaluations to additional independent utilization reviews and add certain prohibitions on such contracts by the manager.

- Clarify the procedure on final determinations for disputes.

- Allow an employer representative, in hearings of contested cases, to include a licensee who is not a third-party administrator.

Referred to Assembly Committee on Labor and Management
ASSEMBLY VOTE: 28-13-1
Referred to Senate Committee on Commerce and Labor
SENATE VOTE: 21-0-0
Effective July 2, 1993. The section concerning cooperative agreements concerning industrial insurance is effective July 1, 1995.

A.B. 375 (Chapter 199)

Assembly Bill 375 requires the Manager of the State Industrial Insurance System to consider an employer's previous experience in another state in determining and fixing the employer's premium rates as a new business in this State. For an employer who conducted business in another state for 3 years or longer, the Manager is required to evaluate the employer's industrial insurance experience in the other state in the same manner as the Manager regards an employer's experience in Nevada.

If the rating system in the other state is not comparable, the Manager is not required to take into account the experience in the other state unless the employer presents evidence of the rating that would have been assigned by that state using Nevada's rating system.

This bill would allow a new business with a good job safety record in another state to receive credit for its previous workers' compensation experience. Under this measure, such employers would benefit from premium rates which would be lower than those available in current law.

If the previous state had a rating system that was not comparable to Nevada's, the employer would need to provide evidence of the rating that would have been assigned in the other state using Nevada's system. This provision was added to reduce the administrative burden on the State Industrial Insurance System for determining comparable rates.

Referred to Assembly Committee on Labor and Management
ASSEMBLY VOTE: 42-0-0
Referred to Senate Committee on Commerce and Labor
SENATE VOTE: 21-0-0
Effective October 1, 1993

A.B. 436 (Chapter 248)

Assembly Bill 436 consolidates into one bill three significant changes to Nevada's unemployment compensation program. It includes: (1) a prohibition against receiving unemployment benefits while receiving workers' compensation benefits; (2) authorization for ESD to share its information with other agencies, such as the Commission on Economic Development; and (3) revisions to eligibility conditions to comply with Federal law.

Benefits Prohibition

This measure prohibits persons from collecting unemployment benefits while they are receiving industrial insurance benefits for rehabilitative services or temporary partial disability. This prohibition currently applies only to injured workers who are on temporary total disability.

The bill also allows persons who have been on rehabilitation or temporary partial disability the option of using wages earned immediately prior to the disabling injury to establish an unemployment insurance claim. Because disability compensation is not considered earned income for determining unemployment compensation benefits, some workers who are laid off after returning to work following a period of rehabilitation or temporary partial disability may not qualify for unemployment compensation. The current law allows only those injured workers with temporary total disabilities to use this alternative unemployment compensation base period. Unemployment benefits based on an alternative base period are not charged against the employer's record for experience rating.

Information Sharing

The bill authorizes the dissemination of information contained in the records of the Employment Security Department (ESD) for employment assistance and economic diversification purposes. The number of employees of, and the total wages paid by, each employer may be disclosed upon request by a state agency that intends to use the information for the benefit of the State's residents. The agency may be required to certify that it will maintain the confidentiality of the information and prevent its unauthorized disclosure. The ESD is allowed to

recover its actual costs of administrative expenses for various agency information requests.

Eligibility Compliance

This measure also revises certain eligibility conditions for unemployment benefits to comply with Federal law. Current Nevada law does not satisfy Federal requirements that provide three methods of measuring employment and earnings to determine a claimant's monetary eligibility for extended unemployment benefits. The bill adds the three methods to the State's law. This portion of the act becomes effective upon passage and approval.

The change in eligibility requirements relates to the payment of extended unemployment benefits which Nevada is not currently paying and which is not expected to be triggered in the foreseeable future. However, this change is necessary as a condition of conformity with the Federal Unemployment Tax Act (Public Law 102-318 of 1992).

If Nevada's law is found to be out of compliance with Federal requirements, the State could be subject to the loss of substantial funding for the unemployment insurance program, and employers in Nevada could be charged significantly higher unemployment taxes.

Referred to Assembly Committee on Labor and Management
ASSEMBLY VOTE: 41-0-1
Referred to Senate Committee on Commerce and Labor
SENATE VOTE: 21-0-0
Effective: The sections concerning methods of measuring employment and earnings are effective June 18, 1993.
The remainder of the act is effective October 1, 1993.

A.B. 474 (Chapter 581)

Assembly Bill 474 requires that employee leasing companies obtain industrial insurance. The bill provides a procedure for these companies to apply to the State Industrial Insurance System for a certificate of insurance. The applicant must provide information about the company, including the identity of the owners, if the company is a partnership, or the officers, if the company is incorporated. The applicant must also provide proof that it has paid the business tax, industrial insurance premiums, and unemployment compensation contributions, and that it has insurance coverage for any insurance plan that it offers to its employees. The applicant must also be a member of the National Staff Leasing Association.

Employee leasing companies are required to establish a written contract with client companies and to inform employees of their employment relationship. Employee leasing companies may not offer any self-funded insurance program or be self-insured for industrial insurance. If the leasing company fails to pay industrial insurance premiums or unemployment insurance contributions, the client company is jointly and severally liable.

Referred to Assembly Committee on Commerce
ASSEMBLY VOTE: 42-0-0
Referred to Senate Committee on Commerce and Labor
SENATE VOTE: 20-0-1
Effective July 1, 1994, for the purpose of adopting regulations.
January 1, 1994, for other purposes.

LANDLORD AND TENANT, MOBILE HOMES AND MANUFACTURED HOUSING

S.B. 199 (Chapter 131)

Senate Bill 199 establishes additional regulatory authority and reporting requirements for the Manufactured Housing Division of the Department of Commerce to protect ownership or other interests upon the sale of mobile homes, manufactured homes, and commercial coaches.

The Administrator of the division is directed to adopt regulations requiring buyers or sellers of mobile or manufactured homes to submit information regarding a lien sale or other sales in which the title does not pass immediately from the seller to the buyer. Regulations also must be adopted to establish requirements for the issuance or transfer of a title for such homes in cases involving more than one transfer person, transfers held in trust, and lien sales. The measure adds provisions to the law to require sellers or buyers to submit this information to the division.

The bill further adds requirements for persons who are listed by the division as holding an ownership or other interest in a mobile or manufactured home to be notified of a lien and lien sale on the home.

Under current law, the division maintains information on the legal and registered owners and those holding a security interest in these homes based on the certificate of title. However, many sales are concluded by contracts of sale or other installment agreements under which the title is not immediately transferred from the seller to the buyer. This bill grants authority to the division to collect information on such sales to ensure that all ownership interests are protected.

Referred to Senate Committee on Commerce and Labor
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Commerce
ASSEMBLY VOTE: 42-0-0
Effective: The requirements to develop the new regulations become effective on July 1, 1993. The regulations must be adopted by January 1, 1994, when the other changes to the law become effective.

S.B. 209 (Chapter 130)

Senate Bill 209 adopts the more recent edition of various uniform building and construction codes for manufactured buildings. It also authorizes the Manufactured Housing Division of the Department of Commerce to adopt the most recent edition of these uniform codes by regulation to avoid the necessity of periodically returning to the Legislature to change the dates in the future.

Referred to Senate Committee on Commerce and Labor
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Commerce
ASSEMBLY VOTE: 42-0-0
Effective October 1, 1993

A.B. 161 (Chapter 463)

Assembly Bill 161 amends the law relating to mobile home parks. The bill provides that information that the Manufactured Housing Division collects in the process of investigating a complaint regarding a mobile home park is confidential. That information, which includes the name of the person who filed the complaint, may not be disclosed except by the order of the Administrator of the division or a court of competent jurisdiction.

In addition, the bill prohibits local governments from requiring that the minimum size of a mobile home lot that is individually owned be larger than the minimum size of a mobile home lot that is leased to a tenant.

Referred to Assembly Committee on Commerce
ASSEMBLY VOTE: 37-0-5
Referred to Senate Committee on Judiciary
SENATE VOTE: 20-0-1
Effective October 1, 1993

A.B. 334 (Chapter 367)

Assembly Bill 334 amends the law relating to mobile home parks. Existing law prohibits a landlord from willfully harassing a tenant, but only under certain conditions. This bill creates a separate prohibition against harassment. The bill defines "harass" to mean threats or intimidation with the intent to affect the terms of a tenancy or the tenant's rights under the mobile home park laws.

Referred to Assembly Committee on Commerce
ASSEMBLY VOTE: 37-0-5
Referred to Senate Committee on Judiciary
SENATE VOTE: 20-0-1
Effective July 1, 1993

A.B. 482 (Chapter 370)

Assembly Bill 482 allows a mobile home, which previously was converted to real property pursuant to state law, to be converted to personal property for the purpose of taxation. The measure establishes a procedure for such a conversion which requires the mobile home owner to file certain affadavits with the Manufactured Housing Division concerning the transfer of title and consent to remove the mobile home. The owner also must give written notice to the county assessor. The assessor is required to certify that all taxes for the fiscal year on both the mobile home and the land on which it is situated have been paid.

The assessor may not remove the mobile home from the tax rolls until verification is received that there is no security interest in the mobile home or the holders of such interest have agreed in writing to the conversion of the mobile home to personal property. Also, an affadavit of conversion of the mobile home from real to personal property must be recorded in the office of county recorder. After these requirements have been met, the mobile home becomes personal property for the purpose of taxation immediately upon its physical removal from the real property.

Finally, the Department of Taxation is required to adopt standard affadavit forms and any regulations deemed necessary to carry out this law.

Referred to Assembly Committee on Taxation
ASSEMBLY VOTE: 42-0-0
Referred to Senate Committee on Taxation
SENATE VOTE: 21-0-0
Effective July 1, 1993

A.B. 483 (Chapter 501)

Assembly Bill 483 amends the law relating to mobile homes. It eliminates various provisions that require mobile homes, upon manufacture, to bear a state certificate or label of compliance. This measure requires these certificates or labels to be provided on mobile homes that are reconstructed or altered.

The bill also prohibits the rental, leasing, or sale of a mobile home that has been declared a nuisance until it has been repaired, demolished, or removed.

The Manufactured Housing Division is prohibited from issuing a certificate of ownership for a substandard mobile home until the condition is remedied. Cities and counties are required to notify the division when they find that a mobile home is substandard.

Assembly Bill 483 is intended to ensure that state law does not conflict with Federal laws, since the United States Department of Housing and Urban Development has changed the authority on compliance standards for mobile homes.

Referred to Assembly Committee on Commerce
ASSEMBLY VOTE: 41-0-1
Referred to Senate Committee on Commerce and Labor
SENATE VOTE: 21-0-0
Effective October 1, 1993

A.B. 485 (Chapter 371)

Assembly Bill 485 amends the laws regarding the sale and installation of manufactured homes. Local governments are not allowed to adopt ordinances and regulations regarding the installation of these homes that are more stringent than state or Federal laws and regulations. Local governments may apply to the Administrator of the Manufactured Housing Division for a variance from state regulations, which may be granted if good cause is shown.

The division is required to conduct a course of training in appropriate methods for inspecting the installation of manufactured homes. Inspectors are required to take this course annually.

The bill also provides that a licensed dealer in manufactured homes may be disciplined for failure to notify the holders of a lien or security interest before a home is sold. This notification must be given at least 10 days before the sale, and a written acknowledgment of notification must be obtained.

The training requirements of A.B. 485 are designed to improve the quality and uniformity of inspections statewide. The additional disciplinary provision addresses a problem with contracts of sale between private individuals, which, in many cases, may violate the original financial contract, but the lender is not notified of the sale.

Referred to Assembly Committee on Commerce
ASSEMBLY VOTE: 38-0-4
Referred to Senate Committee on Commerce and Labor
SENATE VOTE: 21-0-0
Effective: The provision requiring inspectors to complete a course of training is effective on July 1, 1994. All other provisions are effective on October 1, 1993.

A.B. 612 (Chapter 573)

Assembly Bill 612 revises provisions of the Uniform Common-Interest Ownership Act, which governs certain types of property ownership such as condominiums and cooperatives. The measure makes various technical changes to the Act, and certain sections of existing law are reorganized. In addition, the bill makes substantive changes, including:

- Revising the period of declarant's control of a unit-owners' association to the earlier of: (a) 60 days after sale of 75 percent of the units, unless a majority of the units are time shares; (b) 5 years after ceasing to offer units for sale; or (c) 5 years after the right to add new units was last exercised.

- Clarifying the rights and liabilities of unit owners if a lien is filed against the association.

- Requiring that a first notice of delinquency be mailed to the unit owner, rather than merely recorded.

- Establishing procedures for the sale of a unit whose owner is in default.

- Extending the applicability of certain provisions governing unit-owners' associations to communities containing more than six units.

- Requiring that an association provide an owner with documents necessary to resell a unit.

Assembly Bill 612 clarifies and expands upon the Uniform Common-Interest Ownership Act, which was adopted by the 1991 Legislature.

Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 41-0-1
Referred to Senate Committee on Judiciary
SENATE VOTE: 21-0-0
Effective October 1, 1993

A.B. 708 (Chapter 410)

Assembly Bill 708 concerns low-income housing. The measure defines the term and includes the provision of low-income housing as a purpose of a redevelopment area. Additionally, the bill requires an urban renewal agency in a city with a population of 200,000 or more to set aside at least 15 percent of the redevelopment funds received to increase, improve, and preserve the number of low-income housing units in the community.

Referred to Assembly Committee on Government Affairs
ASSEMBLY VOTE: 38-0-4
Referred to Senate Committee on Government Affairs
SENATE VOTE: 21-0-0
Effective October 1, 1993

LEGISLATURE

S.B. 48 (Chapter 333)

Senate Bill 48 authorizes all constitutional officers in the executive branch and the University of Nevada Board of Regents to submit requests for the drafting of proposed legislation directly to the Legislative Counsel.

Currently, all such requests initially must be approved by the Governor or a member of his staff before they may be forwarded to the Legislative Counsel Bureau. Senate Bill 48 allows the direct submittal of bill draft requests by the Lieutenant Governor, Secretary of State, Attorney General, State Controller, State Treasurer and Board of Regents.

Referred to Senate Committee on Legislative Affairs and Operations
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Elections and Procedures
ASSEMBLY VOTE: 42-0-0
Effective October 1, 1993

S.B. 221 (Chapter 628)

Senate Bill 221 creates a commission to review the compensation of constitutional officers, legislators, supreme court justices, district judges, and elected county officers in Nevada. Four members of the compensation commission are appointed by the majority and minority leaders of both houses of the Legislature, two are selected by the Chief Justice of the Supreme Court, and three are appointed by the Governor. The members of the commission must be appointed before January 15 of each even-numbered year and serve until the conclusion of the following regular session of the Legislature. If it determines that changes in compensation are required, the commission must recommend a bill draft for presentation to the appropriate standing committees at the start of the next legislative session.

An appropriation of $6,900 is made for expenses incurred by the commission. The measure also repeals the Commission to Review the Compensation of Legislators, which was created in 1989 but was never activated.

Referred to Senate Committee on Government Affairs
SENATE VOTE: 16-5-0
Referred to Assembly Committee on Ways and Means
ASSEMBLY VOTE: 37-3-2
Effective October 1, 1993

S.B. 310 (Chapter 293)

Senate Bill 310 requires agencies of the executive branch to provide reimbursement to the Legislative Counsel Bureau (LCB) for the cost of examining and revising their proposed regulations. The reimbursement must not be charged to agencies whose budgets are supported entirely from the State General Fund. For other agencies, the reimbursement must be an hourly fee based on time spent by staff of LCB's Legal Division, not to exceed certain average hourly salaries, and must be established at a rate calculated to recover only the amount authorized for that purpose in the LCB budget. Finally, the measure requires the Legislative Commission to review at its next meeting any executive branch regulation received more than 10 working days prior to the meeting, instead of the current 3-day requirement.

Referred to Senate Committee on Government Affairs
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Elections and Procedures
ASSEMBLY VOTE: 41-0-1
Effective July 1, 1993

S.B. 327 (Chapter 655)

Senate Bill 327 creates a six-member legislative committee to study the use, allocation and management of water in Nevada. The committee is required to submit a report of its findings and recommendations for legislation prior to the commencement of the 68th Legislative Session.

Referred to Senate Committee on Natural Resources and re-referred to Committee on Legislative Affairs and Operations
SENATE VOTE: 20-0-1
Referred to Assembly Committee on Elections and Procedures
ASSEMBLY VOTE: 40-0-2
Effective October 1, 1993. Expires by limitation on January 1, 1995.

S.B. 433 (Chapter 235)

Senate Bill 433 changes the beginning date of the period in which state agencies may submit proposed permanent regulations to the Legislative Counsel Bureau (LCB) for review from June 15 to July 1 of an odd-numbered year.

The measure also adjusts the time frame within which temporary regulations may be adopted to begin on August 1 of an even-numbered year and end on July 1 of the succeeding odd-numbered year. Existing law specifies the beginning and ending dates as September 1 and June 15, respectively. The measure also extends the expiration of any temporary regulation by 1 month, to November 1 of an odd-numbered year.

The last few legislative sessions have continued beyond June 15, the date that LCB currently is mandated to begin reviewing agency regulations. Because state law requires the Legislative Counsel to complete review of proposed regulations within 30 days, S.B. 433 reduces the conflict between the Legal Division's responsibilities for drafting legislation and for reviewing agency regulations.

Referred to Senate Committee on Government Affairs
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Government Affairs
ASSEMBLY VOTE: 41-0-1
Effective June 14, 1993. The bill applies to temporary regulations adopted between September 1, 1992, and the effective date of the measure.

S.B. 462 (Chapter 649)

Senate Bill 462 makes technical corrections to inappropriate or inaccurate statutory terms, clarifies ambiguous provisions, and deletes obsolete provisions.

Senate Bill 462 was compiled by the Legislative Counsel to clarify various provisions of *Nevada Revised Statutes* and resolve conflicts that have arisen this session but were not resolved in the passage of certain bills.

Referred to Senate Committee on Judiciary
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 42-0-0
Effective July 13, 1993

S.B. 485 (Chapter 306)

Senate Bill 485 prohibits a nonreturning legislator from receiving compensation, per diem allowances or reimbursement for travel expenses for attending certain meetings, conferences, seminars or other gatherings. An exception is provided for a meeting or other gathering conducted by a statutory or legislative committee of which the nonreturning legislator is a member. A second exception allows a nonreturning legislator to attend a meeting or other gathering if designated for attendance by the Majority Leader

of the Senate or Speaker of the Assembly because of the knowledge or expertise of the member.

For the purposes of this act, a "nonreturning legislator" is defined as a current member of the Legislature who is in the last year of office and who:

1. Did not file for election as a Senator or Assemblyman within the filing period;

2. Lost in the primary election as a candidate for Senator or Assemblyman; or

3. Withdrew as a candidate for Senator or Assemblyman.

Referred to Senate Committee on Legislative Affairs and Operations
SENATE VOTE: 20-1-0
Referred to Assembly Committee on Elections and Procedures
ASSEMBLY VOTE: 40-0-2
Effective October 1, 1993

S.B. 559 (Chapter 620)

Senate Bill 559 requires the Nevada Legislature's Committee on Health Care to conduct a study to evaluate and develop a mandatory coordinated care system for all Medicaid recipients. The study must examine available medical care systems, review funding sources and provider compensation methods, assess various cost containment approaches, and evaluate the impact and replacement of any lost hospital tax revenues. The committee's recommendations regarding such a system must be submitted by July 1, 1994, to the Governor and the Department of Human Resources (DHR). The DHR must establish this system no later than July 1, 1995.

The bill requires DHR to include the University of Nevada School of Medicine (UNSOM) in the development, implementation, and service delivery aspects of the program. The UNSOM is authorized to establish a nonprofit organization to provide research and patient education assistance and to accept gifts, grants, and donations to support the program.

The measure also revises the qualifications of the members of the Legislature's Committee on Health Care. A legislator must not be prohibited from serving on the committee if the member's specified involvement with a health facility would not materially affect the independent judgment of a reasonable person. In addition, membership must not be denied if serving on the committee

would not materially affect any financial interest the legislator has in a health facility in a manner greater than any other person with a similar interest.

Referred to Senate Committee on Finance
SENATE VOTE: 20-0-1
Referred to Assembly Committee on Ways and Means
ASSEMBLY VOTE: 41-0-1
Effective July 13, 1993

A.B. 4 (Chapter 619)

Assembly Bill 4 requires persons who are registered as legislative lobbyists to provide additional information in their statements of registration and monthly reports. Such a statement must disclose any direct business associations or partnerships which a person who employs or retains the lobbyist has with a member of the Legislature. The statement also must disclose the name of any current legislator for whom the lobbyist provided professional services in connection with an election campaign of the member since the beginning of the preceding legislative session. Similar services provided by a person who employs or retains the lobbyist also must be disclosed.

The measure requires that the monthly lobbyist reports identify each legislator and each organization that provides support for legislators of a particular political party and house on whose behalf expenditures were made. If the lobbyist's expenditures exceed $50 during the month, the reports must be itemized. If expenditures are made in connection with a party or similar event hosted by an organization represented by the lobbyist, the report need not identify each legislator on whose behalf the expenditures were made. An expenditure on behalf of a person other than a legislator or an organization that provides support for legislators of a particular political party and house need not be reported unless the expenditure is made for the benefit of a legislator or such an organization.

Further, the bill broadens the categories which are subject to itemization in a lobbyist's report to include money, services, and anything of value provided to a legislator; an organization that provides support for legislators of a particular political party and house; or any other person for the benefit of a legislator or such an organization.

Finally, A.B. 4 specifies that the cost of food and beverages is not a gift; requires the Director of the Legislative Counsel Bureau to prepare guidelines for complying with the lobbyist reporting law; and allows the Legislative Commission to authorize an audit or investigation deemed proper and necessary to verify compliance with the reporting requirements for lobbyists.

Referred to Assembly Committee on Elections and Procedures
ASSEMBLY VOTE: 42-0-0
Referred to Senate Committee on Legislative Affairs and Operations
SENATE VOTE: 18-2-1
Effective October 1, 1993

A.B. 202 (Chapter 276)

Assembly Bill 202 provides additional disclosures concerning the identification of legislators and organizations on whose behalf certain legislative measures are requested. If a standing or special committee of the Legislature requests the drafting of a bill or resolution on behalf of a legislator or organization, the public list of requested measures maintained by the Legislative Counsel must include both the name of the committee and the legislator or organization on whose behalf the request was made. Additionally, when the bill or resolution is introduced, the names of the committee and the legislator or organization on whose behalf the measure originally was requested must appear on the measure.

Referred to Assembly Committee on Elections and Procedures
ASSEMBLY VOTE: 42-0-0
Referred to Senate Committee on Legislative Affairs and Operations
SENATE VOTE: 21-0-0
Effective October 1, 1993

A.B. 378 (Chapter 586)

Assembly Bill 378 directs the Legislative Commission to conduct an interim study concerning the financing of the construction, maintenance and repair of highways and roads in Nevada. The bill also appropriates $15,000 from the State Highway Fund to the Legislative Fund to pay for the study.

Referred to Assembly Committee on Government Affairs and re-referred to Committee on Elections and Procedures
ASSEMBLY VOTE: 40-1-1
Referred to Senate Committee on Legislative Affairs
SENATE VOTE: 21-0-0
Effective July 12, 1993

A.B. 404 (Chapter 540)

Assembly Bill 404 clarifies and expands the authority of the Legislative Commission and its subcommittees to issue and enforce subpenas. Such subpenas may be used to compel the attendance of witnesses or the production of any papers, books, accounts, department records, documents, and testimony.

The measure also provides that the commission shall not authorize studies or investigations proposed but not approved during the preceding legislative session.

Referred to Assembly Committee on Elections and Procedures
ASSEMBLY VOTE: 42-0-0
Referred to Senate Committee on Legislative Affairs and Operations
SENATE VOTE: 21-0-0
Effective July 12, 1993

A.B. 425 (Chapter 538)

Assembly Bill 425 allows the Legislature greater flexibility in taking an extended period of adjournment during a regular legislative session. The measure provides that the Legislature may adjourn once for not more than 16 days before the 63rd calendar day of a session. Current law requires that such adjournment occur before the 56th day, but does not specify that the Legislature can only adjourn once during this period.

In addition to other changes, the measure also provides that during a regular session, the Legislature may, by concurrent resolution, direct the Legislative Commission not to make arrangements for a period of adjournment in the following regular session.

The Legislature, during both the 1991 and 1993 regular sessions, adjourned early in the session to allow the money committees to conduct all-day hearings over a 2-week period to expedite the legislative process. Other standing committees continued to meet during these periods by conducting hearings on bills and other legislative matters in Clark County, where approximately 64 percent of all Nevadans reside.

Referred to Assembly Committee on Elections and Procedures
ASSEMBLY VOTE: 40-1-1
Referred to Senate Committee on Legislative Affairs and Operations
SENATE VOTE: 21-0-0
Effective July 12, 1993

A.B. 469 (Chapter 257)

Assembly Bill 469 ratifies technical corrections to the *Nevada Revised Statutes* and *Statutes of Nevada 1991*.

The Legal Division of the Legislative Counsel Bureau is continuously looking for conflicting sections of different bills and technical errors in the *Nevada Revised Statutes* and *Statutes of Nevada*. In the case of conflicting language,

changes are made only after careful consideration of legislative intent. This bill ratifies those technical corrections.

Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 40-0-2
Referred to Senate Committee on Judiciary
SENATE VOTE: 20-0-1
Effective June 18, 1993

A.B. 785 (Chapter 548)

Assembly Bill 785 makes technical corrections to measures previously approved by the 1993 Legislature.

Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 41-0-1
Referred to Senate Committee on Judiciary
SENATE VOTE: 21-0-0
Effective July 12, 1993

LOCAL GOVERNMENTS, SPECIAL DISTRICTS AND MISCELLANEOUS MATTERS RELATING TO GOVERNMENT AND PUBLIC AFFAIRS

S.B. 54 (Chapter 210)

Senate Bill 54 declares that the minutes of public meetings have permanent value and requires public bodies to retain the minutes of their public meetings for at least 5 years. The bill authorizes, after that time period, the transfer of minutes for archival preservation.

Referred to Senate Committee on Government Affairs
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Government Affairs
ASSEMBLY VOTE: 40-1-1
Effective June 10, 1993

S.B. 171 (Chapter 102)

Senate Bill 171 directs the State Librarian to, by regulation, establish and approve minimum periods for local governments to retain records.

Referred to Senate Committee on Government Affairs
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Government Affairs
ASSEMBLY VOTE: 41-0-1
Effective October 1, 1993

S.B. 343 (Chapter 183)

Senate Bill 343 requires certain public facilities to provide a sufficient number of toilets and other restroom fixtures for use by the patrons of those facilities. The measure applies to permanent places intended for public use, such as movie theatres, concert halls, convention halls, community centers, sports arenas, and ski resorts, among others. The bill only affects facilities constructed or renovated on or after January 1, 1994.

The measure statutorily establishes requirements already in place in the *Uniform Plumbing Code*--the national standard for plumbing construction.

Referred to Senate Committee on Human Resources and Facilities
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Health and Human Services
ASSEMBLY VOTE: 41-0-1
Effective October 1, 1993

Bills Applying Generally to Local Governments

S.B. 38 (Chapter 59)

Senate Bill 38 changes the terms to be served by members of regional transportation commissions (RTC) in counties with populations of 400,000 or more. After the creation of a commission, the first representatives must serve until the next ensuing June 30 of an odd-numbered year. The term of each RTC member in such counties is extended until June 30, 1995.

According to Nevada law, the board of directors of a regional flood control district (RFCD) must be comprised of the RTC members in that county. However, the terms of RFCD members end on June 30 of each odd-numbered year while the terms of RTC members end on December 31 of each even-numbered year. This bill simplifies related organizational procedures.

Referred to Senate Committee on Taxation
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Transportation
ASSEMBLY VOTE: 42-0-0
Effective October 1, 1993

S.B. 50 (Chapter 100)

Senate Bill 50 creates the Virgin Valley Water District in Clark County and describes its geographical boundaries. The measure provides the district with the same powers and duties as other water districts in the State. If the service area of the Bunkerville Water User's Association is annexed into the district, S.B. 50 modifies the district's governing board to include one member appointed by the governing body of the town of Bunkerville.

The measure also adjusts the boundaries of the Las Vegas Valley Water District to remove that part of Clark County under the authority of the Virgin Valley Water District.

Referred to Senate Committee on Natural Resources
SENATE VOTE: 20-1-0
Referred to Assembly Committee on Government Affairs
ASSEMBLY VOTE: 41-0-1
Effective: This bill becomes effective either on July 1, 1993, or the date the Mesquite Farmstead Water Association is dissolved and its assets and liabilities are transferred to the Virgin Valley Water District, whichever happens later.

S.B. 66 (Chapter 527)

Senate Bill 66 changes the date by which the Superintendent of Public Instruction must notify county clerks regarding vacancies for county school district trustees.

Under existing law, the Superintendent is required to make this report to each county clerk before June 1 of a General Election year. The measure changes the deadline to January 1 of the General Election year.

The filing period for the Primary Election begins January 1 and lasts until the second Tuesday in May of the year the General Election is to be held. Since existing law requires the Superintendent's report on or before June 1, the filing deadline for the primary could, in theory, have already passed before the clerk is informed about board vacancies. The deadline change is needed to alert county clerks as soon as the filing period for the primary begins.

Referred to Senate Committee on Human Resources and Facilities
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Education
ASSEMBLY VOTE: 41-0-1
Effective October 1, 1993

S.B. 72 (Chapter 269)

Senate Bill 72 authorizes local governments to designate additional persons to enforce laws concerning the illegal disposal of garbage. Such persons may issue citations to violators.

Under current law, if a building inspector notices that someone is in violation, a health officer or peace officer would have to be notified to issue the citation. This delay has caused some enforcement problems. Senate Bill 72 allows local governments to designate fire inspectors, building inspectors and other similar persons to enforce the provisions concerning illegal dumping and issue citations when violations are observed.

Referred to Senate Committee on Human Resources and Facilities
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Health and Human Services
ASSEMBLY VOTE: 40-2-0
Effective October 1, 1993

S.B. 104 (Chapter 160)

Senate Bill 104 revises the definition of "county of residence" for the purpose of determining eligibility for welfare benefits. The bill provides that a person must be physically present with an intent to reside in the county for an indefinite period.

This measure is intended to provide an acceptable definition of residency under the *United States Constitution*. The new definition was proposed by the Association of County Welfare Directors based upon the findings of the two U.S. Supreme Court cases of *Shapiro v. Thompson (1969)* and *Dunn v. Blumstein (1972)*. Previously, the law had required that a person live in a county for 6 weeks to be eligible for public welfare.

Referred to Senate Committee on Transportation, then referred to Senate Committee on Human Resources and Facilities
SENATE VOTE: 21-0-1
Referred to Assembly Committee on Health and Human Services
ASSEMBLY VOTE: 41-1-0
Effective October 1, 1993

S.B. 145 (Chapter 238)

Senate Bill 145 relates to local ordinances regulating air pollution. The bill provides that, if such an ordinance affects agricultural operations, any plan or program to effectuate the ordinance must allow for customarily accepted agricultural practices. In addition, the measure directs the governmental entity which is considering the adoption of such a plan or program to consult with the State Department of Agriculture or local conservation districts to determine what customarily accepted agricultural practices may be affected by the proposed plan or program.

Senate Bill 145 provides an incentive for local governments and the agricultural community to work cooperatively on the plans and programs which implement local air pollution control ordinances.

Referred to Senate Committee on Government Affairs
SENATE VOTE: 19-0-2
Referred to Assembly Committee on Natural Resources, Agriculture and Mining
ASSEMBLY VOTE: 41-1-0
Effective October 1, 1993

S.B. 154 (Chapter 525)

Senate Bill 154 revises the requirements for notice of public hearings by a local government regarding proposed changes to existing zoning regulations, restrictions or boundaries, or variances, special use permits, or other exceptions to permitted use.

The bill outlines general notice requirements including mailing a notice to certain property owners and publishing it in a newspaper. In a county with a population of less than 400,000, for proposed zoning district boundary changes and special use permits, a notice must be mailed to, among other persons, each property owner within 300 feet of the affected area.

In counties with a population of 400,000 or more, the measure requires mailing the notice to property owners within 500 feet of a boundary being changed and certain other entities. In addition, for proposed zoning district boundary changes, the measure requires and describes the placement of at least one sign on the affected property exhibiting information regarding the proposed change. For special use permit applications, a sign is required only if the application is for an establishment that serves alcoholic beverages for consumption on or off the premises as its primary business in a nongaming enterprise district.

Referred to Senate Committee on Government Affairs
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Government Affairs
ASSEMBLY VOTE: 41-0-1
Effective October 1, 1993

S.B. 161 (Chapter 77)

Senate Bill 161 exempts county treasurers' offices which use automated accounting systems from the requirement that receipts be issued in triplicate. The measure also outlines the information a treasurer must collect and retain if an automated system is used.

Referred to Senate Committee on Government Affairs
SENATE VOTE: 20-0-1
Referred to Assembly Committee on Government Affairs
ASSEMBLY VOTE: 38-0-4
Effective July 1, 1993

S.B. 232 (Chapter 67)

Senate Bill 232 extends from 1993 to 1996 immunity from civil liability granted to a political subdivision for damages caused while clearing the channel of a navigable river.

Referred to Senate Committee on Natural Resources
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Natural Resources, Agriculture and Mining
ASSEMBLY VOTE: 40-2-0
Effective April 14, 1993

S.B. 309 (Chapter 281)

Senate Bill 309 allows counties with populations of less than 35,000 to include community development and the development of nongaming recreation and tourism industry in their economic development efforts.

The Commission on Economic Development is prohibited by statute from developing the tourism and recreation potential of Nevada's communities, but to many rural areas, tourism is economic development. Because of the distance from populated areas and limited resources and infrastructure, rural communities often find it difficult to encourage companies to relocate to their sites. Senate Bill 309 allows greater flexibility in the less populous counties.

Referred to Senate Committee on Government Affairs
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Government Affairs
ASSEMBLY VOTE: 41-0-1
Effective July 1, 1993

S.B. 363 (Chapter 283)

Senate Bill 363 facilitates the approval of projects by a board of directors of a flood control district. The measure allows a vote to be carried by two-thirds of the members voting rather than two-thirds of all members of the board. It also allows a project or improvement to be approved by an agreement among the flood control board and the jurisdictions in which the project is located rather than by all the entities in the hydrographic area.

Referred to Senate Committee on Natural Resources
SENATE VOTE: 18-3-0
Referred to Assembly Committee on Government Affairs
ASSEMBLY VOTE: 28-13-1
Effective October 1, 1993

S.B. 536 (Chapter 529)

Senate Bill 536 requires a county to grant a business license to a business affected by the relocation of a similar business whose site was acquired by the county, despite the county's ordinance requiring the maintenance of a certain distance between similar businesses. The granted license must be equivalent to the license of the relocated business.

Referred to Senate Committee on Government Affairs
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Government Affairs
ASSEMBLY VOTE: 40-1-1
Effective October 1, 1993

A.B. 35 (Chapter 13)

Assembly Bill 35 amends the provisions concerning the repossession of property held in trust by a political subdivision for the use of a metropolitan police department. Current law governs the repossession of property that was being used for law enforcement purposes at the time the department was created. This measure extends the law to property acquired for the use of the department after its creation.

Referred to Assembly Committee on Government Affairs
ASSEMBLY VOTE: 41-0-1
Referred to Senate Committee on Government Affairs
SENATE VOTE: 20-0-1
Effective October 1, 1993

A.B. 40 (Chapter 95)

Assembly Bill 40 removes the annual requirements of county treasurers to:

1. Exhibit the money in their offices to the county commissioners;

2. Make complete settlements with the commissioners; and

3. Deposit all redeemed county orders with the county auditor.

The electronic age has made these duties obsolete. Treasurers rarely have cash, so the exhibition requirement has become meaningless. Computer printouts allow treasurers to make complete settlements with the county commissioners more often than annually. Redeemed county orders are deposited as they are received rather than held for one annual deposit.

Referred to Assembly Committee on Government Affairs
ASSEMBLY VOTE: 41-0-1
Referred to Senate Committee on Government Affairs
SENATE VOTE: 20-0-1
Effective July 1, 1993

A.B. 67 (Chapter 49)

Assembly Bill 67 expands the county and city officers who may be authorized to write citations for violations of local ordinances. The measure allows a county or city to include parking enforcement officers among those persons authorized to issue misdemeanor citations.

Assembly Bill 67 gives statutory authority to existing practice in certain cities.

Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 40-0-2
Referred to Senate Committee on Judiciary
SENATE VOTE: 21-0-0
Effective October 1, 1993

A.B. 133 (Chapter 54)

Assembly Bill 133 allows a city to annex a portion of an unincorporated town only if the annexation is approved by the governing body of the town. The bill also outlines the conditions which must be met before this action can take place.

This bill was requested to facilitate the development of "islands" of unincorporated town land within a city. The measure allows an owner of such property to request annexation by the city in order to access city services, such as water and sewer. Typically, the governing body that would authorize such an annexation by a city is the board of commissioners for the county in which the land and city are located.

Referred to Assembly Committee on Government Affairs
ASSEMBLY VOTE: 38-3-1
Referred to Senate Committee on Government Affairs
SENATE VOTE: 21-0-0
Effective October 1, 1993

A.B. 146 (Chapter 12)

Assembly Bill 146 permits a county to issue marriage licenses at one location outside the county seat. The measure allows the board of county commissioners to designate a branch office of the county clerk where marriage licenses may be issued. The board is authorized to set the hours of the branch office which must be located in a county office building.

Assembly Bill 146 allows counties to provide a more convenient location to issue licenses to residents or tourists who would otherwise marry in another state.

Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 40-0-2
Referred to Senate Committee on Judiciary
SENATE VOTE: 20-1-0
Effective October 1, 1993

A.B. 152 (Chapter 465)

Assembly Bill 152 authorizes counties and cities to finance certain housing projects through the issuance of revenue bonds. These bonds may be issued for affordable housing projects or for any form of residential housing for the purposes of a corporation for public benefit, with certain limitations.

Referred to Assembly Concurrent Committees on
Government Affairs and Taxation
ASSEMBLY VOTE: 41-0-1
Referred to Senate Committee on Government Affairs
SENATE VOTE: 21-0-0
Effective July 1, 1993

A.B. 160 (Chapter 31)

Assembly Bill 160 authorizes Nevada's cities of the third class to increase the number of city council members from three to five.

A city of the third class is one that has a population of no more than 5,000 people. Currently, Ely has a 5-member council because it formerly had more than 5,000 residents and was classified as a second class city. However,

Ely's population has decreased in recent years, causing it to become a third class city. Passage of this bill would allow Ely to retain its existing council organization. West Wendover and Mesquite are currently the only other cities that could choose to increase their councils under the provisions of A.B. 160.

Referred to Assembly Committee on Government Affairs
ASSEMBLY VOTE: 40-0-2
Referred to Senate Committee on Government Affairs
SENATE VOTE: 21-0-0
Effective March 30, 1993

A.B. 169 (Chapter 64)

Assembly Bill 169 allows the State Board of Health to authorize county health officers to issue abstracted birth certificates. In addition, the bill requires the board to determine a standard form for these certificates.

This measure was recommended by the Audit Division of the Legislative Counsel Bureau to clarify within statute that counties can be granted the authority to issue short form birth certificates.

Referred to Assembly Committee on Health and Human Services
ASSEMBLY VOTE: 42-0-0
Referred to Senate Committee on Human Resources and Facilities
SENATE VOTE: 21-0-0
Effective October 1, 1993

A.B. 177 (Chapter 617)

Assembly Bill 177 makes various changes to the statutory provisions governing the division of land. The measure clarifies that certain responsibilities of local governments regarding proposed divisions of land may be delegated to a representative of the governing body or planning commission. Provisions concerning the responsibilities of certain district boards of health to review and certify proposed subdivisions are clarified, and the procedure for notifying the State's Health Division of such actions is simplified. The bill also revises and simplifies the procedures for extra-territorial review of proposed subdivisions by a city or county whose boundary is within 1 mile of a proposed subdivision.

In addition, the measure provides that, if a subdivider is presenting in a timely manner a series of final maps, each covering a portion of the tentative map, no requirements other than those imposed on each of the final maps in the series may be placed on the map when an extension of time is granted, unless the requirement is directly attributable to a change in applicable laws that affect the public health, safety or welfare.

Several changes are made regarding the division of land into four or less parcels, for which a parcel map is required. The bill revises and clarifies the improvements that may be required for both an initial division of land and those that may be required on a second or subsequent parcel map. The measure revises certain time frames within which a parcel map must be reviewed and acted upon.

The act also revises certain provisions pertaining to the division of land into large parcels, surveying requirements, the applicability of building codes, certificates and reports, the vacating of streets and easements, and penalties. New sections are added to the law which provide for the reversion of an existing land division map to acreage through the preparation of a map of reversion. An existing statutory provision that makes certain contracts of sale voidable is repealed.

Assembly Bill 177 originated from a legislative interim study of the subdivision of land.

Referred to Assembly Committee on Government Affairs
ASSEMBLY VOTE: 38-3-1
Referred to Senate Committee on Government Affairs
SENATE VOTE: 21-0-0
Effective October 1, 1993

A.B. 194 (Chapter 191)

Assembly Bill 194 directs the State Fire Marshal, upon request, to delegate all or a portion of the fire marshal's authority or duties to a local government in a county having a population of less than 35,000. The local government's personnel and programs must be equally qualified to perform those functions as determined by the State Fire Marshal, and the authority or duties that are delegated must be specified in an interlocal agreement. If the local government fails to maintain the qualified personnel and programs required by the agreement, the bill directs the State Fire Marshal to revoke the arrangement.

Carson City and Clark and Washoe Counties are excluded from the provisions of A.B. 194.

Referred to Assembly Committee on Government Affairs
ASSEMBLY VOTE: 42-0-0
Referred to Senate Committee on Human Resources and Facilities
SENATE VOTE: 21-0-0
Effective October 1, 1993

A.B. 254 (Chapter 169)

Assembly Bill 254 doubles the length of an unimproved portion of a street that may be improved by a local government.

This measure was requested to allow the improvement of some large sections of streets in Las Vegas that have become dangerous.

Referred to Assembly Committee on Government Affairs
ASSEMBLY VOTE: 41-1-0
Referred to Senate Committee on Government Affairs
SENATE VOTE: 17-4-0
Effective October 1, 1993

A.B. 395 (Chapter 442)

Assembly Bill 395 requires election notices relating to the issuance of bonds or other securities to contain annual cost estimates for the operation and maintenance of the facilities or improvements to be constructed or acquired with the proceeds of the bonds or securities.

The bill also requires the Washoe County Board of County Commissioners to levy an additional property tax at a rate not to exceed 7.74 cents per $100 of assessed valuation for the operation of a jail for the county and cities of Reno and Sparks. The statutory change is intended to allow the revenue to increase with population growth and inflation, and thereby keep pace with the increasing cost of operating such a facility. Under previous law, the county was limited to a fixed amount of revenue derived annually from property taxes.

Referred to Assembly Committee on Taxation
ASSEMBLY VOTE: 25-17-0
Referred to Senate Committee on Taxation
SENATE VOTE: 21-0-0
Effective July 9, 1993

A.B. 415 (Chapter 614)

Assembly Bill 415 increases, from $10,000 to $25,000, the threshold above which a local government in a county with a population of 100,000 or more must advertise for competitive bids for purchases. The measure also increases, from $10,000 to $25,000, the threshold above which the Washoe County Airport Authority must advertise for concession agreements.

Referred to Assembly Committee on Government Affairs
ASSEMBLY VOTE: 31-10-1
Referred to Senate Committee on Government Affairs
SENATE VOTE: 19-0-2
Effective October 1, 1993

A.B. 429 (Chapter 174)

Assembly Bill 429 provides that, if only one candidate has filed for election to the board of directors of a county fire protection district, the candidate must be declared elected and no election may be held for that office. The measure applies only to county fire protection districts created by election under the provisions of Chapter 474 of *Nevada Revised Statutes.*

Referred to Assembly Committee on Elections and Procedures
ASSEMBLY VOTE: 41-0-1
Referred to Senate Committee on Human Resources and Facilities
SENATE VOTE: 21-0-0
Effective October 1, 1993

A.B. 442 (Chapter 584)

Assembly Bill 442 makes various changes to the provisions governing employment by counties. The bill requires a board of county commissioners, a county officer, and anyone hiring or appointing on behalf of a county, to comply with the Federal law that mandates obtaining certain documentation on any new employee who has been lawfully admitted for permanent residency in the United States.

The measure also requires deputies of county clerks, recorders, treasurers and assessors to be at least 18 years of age. In addition, A.B. 442 requires that the appointment and removal of deputy county treasurers be in writing and filed with the county recorder. From the time of the filing of appointments or revocations, the public shall be considered to have notice of the same.

Referred to Assembly Committee on Government Affairs
ASSEMBLY VOTE: 41-0-1
Referred to Senate Committee on Government Affairs
SENATE VOTE: 21-0-0
Effective October 1, 1993

A.B. 443 (Chapter 190)

Assembly Bill 443 authorizes the inclusion of the mayor in a city's redevelopment agency when the city council declares itself to be that agency. The mayor need not be a member of the city council to be a member of the redevelopment agency.

Referred to Assembly Committee on Government Affairs
ASSEMBLY VOTE: 40-1-1
Referred to Senate Committee on Government Affairs
SENATE VOTE: 21-0-0
Effective June7, 1993

A.B. 468 (Chapter 611)

Assembly Bill 468 makes various changes to the provisions concerning the trustees of consolidated city-county library districts. The bill authorizes the removal, for cause, of any trustee by the appointing governing board. The measure also requires the trustees to appoint an executive director for the district who serves at the pleasure of the trustees.

Additionally, A.B. 468 requires the trustees to hold public hearings before the board of county commissioners and the governing body of the city prior to submitting a bond proposal or any other form of indebtedness to the county bond commission. Further, the bill requires the trustees to submit annually a budget, containing certain specific information, to the board of county commissioners and the city council for joint review and recommendation. If a budget is rejected by a majority vote of either body, the district must submit a revised budget for review. Copies of the district's budget are to be included in the final budget documents for both the city and the county.

The trustees also are required to submit quarterly reports to the same bodies concerning the budget and programs of the library and to provide any additional requested information as soon as reasonably practicable after the request is received.

Finally, this measure states that the primary goal of the consolidated library district is to provide the library facilities, resources, and trained staff to meet the information needs of all residents of the district.

Referred to Assembly Committee on Government Affairs
ASSEMBLY VOTE: 40-1-1
Referred to Senate Committee on Human Resources and Facilities
SENATE VOTE: 21-0-0
Effective October 1, 1993

A.B. 535 (Chapter 396)

Assembly Bill 535 expands the classification of water systems which are eligible to receive capital improvements grants to include a community or nontransient water system that existed on July 3, 1991, as a privately owned, nonprofit business and has since become publicly owned.

This measure allows water systems in small communities throughout Nevada to apply for funds needed to bring these systems into compliance with the Federal Clean Water Act.

Referred to Assembly Committee on Government Affairs
ASSEMBLY VOTE: 42-0-0
Referred to Senate Committee on Government Affairs
SENATE VOTE: 20-1-0
Effective October 1, 1993

A.B. 543 (Chapter 577)

Assembly Bill 543 authorizes the board of trustees of a school district to supervise and inspect the construction or alteration of school buildings. The measure also authorizes the State Public Works Board to delegate its powers and duties concerning the construction or alteration of school buildings to a school district at the request of the district's board of trustees.

The measure also exempts a school district to which the State Public Works Board has delegated its powers and duties from local building and zoning controls. However, the measure requires the school district to submit its final plans to the local building and planning department before completion of a project.

Referred to Assembly Committee on Government Affairs
ASSEMBLY VOTE: 34-7-1
Referred to Senate Committee on Human Resources and Facilities
SENATE VOTE: 19-2-0
Effective July 12, 1993

A.B. 550 (Chapter 397)

Assembly Bill 550 authorizes regional transportation commissions in counties with fewer than 400,000 inhabitants to adopt rules and regulations for the operation of systems or services which are financed by the commission but operated by another agency or a private contractor.

Referred to Assembly Committee on Transportation
ASSEMBLY VOTE: 39-0-3
Referred to Senate Committee on Transportation
SENATE VOTE: 19-2-0
Effective October 1, 1993

A.B. 553 (Chapter 319)

Assembly Bill 553 increases the salaries of hospital trustees in counties where the county commissioners are not the board of hospital trustees. In counties with populations of less than 100,000, the chairman and secretary of the board are entitled to receive up to $120 per month while other trustees are entitled to receive up to $110 per month. In counties with populations of 100,000 or greater, the chairman of the board is entitled to receive $200 per month while other trustees are entitled to $100 per month. The cost for the salary increases will be borne by the facilities.

Referred to Assembly Committee on Health and Human Services
ASSEMBLY VOTE: 37-2-3
Referred to Senate Committee on Human Resources and Facilities
SENATE VOTE: 18-2-1
Effective July 1, 1993

A.B. 592 (Chapter 420)

Assembly Bill 592 increases the fees charged for specific services provided by county recorders, county sheriffs, justices of the peace, court clerks, and county clerks.

Additionally, A.B. 592 amends Nevada's Open Meeting Law to require a public body to provide, upon request and at no charge, at least one copy of the following documents:

- An agenda for a meeting of that body;
- Any proposed ordinance or regulation that will be discussed at the meeting; and

- Any supporting material pertaining to an item on the agenda that is provided to the members of the body.

An exception is provided in the measure to restrict the public distribution of confidential documents.

Referred to Assembly Concurrent Committees on Taxation and Government Affairs
ASSEMBLY VOTE: 37-4-1
Referred to Senate Committee on Government Affairs
SENATE VOTE: 21-0-0
Effective October 1, 1993

A.B. 641 (Chapter 458)

Assembly Bill 641 authorizes the governing bodies of a county, its largest city, and any other incorporated city to enter into an interlocal agreement consolidating certain services provided by those governments. The measure outlines the services which may be considered for consolidation, such as fire services, land use planning, and business licensing. The bill allows the governing bodies to establish a permanent administrative entity to oversee the consolidated services and to negotiate the amount each body will contribute to the budget of the administrative entity.

Further, A.B. 641 requires Nevada's Department of Taxation to analyze the budgets of the parties to such an interlocal agreement for 5 years to determine if any savings result from the agreement. If the department determines that no saving has resulted, it shall notify each party to the agreement and the Legislative Counsel of its finding. If such a determination is proclaimed, this act expires by limitation at the end of the fiscal year during which the proclamation is made.

Referred to Assembly Committee on Government Affairs
ASSEMBLY VOTE: 40-2-0
Referred to Senate Committee on Government Affairs
SENATE VOTE: 21-0-0
Effective July 9, 1993

A.B. 642 (Chapter 605)

Assembly Bill 642 reduces the number of appraisals required before the sale of property owned by an unincorporated town. The measure specifies such property must be appraised by at least one disinterested, competent real estate appraiser who is a taxpayer of the town and appointed by a district judge of the county. The bill also provides a procedure for appraisal if there is not an

appraiser who meets these requirements. Finally, A.B. 642 establishes a formula for determining the amount for which such property may be sold.

Referred to Assembly Committee on Government Affairs
ASSEMBLY VOTE: 41-0-1
Referred to Senate Committee on Government Affairs
SENATE VOTE: 19-0-2
Effective October 1, 1993

A.B. 644 (Chapter 405)

Assembly Bill 644 expands the authority of a board of county commissioners to construct, improve, and maintain parking facilities or spaces for the general public and public employees. A board is also authorized to enter into an arrangement to provide exclusive parking in designated spaces at any county parking facility. The authority provided by A.B. 644 also is conferred on regional transportation commissions.

Referred to Assembly Committee on Government Affairs
ASSEMBLY VOTE: 41-0-1
Referred to Senate Committee on Government Affairs
SENATE VOTE: 21-0-0
Effective October 1, 1993

A.B. 727 (Chapter 564)

Assembly Bill 727 amends the statutes concerning municipal obligations. The measure authorizes the issuance of state securities to purchase municipal revenue securities and provides a "state intercept" mechanism to the State's existing municipal bond bank program.

The municipal bond bank program allows the State to sell its general obligation bonds to purchase local bonds. The State's lower interest rate saves local entities substantial amounts in interest payments. This measure expands the program to encompass the issuance of state securities to finance the acquisition of revenue securities. Revenue securities are defined as notes, warrants, interim debentures, bonds, and temporary bonds, issued by a municipality for certain authorized undertakings. The securities are payable from revenues from the undertaking, certain taxes, or a combination of revenues and taxes.

The bill provides that, if a local government fails to make a payment due on outstanding bonds, the State Treasurer shall make the necessary payment from available funds. The Treasurer is then authorized to deduct that amount from

the next succeeding payment of allocable local revenues which are received by the State and designated as allocable to the municipality.

Bonds issued through the state intercept program are not considered a debt of the State under Nevada's constitutional debt limitations. Such bonds do not impair the State's ability to borrow to finance its own needs.

Assembly Bill 727 expands the benefits of the municipal bond bank to more local governments. The measure is designed to assist municipalities in the acquisition, construction, and equipping of public improvements.

Referred to Assembly Committee on Ways and Means
ASSEMBLY VOTE: 42-0-0
Referred to Senate Committee on Government Affairs
SENATE VOTE: 21-0-0
Effective October 1, 1993

A.B. 752 (Chapter 556)

Assembly Bill 752 authorizes counties in which mineral extraction occurs to utilize a portion of tax on the net proceeds of the minerals to establish a fund for impact mitigation. The money in the fund may only be utilized to mitigate adverse impacts to the county or its school district as the result of the opening or closing of a mining operation.

Referred to Assembly Committee on Taxation
ASSEMBLY VOTE: 41-0-1
Referred to Senate Committee on Taxation
SENATE VOTE: 21-0-0
Effective July 1, 1993

A.B. 766 (Chapter 550)

Assembly Bill 766 revises provisions governing regional transportation commissions (RTC). In counties with populations of 100,000 or more, the bill clarifies that the RTC representatives must be selected by the board of county commissioners and the governing bodies of the cities in the county from among their members. In addition, the powers of the RTC are broadened to enhance its ability to receive and disburse Federal funds, enter in formal agreements, and conduct public hearings. Finally, the measure clarifies certain matters relating to street and highway plans and regional plans for transportation.

Referred to Assembly Committee on Transportation
ASSEMBLY VOTE: 41-0-1
Referred to Senate Committee on Government Affairs
SENATE VOTE: 21-0-0
Effective October 1, 1993

A.B. 790 (Chapter 546)

Assembly Bill 790 repeals Sections 4 and 5 of Assembly Bill 543 of this legislative session. These sections exempt school districts from complying with city and county building codes and zoning regulations.

Referred to Assembly Committee on Government Affairs
ASSEMBLY VOTE: 39-2-1
Referred to Senate Committee on Human Resources and Facilities
SENATE VOTE: 21-0-0
Effective July 12, 1993

Bills Applying to One Specific Local Entity

S.B. 19 (Chapter 631)

Senate Bill 19 makes various changes to provisions concerning the protection for domestic water wells and bonds issued by the Colorado River Commission and the Las Vegas Valley Water District.

With respect to the protection of domestic wells, the measure applies to an application or permit for a proposed well:

1. In counties whose population is less than 400,000;

2. For municipal, quasi-municipal or industrial use; and

3. Whose reasonably expected rate of diversion is one-half cubic foot per second or more.

When an application for such a well is filed, the bill requires that the applicant notify owners of domestic wells within 2,500 feet of the well. The measure also directs the State Engineer to include a condition on the approval of these larger wells indicating that pumping may be limited or prohibited to prevent unreasonable adverse effects on existing domestic wells. It further directs the

State Engineer to require periodic reports concerning the effects of these types of wells on existing wells in the vicinity.

In addition, Senate Bill 19 increases the maximum limitation on bonds that may be issued by the Colorado River Authority for acquiring, improving, and equipping certain laboratory, maintenance, and administrative facilities and for improving or replacing the computer system relating to the treatment, processing, and delivery of water.

Further, S.B. 19 authorizes the Las Vegas Valley Water District, at the request of the Southern Nevada Water Authority, to issue special obligations of the district to pay all or any part of the cost of one or more specified water projects. The measure outlines the procedures that must be followed in issuing these obligations. In particular, the bill requires that the obligations be secured by:

1. Revenue of any water project owned, constructed, or improved by the authority;

2. Revenue made available to the district for payment of debt service by the authority; or

3. Any combination thereof.

Referred to Senate Committee on Finance
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Government Affairs
ASSEMBLY VOTE: 42-0-0
Effective October 1, 1993

S.B. 55 (Chapter 32)

Senate Bill 55 increases the salary of members of the board of trustees of the Airport Authority of Washoe County to $560 per month or $80 per day, whichever is less. Currently, the salary is $420 per month or $60 per day.

The 1991 Nevada Legislature raised the salaries of the members of most boards and commissions to $80 per day; however, the Washoe County Airport Authority was inadvertently excluded from that action. This bill remedies that omission.

Referred to Senate Committee on Government Affairs
SENATE VOTE: 18-1-2
Referred to Assembly Committee on Government Affairs
ASSEMBLY VOTE: 41-0-1
Effective October 1, 1993

S.B. 147 (Chapter 159)

Senate Bill 147 requires the State Land Registrar to convey land adjoining Governor's Field in Carson City to that city for recreational use. The measure specifies that if the property ceases to be used for recreational purposes, all rights, title, and interest in the land revert to the State. Additionally, S.B. 147 authorizes the State Land Registrar to request that Carson City return the land to the State if the land becomes needed for state use.

According to testimony, this parcel is needed to accommodate the demand in the community for opportunities to participate in children's T-ball. Since this parcel adjoins the existing Governor's Field area, additional fields may be utilized immediately without the need for constructing rest rooms and other facilities.

Referred to Senate Committee on Natural Resources
SENATE VOTE: 19-0-2
Referred to Assembly Committee on Government Affairs
ASSEMBLY VOTE: 41-0-1
Effective May 21, 1993

S.B. 296 (Chapter 78)

Senate Bill 296 authorizes the Colorado River Commission to issue up to $23 million in revenue bonds to acquire, equip and improve the 230 kilovolt electricity transmission system in southern Nevada. The measure specifies the system as the one which extends from Mead Substation to Basic Substation and includes a variety of other substations and transmission lines.

Referred to Senate Committee on Natural Resources
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Government Affairs
ASSEMBLY VOTE: 38-0-4
Effective April 20, 1993

S.B. 302 (Chapter 23)

Senate Bill 302 amends the Henderson City Charter to require a candidate for mayor, city council member, or judge to have been a resident of the city for 1 year prior to the deadline for filing for office.

The 3-year residency requirement in Henderson's current city charter is the most stringent in the State. Although 28 local entities in Nevada require only 30 days of residence to run for office, nine jurisdictions mandate between 6 months and 2 years.

Referred to Senate Committee on Government Affairs
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Government Affairs
ASSEMBLY VOTE: 41-0-1
Effective March 30, 1993

S.B. 308 (Chapter 128)

Senate Bill 308 modifies the charter of the City of Sparks to provide for the appointment of judicial assistants and a court administrator for the municipal court. The measure also outlines the process for selecting an administrative judge and authorizes the mayor to appoint alternate judges.

Referred to Senate Committee on Government Affairs
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Government Affairs
ASSEMBLY VOTE: 42-0-0
Effective October 1, 1993

S.B. 501 (Chapter 645)

Senate Bill 501 requires certain school districts to "buy down" the tax rate if any school bond issue, when added to other existing county bonds, causes the combined rate to exceed the statutory limit of $3.64 per $100 of assessed value. The school district must then transfer money from its general fund to the county, which must use the funds to reduce the tax rate accordingly and file a revised budget.

Senate Bill 501 addresses a problem in White Pine County. After the voters approved a school bond issue in 1992, the county's assessed valuation decreased significantly. As a result, the tax rate to support the school bond issue, when added to existing county debt rates, would have pushed the combined rate over the maximum allowed by statute. This bill requires the school district to use its general fund money to "buy down" the county's debt to the statutory limit.

Referred to Senate Committee on Taxation
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Taxation
ASSEMBLY VOTE: 41-1-0
Effective July 13, 1993

S.B. 573 (Chapter 633)

Senate Bill 573 directs the State Land Registrar to release the reversionary clause on a specific parcel in Reno. The clause requires the land to be used for any purpose other than parks and recreation and is included in the deed transferring a parcel on Kietzke Lane, currently utilized as a public works yard, from the State of Nevada to the City of Reno.

Senate Bill 573 clears title to this particular piece of property. The bill allows the property to be developed as a community resource center for Project Restart, the regional homeless coalition.

Referred to Senate Committee on Government Affairs
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Government Affairs
ASSEMBLY VOTE: 40-0-2
Effective July 13, 1993

A.B. 27 (Chapter 599)

Assembly Bill 27 makes the following changes to the charter of the City of Reno:

1. The city council may increase the salary of a municipal judge during the judge's term of office.

2. The requirement to read the title of all proposed ordinances to the city council when the ordinances are first proposed is deleted.

3. Assistant attorneys who are employed by the city attorney for more than 20 hours per week may not engage in a private law practice.

4. The salaries of municipal judges are required to be uniform.

5. The civil service commission is authorized to adopt rules and regulations, with the approval of the city council, governing the appointment of employees from eligibility lists. An appointing authority must choose from among the names of not less than the three most qualified persons on the eligibility list. On that list, the names of the persons must be in the order

of their examination scores, with the name of the person with the highest score listed first.

Referred to Assembly Committee on Government Affairs
ASSEMBLY VOTE: 41-0-1
Referred to Senate Committee on Government Affairs
SENATE VOTE: 16-5-0
Effective October 1, 1993

A.B. 33 (Chapter 308)

Assembly Bill 33 increases, from 11 to 12, the number of members on the county fair and recreation board in a county with a population of 400,000 or more. The measure specifies that the additional member is selected by the governing body of the third largest incorporated city in the county.

This bill ensures the continued participation of the City of North Las Vegas as a member of the Las Vegas Convention and Visitors Authority. The 1990 United States Census showed Henderson as the second largest city in Clark County, thus acquiring permanent representation in the authority and causing North Las Vegas to rotate membership on the board with other Clark County cities, as provided in existing law. Assembly Bill 33 allows both Henderson and North Las Vegas to be represented in the authority on a full-time basis.

Referred to Assembly Committee on Government Affairs
ASSEMBLY VOTE: 41-1-0
Referred to Senate Committee on Government Affairs
SENATE VOTE: 21-0-0
Effective October 1, 1993

A.B. 44 (Chapter 17)

Assembly Bill 44 amends the provisions requiring the establishment of an office of civil marriage in commissioner townships. The bill authorizes, rather than requires, the board of county commissioners in Washoe County to designate the county clerk the commissioner of civil marriages and to establish the number of deputy commissioners which may be appointed. The measure also permits Washoe County to reduce the operating hours of the commissioner's office.

Assembly Bill 44 was requested to alleviate the financial and administrative burden associated with operating the office of the commissioner of civil marriages. This bill affects only Washoe County because it is the only county whose population is under 400,000 and which has commissioner townships.

The measure does not automatically eliminate the office; rather it authorizes the county commissioners to make decisions regarding the operation and functions of the office.

Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 40-0-2
Referred to Senate Committee on Judiciary
SENATE VOTE: 21-0-0
Effective October 1, 1993

A.B. 166 (Chapter 9)

Assembly Bill 166 amends the charter of the City of Reno to move the elections for city officers from spring to autumn to coincide with the primary and general elections for state and national officials.

Referred to Assembly Committee on Government Affairs
ASSEMBLY VOTE: 40-0-2
Referred to Senate Committee on Government Affairs
SENATE VOTE: 21-0-0
Effective March 10, 1993

A.B. 258 (Chapter 129)

Assembly Bill 258 makes the following changes to the charter for the City of Sparks:

- Declares any offense which is a misdemeanor under state law to be a misdemeanor against Sparks if the crime is committed within the city.

- Requires the city attorney to be a resident of Sparks.

- Adopts the Federal definitions of executive, administrative and professional employees to more fairly balance the number of appointed positions with classified positions.

- Allows the mayor and the city clerk to administer oaths at places other than before the city council.

- Specifies the style in which suggested amendments to city ordinances are printed.

- Clarifies that the city attorney is authorized only to appoint assistant city attorneys and not assistants in general, such as clerical staff.

- Repeals obsolete language concerning salaries for the term ending June 1987.

Referred to Assembly Committee on Government Affairs
ASSEMBLY VOTE: 39-2-1
Referred to Senate Committee on Government Affairs
SENATE VOTE: 21-0-0
Effective: Most of this bill is effective on October 1, 1993. The provision concerning the residency requirement for the city attorney becomes effective on that date if the office becomes vacant and will be filled by appointment. Otherwise, that section is effective on January 1, 1995.

A.B. 320 (Chapter 462)

Assembly Bill 320 amends the charter of the City of Reno to require that the candidates for city council who represent a specific ward be voted upon only by the registered voters of that ward at the primary election. The measure specifies that only the candidates for mayor and councilman at large must be voted upon by all registered voters. Currently, city council candidates that represent specific wards may be voted upon by all of the city's registered voters.

Referred to Assembly Committee on Government Affairs
ASSEMBLY VOTE: 40-0-2
Referred to Senate Committee on Government Affairs
SENATE VOTE: 21-0-0
Effective October 1, 1993

A.B. 395 (Chapter 442)

Assembly Bill 395 requires election notices relating to the issuance of bonds or other securities to contain annual cost estimates for the operation and maintenance of the facilities or improvements to be constructed or acquired with the proceeds of the bonds or securities.

The bill also requires the Washoe County Board of County Commissioners to levy an additional property tax at a rate not to exceed 7.74 cents per $100 of assessed valuation for the operation of a jail for the county and cities of Reno and Sparks. The statutory change is intended to allow the revenue to increase with population growth and inflation, and thereby keep pace with the increasing cost of operating such a facility. Under previous law, the county was limited to a fixed amount of revenue derived annually from property taxes.

Referred to Assembly Committee on Taxation
ASSEMBLY VOTE: 25-17-0
Referred to Senate Committee on Taxation
SENATE VOTE: 21-0-0
Effective July 9, 1993

A.B. 411 (Chapter 368)

Assembly Bill 411 authorizes the governing body of an incorporated city with a population of 200,000 or more to create a pedestrian mall. The bill defines "pedestrian mall" as an area including one or more streets or alleys that has been set aside for use primarily by pedestrians and to which access by motor vehicles is prohibited or restricted.

The measure outlines the procedures to be followed by the governing body in creating and utilizing a pedestrian mall. Further, A.B. 411 allows the body to delegate the responsibility for construction, operating or maintaining the mall to an existing part of city government, a redevelopment agency, a public operating entity created specifically for this purpose, a private entity, or any combination thereof.

The bill also provides procedures for raising revenue to pay for the operation, maintenance or improvement of the mall through:

1. The imposition of fees for its use;

2. The establishment of special business licenses; or

3. The creation of an assessment district.

Assembly Bill 411 is the companion bill to A.B. 433. Both measures enable the City of Las Vegas to proceed with the "Fremont Experience" project.

Referred to Assembly Committee on Government Affairs
ASSEMBLY VOTE: 39-0-3
Referred to Senate Committee on Government Affairs
SENATE VOTE: 20-0-1
Effective July 1, 1993

A.B. 441 (Chapter 189)

Assembly Bill 441 amends the charter of the City of North Las Vegas to authorize the creation of a municipal library district.

Referred to Assembly Committee on Government Affairs
ASSEMBLY VOTE: 41-0-1
Referred to Senate Committee on Government Affairs
SENATE VOTE: 18-3-0
Effective October 1, 1993

A.B. 619 (Chapter 607)

Assembly Bill 619 clarifies that the statutes governing metropolitan police departments do not prohibit a participating political subdivision from establishing and administering certain units of specialized law enforcement. These units include animal control officers, marshals, park rangers, arson investigators, and enforcement officers for business licensing and nonmoving traffic laws. The bill specifies that the authority and jurisdiction of these special units is concurrent with the authority and jurisdiction of the metropolitan police department; however, certain limitations are placed on marshals and park rangers.

Referred to Assembly Committee on Government Affairs
ASSEMBLY VOTE: 42-0-0
Referred to Senate Committee on Government Affairs
SENATE VOTE: 21-0-0
Effective October 1, 1993

A.B. 652 (Chapter 535)

Assembly Bill 652 makes various changes to the provisions relating to Carson City. The membership of the city's general obligation bond commission is revised to eliminate a representative of general improvement districts and to add another representative of the general public.

Additionally, the bill makes the following changes to the Carson City charter:

- The treasurer is directed to establish and maintain an investment policy for surplus money. This policy must be reviewed annually by the board of supervisors at a public hearing at which public comment is accepted.

- The title of "Purchasing Agent" is changed to "Director of Purchasing and Contracts." The authority of this position is expanded to include preparing, awarding and accepting agreements and construction bids, and purchasing professional services for Carson City.

Referred to Assembly Committee on Government Affairs
ASSEMBLY VOTE: 38-0-4
Referred to Senate Committee on Government Affairs
SENATE VOTE: 21-0-0
Effective July 1, 1993

A.B. 653 (Chapter 534)

Assembly Bill 653 requires Nevada's Department of Transportation to convey a specific parcel of land in Mineral County to the United States for the benefit of the Walker River Paiute Tribe. The parcel conveyed by this bill includes a building that has been used by the Tribe for some time. The Department of Transportation has indicated that it no longer needs the building.

Referred to Assembly Committee on Government Affairs
ASSEMBLY VOTE: 41-0-1
Referred to Senate Committee on Government Affairs
SENATE VOTE: 21-0-0
Effective July 12, 1993

A.B. 654 (Chapter 407)

Assembly Bill 654 authorizes counties with populations of more than 400,000 to establish a Department of Family, Youth, and Juvenile Services. The measure defines the duties of the department to include the provision of services relating to matters within the jurisdiction of the juvenile court. The director of the department and any appointed probation officers have peace officer status in the performance of their duties.

If a department is established, the board of county commissioners is directed to establish a joint board consisting of representatives of district judges and the county commissioners. A citizens' advisory board also must be created to advise the joint board. The measure sets forth the duties and composition of both boards.

Assembly Bill 654 responds to problems concerning capital improvements and personnel resulting from the current organization of juvenile services in Clark County.

Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 41-0-1
Referred to Senate Committee on Judiciary
SENATE VOTE: 21-0-0
Effective October 1, 1993

A.B. 696 (Chapter 566)

Assembly Bill 696 creates the Tricounty Railway Commission of Carson City, Lyon County, and Storey County. The bill outlines the membership, authority, and responsibilities of the commission. The primary duty of this body is to establish and maintain a 13-mile railway following the original route of the Virginia and Truckee Railroad between Virginia City and the Carson River.

Referred to Assembly Committee on Government Affairs
ASSEMBLY VOTE: 42-0-0
Referred to Senate Committee on Government Affairs
SENATE VOTE: 21-0-0
Effective July 1, 1993

A.B. 699 (Chapter 604)

Assembly Bill 699 requires the Nye County commissioners to create county library districts in the towns of Round Mountain, Tonopah, Beatty, and Amargosa Valley upon the approval of the voters at the 1994 General Election. Upon voter approval, the county commissioners are directed to establish boundaries for the districts and levy a tax upon the property within the districts.

Referred to Assembly Committee on Taxation
ASSEMBLY VOTE: 41-1-0
Referred to Senate Committee on Taxation
SENATE VOTE: 19-0-2
Effective October 1, 1993

A.B. 706 (Chapter 567)

Assembly Bill 706 authorizes the county fair and recreation board in a county with a population of 400,000 or more to expend money to improve, operate or maintain an airport at least 90 miles by road from any county-owned airport with more than 100 scheduled flights per day.

Assembly Bill 706 allows the Clark County Fair and Recreation Board to provide funds for improving the airport in Bullhead City, Arizona. This airport is the closest facility of its kind to Laughlin, Nevada, which will benefit if the airport is upgraded to accommodate regularly scheduled airline flights.

Referred to Assembly Committee on Government Affairs
ASSEMBLY VOTE: 39-2-1
Referred to Senate Committee on Government Affairs
SENATE VOTE: 21-0-0
Effective October 1, 1993

A.B. 779 (Chapter 602)

Assembly Bill 779 authorizes the Board of County Commissioners of Mineral County to place before the voters a proposal to impose a sales tax of 0.50 percent, a supplemental motor vehicle privilege tax of up to 1 cent per $1 of valuation, and an increased property tax. The proceeds of these taxes are to be used to pay the principal and interest on bonds issued to build one or more school buildings to accommodate pupils from the county and the Walker River Indian Reservation at Schurz, Nevada.

Referred to Assembly Committee on Taxation
ASSEMBLY VOTE: 41-0-1
Referred to Senate Committee on Taxation
SENATE VOTE: 21-0-0
Effective July 13, 1993

Local Government Financial Administration

S.B. 270 (Chapter 121)

Senate Bill 270 authorizes a board of trustees of a county school district to make certain investments. The measure allows school districts, in addition to counties and cities, to purchase any government agency or government-sponsored corporation investment which matures not more than 10 years from the date of purchase. Additionally, S.B. 270 clarifies that purchases of bankers' acceptances may not exceed 20 percent of the money available to a local government for investment as determined on the date of purchase.

The measure reflects the current investment practices of the school districts.

Referred to Senate Committee on Government Affairs
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Government Affairs
ASSEMBLY VOTE: 42-0-0
Effective October 1, 1993

S.B. 286 (Chapter 145)

Senate Bill 286 establishes a long-term pool for local government investments, administered by the State Treasurer. The measure outlines the types of investments in which the local government pooled long-term investment account may participate. It also allows the State Treasurer to assess charges against the account for administration and other costs.

The State Treasurer testified that a short-term account is currently authorized, with investments limited to a 90-day term. This long-term account will allow the local governments to maximize the potential for earnings on certain investments.

Referred to Senate Committee on Government Affairs
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Government Affairs
ASSEMBLY VOTE: 42-0-0
Effective May 21, 1993

S.B. 307 (Chapter 36)

Senate Bill 307 authorizes a board of county commissioners to create public park districts in unincorporated areas and to propose the issuance of bonds to finance related projects at any Primary or General Election. The board of county commissioners is the ex officio governing body of any parks district created in this manner. The measure imposes a local bond cap of 10 percent of the district's assessed valuation.

The bill also allows that propositions for general municipal obligations and proposals to impose a related additional ad valorem tax may be combined into a single proposition.

Referred to Senate Committee on Government Affairs
SENATE VOTE: 16-5-0
Referred to Assembly Committee on Taxation
ASSEMBLY VOTE: 40-2-0
Effective March 30, 1993

S.B. 318 (Chapter 123)

Senate Bill 318 removes duplicative requirements regarding the financial reporting by school districts to local governments and various state departments.

Referred to Senate Committee on Government Affairs
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Government Affairs
ASSEMBLY VOTE: 42-0-0
Effective July 1, 1993

S.B. 381 (Chapter 419)

Senate Bill 381 requires that a source of revenue be authorized by statute if the Legislature mandates a local government to take an action which requires additional funding. Use of the additional revenue is restricted to the new program or service. Should the local government identify a source from which to pay the expenses, it must be used prior to the statutory revenue source.

Referred to Senate Committee on Government Affairs
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Government Affairs
ASSEMBLY VOTE: 39-3-0
Effective October 1, 1993

S.B. 416 (Chapter 379)

Senate Bill 416 requires counties to establish uniform procedures for collecting accounts receivable owed to the county. The measure also outlines the process by which uncollectible accounts may be removed from county records.

Referred to Senate Committee on Government Affairs
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Government Affairs
ASSEMBLY VOTE: 41-0-1
Effective October 1, 1993

S.B. 460 (Chapter 481)

Senate Bill 460 authorizes a municipality to sell a "call for purchase" feature of municipal bonds, if it has adopted certain provisions in its ordinance authorizing the issuance of the securities. This feature allows a municipality to "refinance" its bonds if a change in interest rates make this option favorable.

Referred to Senate Committee on Government Affairs
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Government Affairs
ASSEMBLY VOTE: 41-0-1
Effective July 9, 1993

S.B. 557 (Chapter 637)

Senate Bill 557 makes various changes to municipal funding. These changes are intended to provide better coordination of local government debt issues and special elective taxes.

The measure adds definitions of "general obligation debt" and "special elective tax" to the statutes governing municipal obligations. The bill requires local governments to submit and update certain reports and policy statements concerning their debt management to Nevada's Department of Taxation and the appropriate county clerk. Currently, these reports are submitted only to the general obligation bond commission. The submission of the debt management policy statement must occur before the entity incurs any debt. Compliance with these provisions must occur on or before January 1, 1994.

Further, the measure requires that a proposal to levy a special elective tax be submitted to the county general obligation bond commission where it, or any proposal to issue general obligations, must be approved by two-thirds of the members. Existing law requires approval by a majority of the members. The bill provides that the proposal must not be approved if it will cause the tax rate in any overlapping entity to exceed the statutory limit.

Senate Bill 557 also provides that a ballot question combining an operating or maintenance rate with a proposal to issue obligations must state the rate required for the obligation separately from the operating or maintenance rate.

Referred to Senate Committee on Government Affairs
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Government Affairs
ASSEMBLY VOTE: 40-0-2
Effective July 13, 1993

A.B. 96 (Chapter 197)

Assembly Bill 96 repeals three duplicate or obsolete sections of the *Nevada Revised Statutes* (NRS), specifically:

- NRS 387.227, "School district petty cash account: Creation; uses."
- NRS 387.306, "Revolving cash fund: Establishment; amounts of appropriations to fund."
- NRS 387.307, "Revolving cash fund: Payment for purchases of $50 or less; approval by board of trustees; replenishment of fund; liability if expenditure not approved."

Referred to Assembly Committee on Ways and Means
ASSEMBLY VOTE: 42-0-0
Referred to Senate Committee on Finance
SENATE VOTE: 20-0-1
Effective July 1, 1993

A.B. 132 (Chapter 107)

Assembly Bill 132 modifies the maximum amount that the local air pollution control board in a county with a population of 400,000 or more may retain from the administrative penalties that it imposes. The 25 percent base figure is changed to 17.5 percent, while the maximum of $10,000 per year is increased to $17,500 per year.

Most of the revenue from fines levied through the Clark County Health District's air pollution control program goes to the local school district. Testimony indicated that the health district needs additional funds to continue its enforcement of the air pollution control regulations. This measure reflects a compromise between the health district and the school district on this issue.

Referred to Assembly Committee on Natural Resources, Agriculture and Mining
ASSEMBLY VOTE: 42-0-0
Referred to Senate Committee on Natural Resources
SENATE VOTE: 21-0-0
Effective July 1, 1993

A.B. 198 (Chapter 245)

Assembly Bill 198 clarifies that the property owners eligible to receive refunds of surplus money from local improvement districts are those owners of record on the date specified by the notice of the availability of refunds.

The measure also allows the actual cost of administering and processing the refunds to be returned to the fund from which they were paid.

Referred to Assembly Committee on Government Affairs
ASSEMBLY VOTE: 41-0-1
Referred to Senate Committee on Government Affairs
SENATE VOTE: 21-0-0
Effective June 18, 1993

A.B. 249 (Chapter 148)

Assembly Bill 249 authorizes the private sale of bonds issued by a redevelopment agency.

Referred to Assembly Committee on Government Affairs
ASSEMBLY VOTE: 41-0-1
Referred to Senate Committee on Government Affairs
SENATE VOTE: 21-0-0
Effective October 1, 1993

A.B. 433 (Chapter 144)

Assembly Bill 433 allows the governing body of a city with a population of 200,000 or more to create a district to finance the costs of improving a central business area. The governing body is authorized to impose a tax of up to 2 percent on transient lodging for projects designed to encourage tourism or to improve the aesthetic environment of the central business area.

The tax rate may be waived or set at different rates in certain areas or for a particular business depending on the benefits to be received from the project. The city is allowed to pledge the proceeds from the tax to pay for general or special obligations issued for authorized projects.

The bill specifies the procedure for challenging in district court the validity of the ordinance, tax, or project. Such a challenge must begin within 15 days of the effective date of the ordinance. The court is required to affirm the validity unless the approval was the result of fraud or a gross abuse of discretion.

The measure currently affects only the City of Las Vegas.

Referred to Assembly Committee on Government Affairs
ASSEMBLY VOTE: 41-0-1
Referred to Senate Committee on Government Affairs
SENATE VOTE: 20-0-1
Effective May 20, 1993

A.B. 438 (Chapter 193)

Assembly Bill 438 clarifies that Senate Bill 307 of the 1993 Legislative Session applies only to counties with a population of 400,000 people or more. Senate Bill 307 authorizes the creation and financing of park districts.

Referred to Assembly Committee on Taxation
ASSEMBLY VOTE: 42-0-0
Referred to Senate Committee on Government Affairs
SENATE VOTE: 21-0-0
Effective June 7, 1993

NATURAL RESOURCES, AGRICULTURE AND MINING, AND PUBLIC LANDS

S.B. 97 (Chapter 7)

Senate Bill 97 grants the State Department of Conservation and Natural Resources the primary regulatory and enforcement authority over solid waste disposal in the State. It also establishes a permit program for municipal solid waste landfills in the State. Without these provisions, the Federal Environmental Protection Agency would become the regulatory body under Subtitle D of RCRA (The Federal Resource Conservation and Recovery Act of 1976).

The measure also gives the district boards of health in Clark and Washoe Counties, after adopting specific regulations, the authority to govern solid waste in their jurisdictions. Nevada's Division of Environmental Protection has this responsibility in the other areas of the State.

Additionally, S.B. 97 removes the existing provision through which revenues collected from the $1 recycling fee on tire sales will be transferred to the Department of Transportation on March 15, 1993. These revenues are currently deposited in the account for recycling which the measure renames the Solid Waste Management Fund. By removing the transfer provision and specifying the uses of these revenues, S.B. 97 provides a clear funding source for solid waste management programs.

Referred to Senate Committee on Natural Resources
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Natural Resources, Agriculture and Mining
ASSEMBLY VOTE: 40-2-0
Effective March 10, 1993

S.B. 121 (Chapter 35)

Senate Bill 121 clarifies several provisions relating to petroleum products by replacing the word "distillate" with the more specific term "diesel fuel" and by clearly defining the term "petroleum products." The measure also repeals a reference to specifications for diesel fuel.

This measure clarifies the word "distillate." A distillate can be anything derived from crude oil, including rubber and plastics. Since the NRS chapter

amended by S.B. 121 concerns motor vehicle fuels, "distillate" was determined to be inappropriate in this context.

Legislation passed in the 1991 session requires diesel fuel to meet certain emissions and performance standards for motor vehicle fuels. The language repealed by S.B. 121 addresses only performance standards and, thus, is redundant.

Referred to Senate Committee on Natural Resources
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Natural Resources, Agriculture and Mining
ASSEMBLY VOTE: 41-0-1
Effective October 1, 1993

S.B. 130 (Chapter 98)

Senate Bill 130 removes an obsolete reference to legislative authorization for sale or lease of state land. The bill also removes a redundant requirement for compliance with an otherwise applicable statute.

The Legislature placed a moratorium on the sale of state land in 1965. The 1989 Legislature lifted this moratorium and established a process through which land may be sold. Major aspects of this process include requirements that: (1) the land be sold at fair market value plus costs; and (2) the transaction be approved by the State Board of Examiners and the Legislature's Interim Finance Committee. The provisions of S.B. 130 were overlooked during the 1989 amendment process.

Referred to Senate Committee on Natural Resources
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Natural Resources, Agriculture and Mining
ASSEMBLY VOTE: 41-0-1
Effective Maya 5, 1993

S.B. 136 (Chapter 38)

Senate Bill 136 expands the ability of the Director of the Department of Wildlife to enter into cooperative or reciprocal agreements with any state. Current law allows agreements only with adjoining states.

Referred to Senate Committee on Natural Resources
SENATE VOTE: 19-0-2
Referred to Assembly Committee on Natural Resources, Agriculture and Mining
ASSEMBLY VOTE: 40-1-1
Effective October 1, 1993

S.B. 139 (Chapter 355)

Senate Bill 139 directs the Division of State Lands to establish a program to mitigate the detrimental effects of land coverage in the Lake Tahoe Basin. "Land coverage" is defined as "any covering over the natural surface of the ground that prevents water from percolating into the ground."

The measure authorizes the Division of State Lands to:

- Acquire and transfer real property or interest in real property;
- Eliminate land coverage or other conditions on the land that are detrimental to the environment; and
- Retire or otherwise terminate rights to place land coverage on the property.

The Account for Mitigation of Land Coverage in the Lake Tahoe Basin is created to handle money for the program. The bill requires approval of the State Board of Examiners before acquisitions are made.

Referred to Senate Committee on Finance
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Ways and Means
ASSEMBLY VOTE: 42-0-0
Effective July 1, 1993

S.B. 235 (Chapter 436)

Senate Bill 235 defines accessory road to mean any way over public land, established between 1866 and 1976, for which the general use or enjoyment before 1976 is not established, and that provides access to private property. The bill provides that these roads are to remain open, but that local governments have no duty to maintain them and are not liable for damages suffered as a result of their use. The roads may be maintained by their users.

The State Forester Firewarden may temporarily close an accessory road when there is danger from fire resulting from the use of the road. These closures

may not prevent a public utility from using the road to maintain its facilities. The bill also provides a procedure which a county commission may follow to permanently close an accessory road. If a permanent road closure prevents an owner from obtaining access to his property, the public agency which closed the road must compensate the owner.

The bill declares that it is in the interest of the State of Nevada to keep accessory roads open and available for use. If an agency of the United States attempts to close a road or exact a fee for its use, the Attorney General may bring an action for declaratory judgment to keep the road open or to obtain just compensation for land owners who may be affected.

Referred to Senate Committee on Transportation and
Re-referred to Committee on Finance
SENATE VOTE: 19-2-0
Referred to Assembly Committee on Transportation
ASSEMBLY VOTE: 42-0-0
Effective October 1, 1993

S.B. 347 (Chapter 654)

Senate Bill 347 brings Nevada law into compliance with the 1990 amendments to the Federal Clean Air Act. Within the Federal mandate, the measure modifies provisions associated with two existing programs:

1. An operating permit program for stationary sources of air pollution (generally industrial sites); and

2. An inspection and maintenance program in nonattainment areas for mobile pollution sources (specifically motor vehicles).

To comply with Federal requirements for the operating permit program, the bill:

- Creates an Account for the Management of Air Quality and specifies how the funds in this account must be spent;

- Establishes a fine of not more than $10,000 per day for environmental fraud, knowing violations of permit conditions, and tampering with monitoring equipment;

- Increases the amount of information that is accessible to the public by declaring that any information obtained in the course of administering the

operating permit program is available to the public unless it is specifically designated as "confidential information."

With respect to the vehicle inspection and maintenance program, the measure requires that regulations establish requirements for the licensing of: (1) "authorized inspection stations," (2) "authorized maintenance stations," and (3) "authorized stations" which may perform inspection as well as maintenance and repair services.

Referred to Senate Committee on Natural Resources
SENATE VOTE: 20-0-1
Referred to Assembly Committee on Natural Resources, Agriculture and Mining
ASSEMBLY VOTE: 33-9-0
Effective October 1, 1993

S.B. 348 (Chapter 209)

Senate Bill 348 outlines procedures to maintain the current arrangements for the administration of grazing leases in the Carson Lake Pasture upon the expected transfer of its management from the Federal Commissioner of Reclamation to Nevada's Department of Wildlife.

The measure declares the findings of the Legislature regarding the transfer of the area, located in Churchill County, to the State for management as a part of the Western Hemisphere Shorebird Reserve Network. The bill also explains that the history and future requirements of this area create a unique situation to which a general law cannot apply. Therefore, S.B. 348 provides specific guidelines for the Department of Wildlife to follow in leasing the pasture for grazing.

Transfer of the Carson Lake Pasture to the Department of Wildlife is one element of the "Negotiated Settlement" of water-related issues on the Truckee River. The large pasture historically has provided grazing for several ranchers as apportioned by the Truckee-Carson Irrigation District. Senate Bill 348 provides a preference for the historic users of the pasture.

Referred to Senate Committee on Natural Resources
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Natural Resources, Agriculture and Mining
ASSEMBLY VOTE: 40-0-2
Effective June 8, 1993, or upon the conveyance of Carson Lake Pasture to the State, whichever is later.

S.B. 490 (Chapter 451)

Senate Bill 490 defines a "recycling center" as a facility designed and operated to receive, store, process, or transfer recyclable materials which have been separated at the source from other solid waste.

This measure is intended to designate any facility at which certain recycling activities take place as a recycling center. In addition to the materials recovery facility operated by the solid waste franchise in Clark County, several other facilities come under this definition.

Referred to Senate Committee on Natural Resources
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Natural Resources, Agriculture and Mining
ASSEMBLY VOTE: 42-0-0
Effective October 1, 1993

S.B. 544 (Chapter 639)

Senate Bill 544 requires the governing body of any city or county whose territory includes all or part of the Red Rock Canyon National Conservation Area to prohibit in that area any use other than recreation, the excavation or extraction of any substance, and the erection of any structure. The body may permit such activities within the boundaries of a mining claim only to the extent permitted by Federal approval or law.

Pending the adoption of an ordinance complying with this measure, such activities are prohibited unless a permit is obtained from Nevada's Division of Environmental Protection. The bill prohibits the division from issuing such a permit if the proposed activity would be detrimental to the environment outside the Red Rock Canyon National Conservation Area or would preclude the designation of the area as wilderness.

Referred to Senate Committee on Government Affairs
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Government Affairs
ASSEMBLY VOTE: 41-1-0
Effective: Certain sections are effective on July 13, 1993. Other provisions are effective on October 1, 1993.

A.B. 2 (Chapter 10)

Assembly Bill 2 eliminates the requirement that a valid legal monument marking the boundaries of a mining claim be placed at the center of each side line. The bill also requires that any posts used to mark a claim be wooden or metal. Current law allows marking claims with plastic pipe. The dimensions required of wooden claim stakes are redefined in the measure, and any newly placed hollow markers are required to be capped.

Effective September 1, 1995, to be valid legal monuments, claim markers which were set prior to October 1, 1993, and are made of durable plastic pipe with open ends or perforations must be capped and have no open perforations.

This measure resulted from the cooperative effort of a number of private and public agencies and individuals. Evidence of the effect on birds, reptiles, and insects being trapped inside hollow plastic pipes was brought to the attention of these agencies. Certain species of nesting birds had become trapped inside the 4-inch diameter by 4-foot tall white plastic boundary markers and were found dead. Dead reptiles and insects were also found inside the cylinders. In addition, some pipes contained hundreds of dead Great Basin bees. According to testimony, the species is especially attracted to white flowers. Evidently, the white pipes were mistaken for such flora.

Referred to Assembly Committee on Natural Resources, Agriculture and Mining
ASSEMBLY VOTE: 41-0-1
Referred to Senate Committee on Natural Resources
SENATE VOTE: 21-0-0
Effective October 1, 1993

A.B. 176 (Chapter 446)

Assembly Bill 176 revises provisions regarding roads made public by prescriptive use. The measure stipulates that five or more state residents may petition a board of county commissioners to open, reopen, close, relocate, or abandon a public road within a county. Proof of residency, as well as adequate maps and documentation to justify a hearing, must be submitted with

the petition. Time frames in which to notify the public and conduct the hearing also are specified.

In addition, the bill provides standards for the board to determine whether a road is a "public road." These standards relate to:

1. Construction of improvements on unappropriated, unreserved public land;

2. An improvement constructed by mechanical means necessary for customary or usual passage; and

3. A right-of-way accepted by state or local government as a public road or as access to a mining claim or other private property.

Furthermore, the board's decision to open, reopen, close, relocate, or abandon a road must be based on specific findings, such as the resulting public benefit, impairment of the environment, and reduction in the value of public or private property. The closure of a road does not prohibit a governmental agency or public utility from using it to service its facilities.

The measure protects the county, its officers or employees from legal action related to damage suffered by a person solely as a result of the unmaintained condition of roads made public under these provisions. Finally, the bill clarifies the Department of Transportation's right to regulate freeways and highways under this legislation.

Referred to Assembly Committee on Transportation
ASSEMBLY VOTE: 40-1-1
Referred to Senate Committee on Transportation
SENATE VOTE: 21-0-0
Effective July 9, 1993

A.B. 291 (Chapter 171)

Assembly Bill 291 authorizes cooperative agreements between the State Department of Agriculture and local governments concerning the control, placement, or disposition of estrays. If such an agreement is entered into, it must provide for the responsibility for the payment of expenses, the disposition of any money received from the sale of the livestock, and the protection of the rights of a lawful owner of an estray.

"Estray" is defined in state law as "any livestock running at large upon public or private lands in the State of Nevada, whose owner is unknown in the section where such animal is found."

Federal law preempts state activities regarding horses running at large on federally administered lands. Thus, in practice, A.B. 291 applies to livestock (primarily horses) running at large on private property and property owned by the State and its local governments.

Referred to Assembly Committee on Natural Resources, Agriculture and Mining
ASSEMBLY VOTE: 42-0-0
Referred to Senate Committee on Natural Resources
SENATE VOTE: 21-0-0
Effective May 26, 1993

A.B. 430 (Chapter 459)

Assembly Bill 430 relates to state lands. The bill establishes fees for applications, permits, and other means of authorizing the use of state lands and navigable bodies of water. The measure also allows the waiver of these fees under specified conditions. In addition, it establishes fees for making copies of public records and maps other than those for which statutory fees already apply.

Finally, the measure specifies that the proceeds of the fees, other than those which must be credited to the State Permanent School Fund pursuant to *The Constitution of the State of Nevada*, must be used to support the activities of the State Land Registrar and the Division of State Lands.

Referred to Assembly Committee on Ways and Means
ASSEMBLY VOTE: 41-0-1
Referred to Senate Committee on Finance
SENATE VOTE: 20-0-1
Effective July 1, 1993

Agriculture and Mining

S.B. 114 (Chapter 202)

Senate Bill 114 defines "alternative livestock" and authorizes the State Board of Agriculture to adopt regulations regarding such livestock. The bill also amends provisions regarding the importation of wildlife and related meat products, permits noncommercial collections of wildlife, and provides for the designation of wildlife management areas that are of special concern for the regulation of alternative livestock.

The measure exempts alternative livestock from Department of Wildlife regulations regarding the importation and keeping of wildlife. Further, S.B. 114 prohibits the hunting of alternative livestock reared on or derived from a farm or other operation.

The bill directs the State Department of Agriculture and the State Board of Agriculture, in consultation with the Department of Wildlife and the Board of Wildlife Commissioners, to regulate the importation, transfer, possession, and propagation of alternative livestock. Regulations must address necessary facilities, genetic testing, record maintenance, identifying and marking, marketing, and bond filing.

The bill also provides for the recapture and impoundment of escaped alternative livestock. The owner is liable for costs or damages incurred to recapture, impound, or, if necessary, to destroy an escaped animal. Additionally, S.B. 114 declares that the Department of Wildlife is not liable for any damage to wildlife, or caused by wildlife, in capturing or destroying escaped alternative livestock.

Other states, including Colorado, Montana, and Texas, permit game farms or game ranches to raise animals, such as ostriches, llamas, alpacas, Rocky Mountain elk, some species of deer, alligators, and reindeer, and fish, such as salmon and catfish. Washington, in its last legislative session, enacted a law regulating game farms.

The potential for disease being passed to native wildlife by alternative livestock is addressed in the bill by requiring adequate fencing enclosures and the designation of zones of special concern where game farms might not be permitted to locate.

Referred to Senate Committee on Natural Resources
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Natural Resources, Agriculture and Mining
ASSEMBLY VOTE: 42-0-0
Effective October 1, 1993

S.B. 263 (Chapter 120)

Senate Bill 263 revises provisions relating to fees charged in connection with the Department of Minerals' program for abatement of hazards associated with abandoned mine sites. The bill eliminates the $20 fee which now is paid to the Department of Minerals when a person files a notice of intent to explore for minerals or to operate a mine on Federal land. The measure retains the fee

associated with filing original and amended plans of operation, and removes a sunset provision which was a part of the original law. It also allows revenue from these fees to be used for public education concerning hazardous conditions which may exist at abandoned mine shafts.

Referred to Senate Committee on Natural Resources
SENATE VOTE: 19-0-2
Referred to Assembly Committee on Natural Resources, Agriculture and Mining
ASSEMBLY VOTE: 42-0-0
Effective October 1, 1993

S.B. 303 (Chapter 377)

Senate Bill 303 makes various changes to the provisions governing pesticides. The measure establishes a maximum administrative fine of $5,000 per day for violating these laws. Additionally, the cap on the pesticide registration fee is increased from $25 to $50. Up to half of this fee, as determined by the Director of the State Department of Agriculture, is to be used for the disposal of pesticides. The measure also doubles the registration fee for any pesticide offered for sale prior to being registered. Finally, S.B. 303 requires a registered retailer or distributor of restricted-use pesticides to report monthly the sale of any such pesticides.

Referred to Senate Committee on Natural Resources
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Natural Resources, Agriculture and Mining
ASSEMBLY VOTE: 41-0-1
Effective October 1, 1993

A.B. 136 (Chapter 108)

Assembly Bill 136 revises the provisions governing the assessment and conversion of agricultural and open-space real property. The measure amends the filing date for agricultural use and open-space assessment, eliminates the requirement that action be taken on such applications before December 15 of each year, removes the provision that allows late applications to be petitioned to the County Board of Equalization, and clarifies provisions concerning parcels which are converted to a higher use.

Referred to Assembly Committee on Taxation
ASSEMBLY VOTE: 42-0-0
Referred to Senate Committee on Taxation
SENATE VOTE: 20-0-1
Effective May 11, 1993

A.B. 189 (Chapter 94)

Assembly Bill 189 exempts the final agricultural use and storage of anhydrous ammonia on a farm from regulation by the Division of Environmental Protection as a highly hazardous substance pursuant to NRS 459.380 through 459.3874. The measure also exempts from such state regulation any activities which are currently subject to regulation under the Federal Clean Air Act and the Federal Mine Safety and Health Act.

Referred to Assembly Committee on Natural Resources, Agriculture and Mining
ASSEMBLY VOTE: 41-1-0
Referred to Senate Committee on Natural Resources
SENATE VOTE: 20-0-1
Effective April 29, 1993

A.B. 422 (Chapter 173)

Assembly Bill 422 addresses fees and affidavits associated with mining activities. The measure increases from $0.50 to $1 the portion of the fee for recording a mining claim which funds the State's abandoned mine program. It also increases the portion of the claim recording fee which provides operating funds for Nevada's Department of Minerals from $0.75 to $1.50.

In addition, the measure requires that holders of mining claims, who are no longer required to show proof-of-labor or improvements, must file annual "affidavits of intent to hold" their claims. The county recorders are directed to record these affidavits and are authorized to charge a fee of $0.50 per claim for the recordings.

Congress recently changed the requirement for showing proof-of-labor or improvements to a $100 fee for the holding of a claim. This action results in a significant reduction in the number of claims being held in Nevada. Thus, funding for the Department of Minerals, which is dependent on revenue for these claims, is expected to decline.

In addition to providing necessary funds to support the department through increased fees, Assembly Bill 422 establishes the "affidavit of intent to hold" a claim as an official county record. Testimony indicated that this record at the

county level is essential for efficient research into the validity and ownership of claims.

Referred to Assembly Committee on Natural Resources,
Agriculture and Mining
ASSEMBLY VOTE: 41-0-1
Referred to Senate Committee on Natural Resources
SENATE VOTE: 21-0-0
Effective July 1, 1993

A.B. 659 (Chapter 408)

Assembly Bill 659 requires the operator of a mining operation to obtain a permit from Nevada's Department of Wildlife before developing or maintaining an artificial body of water which contains chemicals directly associated with the processing of ore. The bill clarifies the intent of the existing permit program.

Referred to Assembly Committee on Natural Resources,
Agriculture and Mining
ASSEMBLY VOTE: 38-0-4
Referred to Senate Committee on Natural Resources
SENATE VOTE: 21-0-0
Effective July 1, 1993

Hazardous Materials

S.B. 47 (Chapter 68)

Senate Bill 47 authorizes public and private schools to conduct drills to instruct pupils about appropriate emergency procedures in the event of a chemical explosion or natural disaster.

Current law requires schools to conduct monthly fire drills. This measure allows school districts to conduct no more than three disaster-type exercises during the school year, in place of the same number of fire drills. Drills must be conducted under the supervision of the chief of the respective fire department and designee of the board of trustees of the local school district.

Referred to Senate Committee on Human Resources and Facilities
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Education
ASSEMBLY VOTE: 42-0-0
Effective July 1, 1993

S.B. 127 (Chapter 118)

Senate Bill 127 directs the State Environmental Commission to coordinate various activities regarding regulations and fees imposed on underground storage tanks. All state and local government agencies which regulate underground storage tanks are required to cooperate to eliminate conflict or duplication in regulations; consolidate the collection of fees; develop a uniform reporting format; determine whether forms are understandable and complete; and ensure that emergency responders receive reports in a timely manner.

The measure also directs the Department of Taxation, in cooperation with the State Environmental Commission, to develop a program to consolidate the collection of fees regarding underground storage tanks, and report its recommendations to the 68th Nevada Legislature.

Testimony indicated that businesses which maintain underground storage tanks are regulated by a variety of Federal, state, and local government agencies. These businesses are often overwhelmed with paperwork, including different forms to be filed at different times and fees due to different agencies within different time frames. Compliance with government regulation is not the issue, but the associated "red tape" has become a problem.

This measure is intended to simplify and consolidate the regulatory demand the state and local government agencies make on businesses which maintain underground storage tanks.

Referred to Senate Committee on Natural Resources
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Natural Resources, Agriculture and Mining
ASSEMBLY VOTE: 42-0-0
Effective October 1, 1993

S.B. 442 (Chapter 285)

Senate Bill 442 clarifies that the transportation of hazardous substances, not the substances themselves, is exempt from the provisions of Nevada law concerning highly hazardous substances, if this transportation is regulated by the State or the United States Department of Transportation.

Referred to Senate Committee on Natural Resources
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Natural Resources, Agriculture and Mining
ASSEMBLY VOTE: 41-0-1
Effective June 24, 1993

A.B. 60 (Chapter 96)

Assembly Bill 60 amends certain provisions relating to obligations secured by real property. The measure authorizes a lender to inspect property for environmental impairment upon reasonable belief that an actual or threatened impairment exists which was not previously disclosed. Courts are authorized to appoint a receiver for the purposes of carrying out the inspections for impairment. If impairment is found, the lender is authorized to require a borrower to decontaminate the property.

Alternatively, the lender may decontaminate the property and recover the costs from the borrower. A lender may waive a lien if the property is environmentally impaired and proceed as an unsecured creditor. However, a lender may not waive his lien as a result of environmental impairment if he had knowledge of the impairment when the lien was created.

The measure defines a property to be "environmentally impaired" if the cost to remedy a condition caused by a hazardous substance exceeds 10 percent of the total indebtedness secured by the collateral.

This bill applies to all proceedings on or after its effective date, regardless of the date on which an environmental provision was made or a secured indebtedness incurred. The requirements concerning inspection and damages do not apply to certain residential properties.

Under existing law, a lender's only option to force cleanup of environmental contamination is to foreclose on, and take over, the property. When a property is substantially impaired in value, many lenders simply abandon the property. Consequently, many lenders are reluctant to extend loans if there is any possibility of contamination. This measure permits a lender to sue for the costs of environmental decontamination without losing the right to foreclose on all or part of the property. The measure further authorizes a right to inspect the property to determine if it is environmentally contaminated.

Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 40-0-2
Referred to Senate Committee on Judiciary
SENATE VOTE: 19-1-1
Effective May 5, 1993

A.B. 113 (Chapter 309)

Assembly Bill 113 directs the State Fire Marshal to establish a mobile training team to train volunteer firefighters to respond to incidents involving hazardous materials. The measure establishes the goal for the State Fire Marshal to provide all volunteer firefighters with training in compliance with relevant Federal standards.

In addition, the bill requires the State Fire Marshal to study the feasibility of using the mobile training team to provide training specifically for hazardous materials technicians, hazardous materials specialists, and on-scene incident commanders in conformance with Federal standards. A report of the findings of this study is to be submitted to the 1995 Legislature.

Assembly Bill 113 is a product of the interim study of hazardous materials.

Referred to Assembly Concurrent Committees on Natural Resources, Agriculture and Mining and Ways and Means
ASSEMBLY VOTE: 41-0-1
Referred to Senate Committee on Finance
SENATE VOTE: 13-8-0
Effective: Certain provisions are effective April 1, 1995. The remainding sections are effective October 1, 1993.

A.B. 115 (Chapter 274)

Assembly Bill 115 provides immunity from civil liability to certain governmental organizations and private persons who respond to emergencies involving hazardous materials.

The measure applies to members of the State Emergency Response Commission and local emergency planning committees when performing their statutory functions. Immunity is also extended to a person providing equipment, advice, or other assistance relating to hazardous materials emergencies, if the person: (1) is qualified by training, education or experience to handle hazardous materials; and (2) was requested to assist by one of the officials specified in the bill.

The immunity does not apply to:

1. Damages resulting from a person's gross negligence or intentional, reckless or wanton misconduct;

2. A person who causes the discharge of hazardous material; or

3. A person who receives compensation other than reimbursement for actual expenses related to his voluntary assistance or compensation from his regular employer.

Assembly Bill 115 originated with an interim legislative study of hazardous materials. Certain private companies maintain hazardous materials response teams to handle emergencies associated with their own businesses. This measure addresses the increasing reluctance of these companies to volunteer their assistance to others for fear of subsequent litigation.

Referred to Assembly Concurrent Committees on Natural Resources, Agriculture and Mining and Judiciary
ASSEMBLY VOTE: 42-0-0
Referred to Senate Committee on Natural Resources
SENATE VOTE: 21-0-0
Effective October 1, 1993

A.B. 116 (Chapter 310)

Assembly Bill 116 deletes an obsolete provision associated with the collection of an inventory fee for facilities regulated under the Federal Superfund Amendments and Reauthorization Act of 1986. The measure also authorizes proration of the annual fee paid by owners of the regulated facilities and requires the submission, with the fee, of certain business tax information.

Assembly Bill 116 is a product of the interim study of laws relating to hazardous materials.

Referred to Assembly Committee on Natural Resources, Agriculture and Mining
ASSEMBLY VOTE: 41-0-1
Referred to Senate Committee on Natural Resources
SENATE VOTE: 21-0-0
Effective October 1, 1993

A.B. 117 (Chapter 151)

Assembly Bill 117 designates the State Emergency Response Commission as the agency responsible for coordinating certain activities relating to hazardous materials. The measure directs the commission to coordinate state and local

interagency efforts to consolidate fee collection, standardize forms, and regulate hazardous materials. In addition, the measure directs the State and local agencies to cooperate in achieving this coordinated effort.

Assembly Bill 117 originates from the interim legislative study of laws related to emergencies involving hazardous materials.

Referred to Assembly Committee on Natural Resources, Agriculture and Mining
ASSEMBLY VOTE: 42-0-0
Referred to Senate Committee on Natural Resources
SENATE VOTE: 21-0-0
Effective October 1, 1993

A.B. 122 (Chapter 286)

Assembly Bill 122 expands the types of services for which the costs may be recovered when a state or local agency responds to an incident involving hazardous materials. Existing law authorizes the recovery of costs for cleanup and decontamination of the area affected by an incident. This measure allows the recovery of costs associated with containing and disposing of the hazardous materials and investigating the incident.

The bill also defines the phrase "promptly and appropriately" as related to response to hazardous materials incidents. In addition, the measure makes the due dates and penalties associated with the repayment of costs consistent with other similar statutory provisions.

Assembly Bill 122 is a product of the interim study of hazardous materials. The bill received support from local governments and state agencies involved in the study.

Referred to Assembly Committee on Natural Resources, Agriculture and Mining
ASSEMBLY VOTE: 41-0-1
Referred to Senate Committee on Natural Resources
SENATE VOTE: 21-0-0
Effective: Certain sections are effective June 25, 1993. Remaining provisions are effective October 1, 1993.

A.B. 123 (Chapter 288)

Assembly Bill 123 repeals the duplicative authority of the Public Service Commission of Nevada (PSCN) to issue permits for the transportation of radioactive waste. The measure retains the corresponding permit authority of

the Nevada Highway Patrol Division, but requires this division to obtain approval of the PSCN before issuing such a permit.

Assembly Bill 123 is a product of the interim study of hazardous materials. The bill eliminates the burden of a transporter having to obtain two permits for the same activity.

Referred to Assembly Committee on Natural Resources, Agriculture and Mining
ASSEMBLY VOTE: 42-0-0
Referred to Senate Committee on Natural Resources
SENATE VOTE: 21-0-0
Effective: Certain sections are effective June 25, 1993. Remaining provisions are effective October 1, 1993.

A.B. 126 (Chapter 86)

Assembly Bill 126 directs the State Fire Marshal, in cooperation with local fire departments, to develop and distribute a reference guide for use by "first responders" to accidents and incidents involving hazardous materials. The guide is to provide easily referenced information regarding procedures for responding to the first critical moments of an accident or other incident related to hazardous materials. The State Fire Marshal is directed to make copies available to response personnel and students enrolled in hazardous materials training programs.

Referred to Assembly Committee on Natural Resources, Agriculture and Mining
ASSEMBLY VOTE: 41-0-1
Referred to Senate Committee on Natural Resources
SENATE VOTE: 20-0-1
Effective October 1, 1993

A.B. 189 (Chapter 94)

Assembly Bill 189 exempts the final agricultural use and storage of anhydrous ammonia on a farm from regulation by the Division of Environmental Protection as a highly hazardous substance pursuant to NRS 459.380 through 459.3874. The measure also exempts from such state regulation any activities which are currently subject to regulation under the Federal Clean Air Act and the Federal Mine Safety and Health Act.

Referred to Assembly Committee on Natural Resources, Agriculture and Mining
ASSEMBLY VOTE: 41-1-0
Referred to Senate Committee on Natural Resources
SENATE VOTE: 20-0-1
Effective April 29, 1993

A.B. 623 (Chapter 403)

Assembly Bill 623 requires that certain Federal funds received by Nevada be deposited in the contingency account for hazardous materials. Additionally, the measure authorizes the State Emergency Response Commission to adopt regulations governing the manner in which the State's Division of Emergency Management must allocate money it receives related to hazardous materials or through specific Federal laws. Such regulations must also address the approval of programs developed which concern hazardous materials emergencies. Finally, A.B. 623 allows the commission to coordinate the activities of state agencies concerning the implementation of Federal and state laws governing hazardous materials.

Referred to Assembly Committee on Government Affairs
ASSEMBLY VOTE: 40-0-2
Referred to Senate Committee on Natural Resources
SENATE VOTE: 21-0-0
Effective July 1, 1993

Water

S.B. 19 (Chapter 631)

Senate Bill 19 makes various changes to provisions concerning the protection for domestic water wells and bonds issued by the Colorado River Commission and the Las Vegas Valley Water District.

With respect to the protection of domestic wells, the measure applies to an application or permit for a proposed well:

1. In counties whose population is less than 400,000;

2. For municipal, quasi-municipal or industrial use; and

3. Whose reasonably expected rate of diversion is one-half cubic foot per second or more.

When an application for such a well is filed, the bill requires that the applicant notify owners of domestic wells within 2,500 feet of the well. The measure also directs the State Engineer to include a condition on the approval of these larger wells indicating that pumping may be limited or prohibited to prevent unreasonable adverse effects on existing domestic wells. It further directs the State Engineer to require periodic reports concerning the effects of these types of wells on existing wells in the vicinity.

In addition, Senate Bill 19 increases the maximum limitation on bonds that may be issued by the Colorado River Authority for acquiring, improving, and equipping certain laboratory, maintenance, and administrative facilities and for improving or replacing the computer system relating to the treatment, processing, and delivery of water.

Further, S.B. 19 authorizes the Las Vegas Valley Water District, at the request of the Southern Nevada Water Authority, to issue special obligations of the district to pay all or any part of the cost of one or more specified water projects. The measure outlines the procedures that must be followed in issuing these obligations. In particular, the bill requires that the obligations be secured by:

1. Revenue of any water project owned, constructed, or improved by the authority;

2. Revenue made available to the district for payment of debt service by the authority; or

3. Any combination thereof.

Referred to Senate Committee on Finance
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Government Affairs
ASSEMBLY VOTE: 42-0-0
Effective October 1, 1993

S.B. 50 (Chapter 100)

Senate Bill 50 creates the Virgin Valley Water District in Clark County and describes its geographical boundaries. The measure provides the district with the same powers and duties as other water districts in the State. If the service area of the Bunkerville Water User's Association is annexed into the district, S.B. 50 modifies the district's governing board to include one member appointed by the governing body of the town of Bunkerville.

The measure also adjusts the boundaries of the Las Vegas Valley Water District to remove that part of Clark County under the authority of the Virgin Valley Water District.

Referred to Senate Committee on Natural Resources
SENATE VOTE: 20-1-0
Referred to Assembly Committee on Government Affairs
ASSEMBLY VOTE: 41-0-1
Effective: This bill becomes effective either on July 1, 1993, or the date the Mesquite Farmstead Water Association is dissolved and its assets and liabilities are transferred to the Virgin Valley Water District, whichever happens later.

S.B. 116 (Chapter 33)

Senate Bill 116 prohibits the operation of any watercraft or other floating structure equipped with a marine sanitation device that is not approved by the United States Coast Guard. It further requires that such devices be designed and secured to prevent the overboard discharge of sewage. In addition, the measure specifies that it is illegal to discharge sewage into the waters of the State, and it provides penalties for violation of its requirements.

Authority for regulating these provisions is officially transferred from the Health Division in the Department of Human Resources to the Division of Environmental Protection in the State Department of Conservation and Natural Resources.

Senate Bill 116 updates provisions of Nevada statutes and brings them into compliance with current Federal laws.

Referred to Senate Committee on Natural Resources
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Natutal Resources, Agriculture and Mining
ASSEMBLY VOTE: 41-0-1
Effective October 1, 1993

S.B. 230 (Chapter 356)

Senate Bill 230 directs the State Engineer to establish a program which allows public water systems to add customers who agree to discontinue using a domestic well and connect to a public water system. This arrangement may only be made in ground water basins for which the State Engineer has denied applications for additional municipal use of ground water.

Referred to Senate Committee on Natural Resources
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Government Affairs
ASSEMBLY VOTE: 42-0-0
Effective October 1, 1993

S.B. 437 (Chapter 295)

Senate Bill 437 defines mooring buoys and outlines requirements for their placement. The bill prohibits a mooring buoy, except a temporary buoy, from being placed in the waters of the State without a permit.

The measure specifies the jurisdiction of the Division of State Lands, Department of Wildlife and National Park Service for issuing such a permit. The Department of Wildlife is also directed to make recommendations to the Division of State Lands regarding permits for placing mooring buoys in navigable waters. Additionally, the bill authorizes the Board of Wildlife Commissioners to adopt fees for issuing permits for buoys in the nonnavigable waters of the State.

Referred to Senate Committee on Natural Resources
SENATE VOTE: 20-0-1
Referred to Assembly Committee on Natural Resources, Agriculture and Mining
ASSEMBLY VOTE: 33-8-1
Effective July 1, 1993

S.B. 512 (Chapter 473)

Senate Bill 512 provides a process for proving a subsisting right to water livestock. Additionally, within an adjudicated stream system or ground water basin, the measure directs the State Engineer to recognize rights to water livestock from streams that are established by a vested water right, a permit issued by the State Engineer, or a subsisting right as provided by S.B. 512.

Referred to Senate Committee on Natural Resources
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Government Affairs
ASSEMBLY VOTE: 42-0-0
Effective October 1, 1993

A.B. 314 (Chapter 506)

Assembly Bill 314 makes various changes to the provisions governing the appropriation of public waters.

The bill:

1. Increases the maximum amount that may be assessed for water distribution expenses when the stream system irrigates more than 200,000 acres of land from 21 cents to 25 cents per acre-foot of water decreed;

2. Requires the State Engineer to adopt, in accordance with Nevada's Administrative Procedure Act, rules of practice regarding the conduct of hearings concerning a protest against the granting of an application to appropriate water;

3. Requires that, if a hearing is held regarding an application, the decision of the State Engineer be in writing and include findings of fact, conclusions of law, and a separate statement of the underlying facts supporting the findings;

4. Increases several of the fees collected by the State Engineer; and

5. Requires the State Engineer to submit to the Interim Finance Committee, from September 30, 1993, through January 31, 1995, quarterly reports concerning the performance of the State Engineer's office.

Referred to Assembly Committee on Government Affairs and re-referred to Committee on Ways and Means
ASSEMBLY VOTE: 42-0-0
Referred to Senate Committee on Natural Resources
SENATE VOTE: 21-0-0
Effective July 1, 1993

A.B. 337 (Chapter 181)

Assembly Bill 337 defines the term "water already appropriated" to include water for whose appropriation the State Engineer has issued a permit but which has not been applied to the intended use before an application is made to change the place of diversion, manner of use or place of use.

Additionally, A.B. 337 ratifies the previous decisions of the State Engineer concerning water permits for a change of the place of diversion, manner of use or place of use of water already appropriated, if the change is consistent with the interpretation of that term as provided by this bill.

Referred to Assembly Committee on Government Affairs
ASSEMBLY VOTE: 37-5-0
Referred to Senate Committee on Natural Resources
SENATE VOTE: 15-6-0
Effective May 27, 1993

A.B. 419 (Chapter 116)

Assembly Bill 419 changes the size of dams which may be constructed without receiving the approval of the State Engineer. The measure increases the height criterion from 10 feet to 20 feet and the impoundment figure from 10 acre-feet to 20 acre-feet.

The bill was requested by the agricultural community to allow construction of small stock watering reservoirs without receiving approval from the State Engineer. The State Engineer indicated that the new figures are more consistent with criteria for Federal dam safety programs administered through the United States Army Corps of Engineers.

Referred to Assembly Committee on Natural Resources, Agriculture and Mining
ASSEMBLY VOTE: 42-0-0
Referred to Senate Committee on Natural Resources
SENATE VOTE: 20-1-0
Effective October 1, 1993

A.B. 618 (Chapter 496)

Assembly Bill 618 relinquishes state claim to ownership of the beds and banks of the portions of the Truckee River and Pyramid Lake that lie within the Pyramid Lake Indian Reservation.

The measure is contingent upon execution of a memorandum of understanding between the State and the Pyramid Lake Paiute Indian Tribe establishing procedures to resolve the Tribe's claim to water, as required under the Federal law referenced generally as the "Truckee River Settlement Act." The bill also provides that the Tribe will not be charged a permit fee of more than $10,000 for the granting of any single application for water relating to the Truckee River.

Assembly Bill 618 is a product of the negotiated settlement of water issues associated with the Truckee River as indicated through the "whereas" clauses and the substantive language of the measure.

Referred to Assembly Committee on Natural Resources, Agriculture and Mining
ASSEMBLY VOTE: 36-5-1
Referred to Senate Committee on Natural Resources
SENATE VOTE: 21-0-0
Effective July 9, 1993

A.B. 624 (Chapter 572)

Assembly Bill 624 amends the statutes governing applications for water rights to require the proof of reasonable diligence in perfecting an application. The measure defines "reasonable diligence" as the steady application of effort to perfect the application in a reasonably expedient and efficient manner under the circumstances.

The measure requires an applicant for a water permit to provide satisfactory proof to the State Engineer of the applicant's good faith intention to construct, with reasonable diligence, any necessary work to apply the water to the intended beneficial use. In addition, an applicant proposing to divert at least 1 second foot of water must show the financial ability to construct the work.

Additionally, A.B. 624 prohibits the State Engineer from granting an extension of time within which construction must be completed or water must be applied to a beneficial use unless the State Engineer determines, from submitted evidence, that the applicant is proceeding in good faith and with reasonable diligence to perfect the application.

Finally, A.B. 624 authorizes the State Engineer to use money in a particular basin well account to support an activity outside the basin in which the money is collected if the activity bears a direct relationship to the responsibilities or activities of the State Engineer regarding that particular basin.

Referred to Assembly Committee on Government Affairs
ASSEMBLY VOTE: 42-0-0
Referred to Senate Committee on Natural Resources
SENATE VOTE: 21-0-0
Effective October 1, 1993

A.B. 692 (Chapter 347)

Assembly Bill 692 increases the total number of members of the Colorado River Commission (CRC) from five to seven. The measure decreases the number, from five to four, of members appointed by the Governor. The bill also provides that the remaining three members be appointed by the Board of

Directors of the Southern Nevada Water Authority from among the board's membership.

The bill stipulates that all of the CRC members may receive per diem allowances and travel expenses, but only the Governor's appointees are entitled to receive compensation while engaged in official commission business. It also removes requirements concerning the political party affiliations of and specific interests represented by the members of the CRC.

Additionally, the measure requires the CRC to offer to renew any contract for the sale of power which is in effect on July 1, 1993, upon its expiration.

Referred to Assembly Committee on Government Affairs
ASSEMBLY VOTE: 36-5-1
Referred to Senate Committee on Natural Resources
SENATE VOTE: 18-3-0
Effective July 1, 1993

Wildlife

S.B. 92 (Chapter 374)

Senate Bill 92 revises the statutory provisions governing deer and antelope hunting tags issued as compensation for damage caused by these animals. The measure specifies that these tags may be issued to a lessee or manager, as well as the owner, of private property which has been damaged. The bill authorizes the person who receives a tag to use it personally or sell it to a licensed hunter. In addition, the measure expands the location in which a tag may be used to include the wildlife management area or areas in which the private land is located and specifies that the tag may be used only during an open season for the relevant species.

Referred to Senate Committee on Natural Resources
SENATE VOTE: 19-2-0
Referred to Assembly Committee on Natural Resources, Agriculture and Mining
ASSEMBLY VOTE: 41-1-0
Effective October 1, 1993

S.B. 113 (Chapter 41)

Senate Bill 113 clarifies that each hunting, fishing or combined license issued by the Department of Wildlife to a Nevada resident is valid until the last day of February. However, if a person moves out of the State and receives any privileges or entitlements available to residents of the new area, the Nevada license becomes void.

Referred to Senate Committee on Natural Resources
SENATE VOTE: 19-0-2
Referred to Assembly Committee on Natural Resources, Agriculture and Mining
ASSEMBLY VOTE: 41-0-1
Effective October 1, 1993

S.B. 117 (Chapter 91)

Senate Bill 117 amends the provisions relating to operating a watercraft while under the influence of alcohol or a controlled substance. The measure permits a suspected offender to choose either a blood or breath test to determine blood alcohol content, but if a convicted person chooses a blood test when a breath test is readily available, the person must pay the cost of the substituted test. If the presence of a controlled substance is questioned, the measure allows a blood or urine test, or both, to be required. A urine test is permitted only if the suspect is taking anticoagulant medication resulting from hemophilia or a heart condition, or if a controlled substance is suspected to be present.

In addition, the bill authorizes a peace officer to use reasonable force to obtain a blood sample from a person suspected of operating a watercraft while under the influence and thus causing death or substantial bodily harm to another person. The bill provides that three blood samples may be taken over a 5-hour period after the initial arrest. No choice of tests is required to be offered in such circumstances.

Senate Bill 117 conforms the "boating under the influence" laws with those relating to "driving under the influence."

Referred to Senate Committee on Natural Resources
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 42-0-0
Effective October 1, 1993

S.B. 118 (Chapter 322)

Senate Bill 118 revises the provisions governing the revocation or suspension of hunting, fishing, or trapping licenses. Current law provides penalties for violation of any provision of the title concerning wildlife in *Nevada Revised Statutes*. This bill stipulates that violation of a regulation adopted pursuant to these statutes is subject to the same penalties set forth in law. Likewise, the statutory provisions concerning second convictions within 5 years are eliminated, thus making all convictions subject to the same procedures and penalties.

In addition, the bill specifies that, upon receipt of a surrendered license, the court must forward it to the Wildlife Commission which may, on its own initiative:

1. Revoke or suspend the license; and

2. Refuse to issue any subsequent license for a period not to exceed 2 years.

If a person is convicted of more than one violation, the commission is authorized to revoke or suspend the license for each violation and require that the periods of revocation or suspension run concurrently or consecutively. The measure also enhances and clarifies the penalties for engaging in wrongful activities during the time a license is suspended or revoked.

Referred to Senate Committee on Natural Resources
SENATE VOTE: 20-0-1
Referred to Assembly Committee on Natural Resources, Agriculture and Mining
ASSEMBLY VOTE: 39-0-3
Effective October 1, 1993

S.B. 119 (Chapter 270)

Senate Bill 119 allows the Board of Wildlife Commissioners to establish policies regarding the revocation of hunting, fishing and trapping licenses for a single violation of a statutory provision or a corresponding regulation. Current law allows such revocations only upon a second offense within a 5-year period.

Senate Bill 119 is considered a companion measure to S.B. 118. It modifies the statutes to comply with the provisions of S.B. 118 and other existing laws.

Referred to Senate Committee on Natural Resources
SENATE VOTE: 20-0-1
Referred to Assembly Committee on Natural Resources, Agriculture and Mining
ASSEMBLY VOTE: 41-0-1
Effective October 1, 1993

S.B. 120 (Chapter 34)

Senate Bill 120 raises the amount of the Department of Wildlife change account from $300 to $500 and allows more than one employee to act as custodian of the money.

The account is used for cash transactions relative to the sale of hunting and fishing licenses. These services are offered in more than one location, which requires the increase in the amount and authorization for more than one employee to use a portion of the cash.

Referred to Senate Committee on Natural Resources
SENATE VOTE: 19-0-2
Referred to Assembly Committee on Natural Resources, Agriculture and Mining
ASSEMBLY VOTE: 41-0-1
Effective July 1, 1993

S.B. 122 (Chapter 40)

Senate Bill 122 increases the duplicate license fee to equal the original amount paid for a lost or stolen hunting, fishing or trapping license, or $5, whichever is less. Current law specifies a duplicate license fee of $1 which, according to the Department of Wildlife, does not cover the cost of issuance.

Referred to Senate Committee on Natural Resources
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Natural Resources, Agriculture and Mining
ASSEMBLY VOTE: 41-0-1
Effective July 1, 1993

S.B. 123 (Chapter 203)

Senate Bill 123 revises the procedures to be followed when a big game mammal which is believed to be diseased and unfit for human consumption is killed by a licensed hunter. The measure specifies that, if the carcass is diseased and unfit for human consumption, the hunter is entitled to receive a replacement tag at no charge, unless choosing to retain portions of the carcass.

The Board of Wildlife Commissioners is directed to adopt regulations to implement the provisions of the bill. The bill also raises the regular fee for replacing a lost or destroyed hunting tag from $1 to $5.

Referred to Senate Committee on Natural Resources
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Natural Resources, Agriculture and Mining
ASSEMBLY VOTE: 42-0-0
Effective July 1, 1993

S.B. 131 (Chapter 82)

Senate Bill 131 defines "to take" relating to wildlife. The definition includes to kill, capture, shoot, trap, catch, wound, possess, collect, seine, snare, or net.

Referred to Senate Committee on Natural Resources
SENATE VOTE: 19-0-2
Referred to Assembly Committee on Natural Resources, Agriculture and Mining
ASSEMBLY VOTE: 42-0-0
Effective October 1, 1993

S.B. 134 (Chapter 37)

Senate Bill 134 adds game amphibians to the definition of "to fish" and its derivatives. The measure clarifies that a fishing license is required to hunt frogs and other amphibians.

Referred to Senate Committee on Natural Resources
SENATE VOTE: 19-0-2
Referred to Assembly Committee on Natural Resources, Agriculture and Mining
ASSEMBLY VOTE: 40-1-1
Effective October 1, 1993

S.B. 135 (Chapter 39)

Senate Bill 135 provides that the Board of Wildlife Commissioners may adopt regulations clarifying the types of live game fish which may be sold in the State. It also clarifies that the importation and sale of dead game fish from licensed commercial processors or licensed fish hatcheries outside Nevada, as well as the importation and sale of salt water fish, mollusks or crustaceans, is not illegal.

Testimony indicated that the goal of current law is to prohibit the importation or sale of live fish which may threaten native fish populations in the State. The proposed change clarifies that the board is not required to regulate the importation of live game fish or shellfish which are being sold for food in markets or restaurants.

Referred to Senate Committee on Natural Resources
SENATE VOTE: 19-0-2
Referred to Assembly Committee on Natural Resources, Agriculture and Mining
ASSEMBLY VOTE: 41-0-1
Effective October 1, 1993

S.B. 136 (Chapter 38)

Senate Bill 136 expands the ability of the Director of the Department of Wildlife to enter into cooperative or reciprocal agreements with any state. Current law allows agreements only with adjoining states.

Referred to Senate Committee on Natural Resources
SENATE VOTE: 19-0-2
Referred to Assembly Committee on Natural Resources, Agriculture and Mining
ASSEMBLY VOTE: 40-1-1
Effective October 1, 1993

S.B. 239 (Chapter 342)

Senate Bill 239 authorizes persons acting as agents for the Department of Wildlife who award certificates of numbers for watercraft to retain 50 cents per certificate.

The law currently allows the retention of 10 percent of the fee collected, but not more than 25 cents per certificate.

Referred to Senate Committee on Finance
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Ways and Means
ASSEMBLY VOTE: 42-0-0
Effective January 1, 1994

A.B. 476 (Chapter 201)

Assembly Bill 476 makes permanent the program for issuance of restricted nonresident deer tags for hunts conducted by Nevada master guides. The measure also modifies the maximum number of tags available through the

program. The maximum of 15 percent of the nonresident tags issued during the previous year or 250 tags, whichever is less, is changed to 9 percent of the previous year's issuance or 250 tags, whichever is greater.

Referred to Assembly Committee on Natural Resources, Agriculture and Mining
ASSEMBLY VOTE: 41-1-0
Referred to Senate Committee on Natural Resources
SENATE VOTE: 21-0-0
Effective October 1, 1993

A.B. 740 (Chapter 421)

Assembly Bill 740 provides a legislative declaration relative to hunting permitted by law in the State. The measure outlines the values of such hunting and the benefits it furnishes the citizens of Nevada. By one estimate, approximately 55,000 people participate in hunting in Nevada annually, investing an estimated $22 million in the State's economy.

Referred to Assembly Committee on Natural Resources, Agriculture and Mining
ASSEMBLY VOTE: 41-0-1
Referred to Senate Committee on Natural Resources
SENATE VOTE: 21-0-0
Effective October 1, 1993

PUBLIC OFFICERS AND EMPLOYEES AND PUBLIC EMPLOYEES' RETIREMENT

S.B. 174 (Chapter 629)

Senate Bill 174 specifies that a public body may not hold a closed meeting to discuss certain topics regarding an elected member of a public body. These topics include character, alleged misconduct, professional competence, or physical or mental health.

A public body is also prohibited from discussing such topics regarding any public employee without delivering written notice to that person at least 5 working days, or mailing a notice by certified mail at least 21 days, in advance of the meeting. The bill specifically exempts the Nevada Athletic Commission from these requirements. The commission must, however, give written notice of the time and place of the meeting and receive proof of service of the notice.

Additionally, a record of a meeting concerning an elected member of a public body must be made available to that person on request. The measure also requires that, if a public meeting is recorded, any closed portion of that meeting also be recorded. Such recordings must be retained and made available according to existing law.

Referred to Senate Committee on Government Affairs
SENATE VOTE: 20-0-1
Referred to Assembly Committee on Government Affairs
ASSEMBLY VOTE: 41-1-0
Effective: Certain sections are effective July 13, 1993.
Remaining provisions are effective October 1, 1993.

S.B. 221 (Chapter 628)

Senate Bill 221 creates a commission to review the compensation of constitutional officers, legislators, supreme court justices, district judges, and elected county officers in Nevada. Four members of the compensation commission are appointed by the majority and minority leaders of both houses of the Legislature, two are selected by the Chief Justice of the Supreme Court, and three are appointed by the Governor. The members of the commission must be appointed before January 15 of each even-numbered year and serve until the conclusion of the following regular session of the Legislature. If it determines that changes in compensation are required, the commission must

recommend a bill draft for presentation to the appropriate standing committees at the start of the next legislative session.

An appropriation of $6,900 is made for expenses incurred by the commission. The measure also repeals the Commission to Review the Compensation of Legislators, which was created in 1989 but was never activated.

Referred to Senate Committee on Government Affairs
SENATE VOTE: 16-5-0
Referred to Assembly Committee on Ways and Means
ASSEMBLY VOTE: 37-3-2
Effective October 1, 1993

S.B. 278 (Chapter 304)

Senate Bill 278 authorizes the inclusion of additional retired public employees in the State's group insurance program. An officer or employee of a local government, school district, or any other public subdivision or agency, who retires under the provisions of state law and was not participating in the program at the time of retirement may elect to participate. Other persons who were not members of the program at retirement or their surviving spouses may join the program to the extent that such coverage is not provided under Medicare.

The bill requires the Committee on Benefits to account separately for the retired persons who join the program under these provisions. In addition, the measure provides time frames within which pertinent persons must be notified of their eligibility and must choose to participate.

Referred to Senate Committee on Finance
SENATE VOTE: 20-0-1
Referred to Assembly Committee on Government Affairs
ASSEMBLY VOTE: 40-0-2
Effective July 1, 1993

S.B. 389 (Chapter 325)

Senate Bill 389 specifies the monthly premiums to be paid by state and other public employers for group life, accident, or health coverage on behalf of each employee. The cost must not exceed $213.75 from July 1, 1993, to June 30, 1994, and $226.50 from July 1, 1994, to June 30, 1995. Total monthly premiums must be paid to the Committee on Group Insurance, which determines, by actuarial analysis, the amount to contribute toward the actuarial premium of the employee's selected plan. Should the employee choose a plan

that costs less than the designated premium, the available balance must be credited to the self-insurance fund.

Referred to Senate Committee on Finance
SENATE VOTE: 20-0-1
Referred to Assembly Committee on Ways and Means
ASSEMBLY VOTE: 37-0-5
Effective July 1, 1993

S.B. 390 (Chapter 326)

Senate Bill 390 specifies the amount to be paid in premiums of group insurance for retired state employees who participate in the State's group insurance plan. The measure requires the Budget Division of the Department of Administration to pay a premium cost of $119.35 per month for fiscal year 1993-94 and $127.61 per month for fiscal year 1994-95 for each such employee.

Referred to Senate Committee on Finance
SENATE VOTE: 20-0-1
Referred to Assembly Committee on Ways and Means
ASSEMBLY VOTE: 38-0-4
Effective July 1, 1993

S.B. 571 (Chapter 467)

Senate Bill 571 establishes maximum annual salaries for certain titles and positions of state employees in the unclassified service. The measure lists each affected position and title and outlines the maximum salary allowed and the date upon which the salary becomes effective.

The bill also includes a provision for accommodating increases for positions which may be inadvertently omitted from the act. Finally, approximate annual salaries also are established for certain medical professionals in the classified service.

Referred to Senate Committee on Finance
SENATE VOTE: 17-4-0
Referred to Assembly Committee on Ways and Means
ASSEMBLY VOTE: 23-18-1
Effective: Certain sections are effective July 1, 1993.
Remaining provisions are effective October 1, 1993.

A.B. 19 (Chapter 357)

Assembly Bill 19 establishes a formula for determining the amount to be paid by the State toward the cost of health insurance for retirees from state employment. The bill provides that the amount of the State's contribution will be a percentage, predicated on an employee's number of years of state service, of a legislated base amount. The formula applies to persons who retire from state service on or after January 1, 1994.

Further, A.B. 19 requires that any amount by which the calculated contribution exceeds the actual premium be credited to the State's self-insurance fund.

Finally, the bill establishes the base amounts for each of the next 2 fiscal years.

Assembly Bill 19 is designed to provide a fair method for determining the State's health insurance contribution for retirees from state employment. Under existing law, the same amount is contributed for each retiree, regardless of the number of years of service. Consequently, a retiree with 5 years of state service receives the same amount as a retiree with 35 years.

The formula in this measure does not require any additional appropriation for retirees' health insurance costs than was budgeted under existing law. This measure does not apply to current retirees, or those who retire before January 1, 1994, as it would adversely affect existing benefits or require additional funding.

Referred to Assembly Committee on Government Affairs and re-referred to Committee on Ways and Means
ASSEMBLY VOTE: 41-0-1
Referred to Senate Committee on Finance
SENATE VOTE: 21-0-0
Effective July 1, 1993

A.B. 39 (Chapter 507)

Assembly Bill 39 amends two provisions concerning county employees.

First, the bill authorizes each board of county commissioners to provide a system for elected and appointed county officers and employees to donate portions of their accumulated annual and sick leave to other officers and employees. This system must include a process for converting donated time into dollars at the hourly rate of the donor and then converting such dollars into sick leave at the hourly rate of the recipient.

Second, the measure provides that, in a county whose population is 400,000 or more, deputy district attorneys are merit employees of the county and may be removed only in accordance with the provisions of that county's merit personnel system.

Referred to Assembly Committee on Government Affairs
ASSEMBLY VOTE: 42-0-0
Referred to Senate Committee on Government Affairs
SENATE VOTE: 19-2-0
Effective October 1, 1993

A.B. 90 (Chapter 597)

Assembly Bill 90 prohibits a business or industry whose activities are regulated by State Government from employing certain former public officers or employees of the regulating agency for 1 year after the termination of service or employment. Such employees include those who were responsible for policy formation concerning the business or industry; who conducted an audit or investigation of the prospective employer during the preceding year; or who possess certain trade secrets as a result of governmental employment. Clerical employees are not affected by the 1 year "cooling off" period.

Additionally, A.B. 90 allows a public officer or employee to request the Commission on Ethics to grant a waiver from the provisions of the bill. Finally, this bill applies only to state officers or employees whose state service or employment begins on or after the effective date of A.B. 90.

Referred to Assembly Committee on Government Affairs
ASSEMBLY VOTE: 42-0-0
Referred to Senate Committee on Government Affairs
SENATE VOTE: 21-0-0
Effective July 12, 1993

A.B. 223 (Chapter 109)

Assembly Bill 223 revises the provisions governing the list of officers appointed by the State Board of Education to conduct hearings regarding the demotion or dismissal of, or refusal to reemploy, teachers, administrators and other licensed employees of school districts.

This measure adds a provision allowing a hearing officer to be selected from a list provided by the American Arbitration Association if the number of names on the state board's list of qualified, trained hearing officers falls below 10.

Furthermore, the bill provides that the employee and the superintendent of the school district are not precluded from mutually selecting a Nevada attorney to serve as a hearing officer for a particular hearing.

Referred to Assembly Committee on Education
ASSEMBLY VOTE: 38-0-4
Referred to Senate Committee on Human Resources and Facilities
SENATE VOTE: 21-0-0
Effective October 1, 1993

A.B. 316 (Chapter 246)

Assembly Bill 316 appropriates $3,791,296 from the State General Fund to the State Board of Examiners for the payment of overtime costs for certain state employees and attorneys' fees as determined in the *Benzler v. State of Nevada* case.

Referred to Assembly Committee on Ways and Means
ASSEMBLY VOTE: 38-0-4
Referred to Senate Committee on Finance
SENATE VOTE: 19-0-2
Effective June 18, 1993

A.B. 376 (Chapter 218)

Assembly Bill 376 amends Nevada's provisions governing public employment of people with disabilities to bring state law into conformity with the Federal Americans with Disabilities Act.

The changes include replacing terms such as "handicapped" with wording that is consistent with Federal language and deleting state provisions that are now illegal under Federal law. Additionally, the measure adds age, sex, and disability to the characteristics of people against which the State may not discriminate in employment.

Referred to Assembly Committee on Government Affairs
ASSEMBLY VOTE: 41-0-1
Referred to Senate Committee on Government Affairs
SENATE VOTE: 21-0-0
Effective October 1, 1993

A.B. 552 (Chapter 576)

Assembly Bill 552 makes various changes to the statutory provisions governing the recall of a public officer. The Secretary of State is required to prepare a pamphlet describing the requirements for filing and circulating a recall

petition. Copies must be made available to members of the public for a fee not to exceed the cost of preparing and printing the pamphlet. Other matters addressed in A.B. 552 concern: the legal sufficiency of a petition, notification of the public officer who is subject to the recall, removal of a person's name from a petition upon request, issuance of a call for a special election, publication of notice, certain immunity from civil liability, challenges, hearings and penalties.

The Secretary of State is required to adopt regulations as are necessary to carry out the chapter of state law concerning the recall of a public officer.

Referred to Assembly Committee on Elections and Procedures
ASSEMBLY VOTE: 42-0-0
Referred to Senate Committee on Government Affairs
SENATE VOTE: 21-0-0
Effective October 1, 1993

A.B. 593 (Chapter 574)

Assembly Bill 593 requires a law enforcement agency to provide written notice, if practical under the circumstances, to a peace officer within a reasonable time before an interrogation or hearing concerning the officer's activities which may result in punitive action.

The measure further requires the agency to limit the scope of the questions during the interrogation or hearing to the alleged misconduct. The agency is also required to allow the officer to explain an answer or refute a negative implication resulting from such questioning.

Referred to Assembly Committee on Government Affairs
ASSEMBLY VOTE: 30-12-0
Referred to Senate Committee on Government Affairs
SENATE VOTE: 21-0-0
Effective October 1, 1993

A.B. 603 (Chapter 536)

Assembly Bill 603 coordinates and revises certain provisions relating to ethics in government. Unless one of the exceptions contained in the measure is applicable, a public officer or employee is not allowed to bid on or enter into a contract between a governmental agency and any private business in which the person has a significant pecuniary interest.

Exceptions are provided for members of professional and occupational licensing boards or commissions, and faculty members of the University of

Nevada System, as long as they have not taken part in developing the contract plans or specifications and will not be personally involved in opening, considering or accepting offers. An additional exception is provided for other public officers and employees if these same factors apply and the contracting process is controlled by the rules of open competitive bidding and the sources of supply are limited.

Referred to Assembly Committee on Elections and Procedures
ASSEMBLY VOTE: 40-0-2
Referred to Senate Committee on Government Affairs
SENATE VOTE: 19-2-0
Effective July 12, 1993

A.B. 723 (Chapter 603)

Assembly Bill 723 requires the Committee on Benefits to review, on or before September 1, 1994, the history of claims paid for nonstate officers and employees who participated in the State's program for health insurance during the fiscal year ending June 30, 1994. Based on the review, the committee is directed to determine the actuarially appropriate rates to be paid for these officers and employees as a condition of their participation in the program. The determined rates are to be compared with the rates established for state employees and announced publicly on or before October 15, 1994.

If the announced difference is 5 percent or less, A.B. 723 requires the committee to establish rates and coverage for health insurance for nonstate, public employees and retirees that are the same as those established for state employees. If the difference is more than 5 percent, this provision will not take effect.

Finally, the bill authorizes political subdivisions of the State to enter into agreements with their employees to establish group coverage plans pursuant to Federal law, which use employee pretax dollars to fund any employee-paid portion of the agency's group health insurance premium.

Referred to Assembly Concurrent Committees on Ways and Means and Government Affairs
ASSEMBLY VOTE: 42-0-0
Referred to Senate Committee on Government Affairs
SENATE VOTE: 18-3-0
Effective: Provisions concerning review of claims are effective July 1, 1993. Sections pertaining to political subdivisions are effective October 1, 1993. Remainder of the bill is effective January 1, 1995.

A.B. 761 (Chapter 414)

Assembly Bill 761 clarifies the law governing school employees' absences and its provisions relating to compensation, deductions, and the intermission and extension of school days. If any subject that is referenced in this statute is included in an agreement negotiated by the board of trustees of a school district pursuant to the Local Government Employee-Management Relations Act, the provisions of such an agreement supersede any conflicting provisions of this statute or of a regulation of the board of trustees.

The bill clarifies the law governing employee sick leave. Its purpose is to give primary force of law to collective bargaining agreements that authorize the creation and use of sick leave banks, where participating employees contribute sick leave to a bank of leave that may be used by employees with serious illnesses who have expended all of their accumulated leave. Although some school districts currently authorize such arrangements, other school officials argue that the present law does not allow sick leave banks to be included under negotiated agreements.

Referred to Assembly Committee on Education
ASSEMBLY VOTE: 41-0-1
Referred to Senate Committee on Human Resources and Facilities
SENATE VOTE: 21-0-0
Effective July 1, 1993

Procedures Relating to State Employees

S.B. 362 (Chapter 508)

Senate Bill 362 revises the State Personnel System by bringing the system into compliance with the Federal *Family and Medical Leave Act of 1993* and the *Fair Labor Standards Act of 1938*, 29 U.S.C. §§ 201 *et seq.* (FLSA). In addition, the measure makes appropriations to the State Board of Examiners for certain unbudgeted costs.

Among other provisions, the measure repeals the requirement that an officer or employee who is not eligible to earn overtime at time and one-half must account for part-day absences by using applicable accrued leave, compensatory time, or administrative leave with pay. The bill also requires the Department of Personnel to determine which positions in the classified and unclassified service of the State must be paid on a salary basis, are not entitled to overtime compensation, and are not subject to disciplinary suspensions for less than 1 week.

Further, S.B. 362 permits entities that make appointments in the classified or unclassified service to enter into agreements with an employee or with a designated state employee organization that authorize compensatory vacation time instead of monetary payment for overtime. The measure specifies that overtime must be approved in advance by the appointing authority and that only department directors or chairmen of boards, commissions or similar bodies may authorize their own overtime. The Budget Division of the Department of Administration is directed to review all overtime worked by executive department employees and report quarterly to the State Board of Examiners the amount of overtime worked within the various agencies of the State.

Finally, for the fiscal years beginning July 1, 1993, and July 1, 1994, $4,106,880 and $5,856,940, respectively, are appropriated from the State General Fund to the State Board of Examiners to meet any deficiencies that may be created between the appropriated money of the respective departments, commissions and agencies of the State and the requirements for salary of the personnel of those entities. Additionally, for the fiscal years beginning July 1, 1993, and July 1, 1994, $314,525 and $455,126, respectively, are appropriated from the State Highway Fund to the Board of Examiners to meet deficiencies created between appropriated money of the Department of Motor Vehicles and Public Safety, the Public Service Commission of Nevada, and the Office of the Attorney General and the requirements of affected personnel. Deficiencies may occur as a result of approved employee merit increases that were not budgeted, additional costs of overtime not budgeted, additional costs of complying with the FLSA, or for payments for compensatory time balances of employees exempt from overtime provisions pursuant to the FLSA.

Referred to Senate Committee on Finance
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Ways and Means
ASSEMBLY VOTE: 41-0-1
Effective July 1, 1993

A.B. 8 (Chapter 388)

Assembly Bill 8 requires the granting, upon request, of an unpaid leave of absence of up to 12 weeks to any state employee who becomes a new parent. The measure provides that a natural parent must request such leave at least 3 months before the leave period begins, unless a shorter notice is approved by the employer. An adoptive parent must request such leave not fewer than 2 working days after receiving approval of the adoption.

Referred to Assembly Committee on Government Affairs
ASSEMBLY VOTE: 42-0-0
Referred to Senate Committee on Finance
SENATE VOTE: 20-1-0
Effective October 1, 1993

A.B. 18 (Chapter 349)

Assembly Bill 18 authorizes the annual transfer of up to 120 hours of sick leave by any state employee, either to another employee eligible to receive such a transfer or to the account for catastrophic leave. The measure provides that any unused catastrophic leave transferred to a particular employee must be returned to the original donor. However, any leave transferred which was not designated to a particular person must not be returned.

The measure also repeals the existing "sunset" on the program.

Referred to Assembly Committee on Government Affairs and re-referred to Committee on Ways and Means
ASSEMBLY VOTE: 42-0-0
Referred to Senate Committee on Government Affairs
SENATE VOTE: 21-0-0
Effective June 30, 1993

A.B. 20 (Chapter 600)

Assembly Bill 20 increases the amount paid to certain state officers and employees as allowances for transportation expenses, meals and lodging while doing business away from home. The measure increases the in-state meals and lodging allowance to $64 per diem from the current $58. While traveling outside the State, the meals allowance is increased from the current $24 to

$26 per day. The mileage reimbursement for travel by private conveyance is raised from 24 cents to 27 cents per mile, except when the private conveyance is used for personal convenience. In that instance, mileage is reimbursed at 15 cents per mile traveled, up from 12 cents.

Referred to Assembly Committee on Government Affairs and re-referred to Committee on Ways and Means
ASSEMBLY VOTE: 42-0-0
Referred to Senate Committee on Government Affairs
SENATE VOTE: 20-1-0
Effective October 1, 1993

A.B. 175 (Chapter 328)

Assembly Bill 175 amends the provisions prohibiting threats against or intimidation of certain persons to include public employees. The measure makes it a gross misdemeanor to threaten or intimidate a public employee with the intent to influence a decision or duty. If accompanied by physical force or the immediate threat of force, the crime is a felony.

Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 40-1-1
Referred to Senate Committee on Judiciary
SENATE VOTE: 20-1-0
Effective June 29, 1993

A.B. 355 (Chapter 541)

Assembly Bill 355 amends the legislation passed by the 1991 Legislature concerning drug and alcohol testing of state employees. This measure lists the screening tests to be used to detect the presence of alcohol or drugs and establishes provisions for employees who refuse to be tested. Additionally, A.B. 355 allows an employee to obtain an independent blood test from a laboratory of the employee's choice and at the employee's expense. Finally, the bill specifies that pre-employment testing is conducted for controlled substances only and clarifies that all testing be done with discretion.

Referred to Assembly Committee on Government Affairs
ASSEMBLY VOTE: 40-1-1
Referred to Senate Committee on Government Affairs
SENATE VOTE: 21-0-0
Effective October 1, 1993

A.B. 517 (Chapter 251)

Assembly Bill 517 allows state employees to be represented by themselves, attorneys, or persons of their own choosing at grievance hearings or hearings concerning their dismissal, demotion, or suspension.

This measure allows state employees to be represented by union officials, if that is their choice, and clarifies that state employees are not required to hire attorneys for these hearings.

Referred to Assembly Committee on Government Affairs
ASSEMBLY VOTE: 40-1-1
Referred to Senate Committee on Government Affairs
SENATE VOTE: 21-0-0
Effective October 1, 1993

Public Employees' Retirement

A.B. 257 (Chapter 221)

Assembly Bill 257 clarifies the authority of the Board of Regents of the University of Nevada System to contract with different types of investment entities in providing a retirement program for professional staff within the system.

Referred to Assembly Committee on Government Affairs
ASSEMBLY VOTE: 39-0-3
Referred to Senate Committee on Finance
SENATE VOTE: 18-0-3
Effective June 11, 1993

A.B. 328 (Chapter 366)

Assembly Bill 328 provides that the number of years of judicial service required for a justice of the Supreme Court or a district court judge to qualify for a pension benefit be the same as for a member of the Public Employees' Retirement System. In addition, the measure reduces proportionately the amount of pension to be received upon initial vesting, so that at 10 years the amount of pension is the same as under existing law.

Currently, most judges are enrolled in the Public Employees' Retirement System, which has a vesting period of 5 years. A few judges, however, are in the judicial retirement system, which requires 10 years for vesting. At 10 years, both plans are equal, since all judges are vested and the amount of

pension (25 percent) is the same. This measure addresses concerns that, before 10 years are reached, the judicial retirement system is unequal.

Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 40-1-1
Referred to Senate Committee on Finance
SENATE VOTE: 18-3-0
Effective October 1, 1993

A.B. 555 (Chapter 219)

Assembly Bill 555 makes various changes to the provisions governing the Public Employees' Retirement System. The bill allows the system to pay a benefit or allowance directly to an alternate payee designated by a domestic relations order. The measure also outlines the provisions that must be included in a domestic order that entitles an alternate payee to receive an allowance or benefit from the system.

Further, A.B. 555 expands the length of time a temporary employee must work to be eligible to participate in the system from 120 consecutive days to 6 consecutive months.

The measure also requires the contributions made to the system by employers and employees to be actuarially determined and provides a method for adjusting the contribution rate biennially.

Additionally, the bill prohibits public employers from requiring their employees to participate only in the employer-paid portion of the system, unless the employer chose this option before July 1, 1983. Public employees of employers who did not select this option before July 1, 1983, may choose to pay the required contribution or allow the employers to pay the contribution on their behalf.

Finally, A.B. 555 repeals redundant language concerning investments and increases the number of years between contracts for banking services from 3 years to 5 years.

Referred to Assembly Committee on Government Affairs
ASSEMBLY VOTE: 42-0-0
Referred to Senate Committee on Finance
SENATE VOTE: 21-0-0
Effective October 1, 1993

PUBLIC RECORDS

S.B. 54 (Chapter 210)

Senate Bill 54 declares that the minutes of public meetings have permanent value and requires public bodies to retain the minutes of their public meetings for at least 5 years. The bill authorizes, after that time period, the transfer of minutes for archival preservation.

Referred to Senate Committee on Government Affairs
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Government Affairs
ASSEMBLY VOTE: 40-1-1
Effective June 10, 1993

S.B. 174 (Chapter 629)

Senate Bill 174 specifies that a public body may not hold a closed meeting to discuss certain topics regarding an elected member of a public body. These topics include character, alleged misconduct, professional competence, or physical or mental health.

A public body is also prohibited from discussing such topics regarding any public employee without delivering written notice to that person at least 5 working days, or mailing a notice by certified mail at least 21 days, in advance of the meeting. The bill specifically exempts the Nevada Athletic Commission from these requirements. The commission must, however, give written notice of the time and place of the meeting and receive proof of service of the notice.

Additionally, a record of a meeting concerning an elected member of a public body must be made available to that person on request. The measure also requires that, if a public meeting is recorded, any closed portion of that meeting also be recorded. Such recordings must be retained and made available according to existing law.

Referred to Senate Committee on Government Affairs
SENATE VOTE: 20-0-1
Referred to Assembly Committee on Government Affairs
ASSEMBLY VOTE: 41-1-0
Effective: Certain sections are effective July 13, 1993.
Remaining provisions are effective October 1, 1993.

S.B. 283 (Chapter 122)

Senate Bill 283 repeals specific requirements regarding the posting of a notice of a public meeting of the State Park Advisory Commission. As a result, the commission is subject to Nevada's "open meeting law" which is less restrictive than the repealed provisions.

Referred to Senate Committee on Government Affairs
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Government Affairs
ASSEMBLY VOTE: 35-7-0
Effective October 1, 1993

S.B. 322 (Chapter 626)

Senate Bill 322 mandates that a university foundation, defined as a nonprofit corporation formed exclusively to support a university or community college in Nevada, must comply with State laws relating to open meetings and public records.

This measure specifies that a university foundation is **not** required to disclose the names of any contributors or potential contributors, the amount of their contributions, or any information which may reveal or lead to the discovery of their identities. Such a foundation must, upon request, allow a contributor to examine any of the foundation's documents or other information relating to that person.

The measure also states that university foundations are exempt from the State tax on transfers of real property, and it further states that such a foundation may allow a president or administrator of the university or community college which it supports to serve on its governing board.

Referred to Senate Committee on Government Affairs
SENATE VOTE: 19-0-2
Referred to Assembly Committee on Education
ASSEMBLY VOTE: 34-3-5
Effective October 1, 1993

S.B. 531 (Chapter 642)

Senate Bill 531 provides that records or information about an investigation by the Board of Dental Examiners of Nevada are confidential until the investigation is completed. The information or records then become public records only if disciplinary action is imposed by the board or upon written request of the person who was investigated. The board may provide any information or records to another licensing board or agency that is investigating a licensee, including a law enforcement agency.

The bill also requires the Board of Dental Examiners of Nevada to charge a fee, not to exceed $150 per credit hour, to review a course of continuing education for accreditation. The charge is not to be applied to a nonprofit organization or a state or local government agency.

This measure makes the procedures of the Board of Dental Examiners of Nevada consistent with the standard confidentiality provisions used by other state occupational licensing boards. The fee to review a course of continuing education for accreditation is intended to recover the costs of review and ensure that only serious recommendations concerning courses are submitted to meet continuing education requirements.

Referred to Senate Committee on Commerce and Labor
SENATE VOTE: 19-0-2
Referred to Assembly Committee on Commerce
ASSEMBLY VOTE: 40-0-2
Effective October 1, 1993

A.B. 204 (Chapter 361)

Assembly Bill 204 establishes reporting requirements related to tort claims against State and local governments. The measure requires that state agencies provide to the Attorney General an annual report summarizing claims made against them in the preceding year. The Attorney General is directed to file a compiled report with the Secretary of State. Similar requirements are established for local governments. The compiled reports are public records.

The measure outlines the information which must be included for each individual claim and compilation, including the type of wrong alleged, the names of claimants, and the amounts paid or claimed.

Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 41-0-1
Referred to Senate Committee on Judiciary
SENATE VOTE: 21-0-0
Effective October 1, 1993

A.B. 244 (Chapter 593)

Assembly Bill 244 provides that certain court, investigative, and other related records which identify a victim of a sexual assault are confidential. Identifying information includes but is not limited to the victim's photograph, likeness, name, address, or telephone number.

Identifying information concerning the victim may be disclosed only to: (1) the defendant and his attorney; (2) a person directly involved in the investigation, prosecution, or defense of the case; (3) an entity which provides counseling or other services to victims; or (4) a person specifically named in a court order who has demonstrated good cause for such disclosure. Only the information in the records that could identify the victim is confidential. The remainder of the records is not confidential.

A public officer or employee with access to identifying information who intentionally releases the information to anyone other than those authorized by law is guilty of a misdemeanor.

The measure further authorizes a victim to request that a pseudonym be used on all files, records, and documents pertaining to the sexual assault. Alternatively, a victim may waive, in writing, the confidentiality of the identifying information. The law enforcement agency must make a good faith effort to substitute the pseudonym for the name of the victim on all relevant records, but is immune from liability for unknowingly or unintentionally disclosing identifying information or failing to substitute the pseudonym on all records.

Assembly Bill 244 addresses concerns that victims of sexual assault may be unwilling to report assaults for fear of public identification.

Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 42-0-0
Referred to Senate Committee on Judiciary
SENATE VOTE: 21-0-0
Effective October 1, 1993

A.B. 365 (Chapter 393)

Assembly Bill 365 removes the criminal penalty for a state officer who refuses to allow access to a public record. Instead of the criminal penalty, the measure substitutes a procedure for civil enforcement of the laws governing access to public records. The bill also grants immunity from liability for damages to public officers, employees and their employers who act in good faith in disclosing or refusing to disclose information.

Referred to Assembly Committee on Government Affairs
ASSEMBLY VOTE: 41-0-1
Referred to Senate Committee on Government Affairs
SENATE VOTE: 21-0-0
Effective October 1, 1993

A.B. 592 (Chapter 420)

Assembly Bill 592 increases the fees charged for specific services provided by county recorders, county sheriffs, justices of the peace, court clerks, and county clerks.

Additionally, A.B. 592 amends Nevada's Open Meeting Law to require a public body to provide, upon request and at no charge, at least one copy of the following documents:

- An agenda for a meeting of that body;
- Any proposed ordinance or regulation that will be discussed at the meeting; and
- Any supporting material pertaining to an item on the agenda that is provided to the members of the body.

An exception is provided in the measure to restrict the public distribution of confidential documents.

Referred to Assembly Concurrent Committees on Taxation
and Government Affairs
ASSEMBLY VOTE: 37-4-1
Referred to Senate Committee on Government Affairs
SENATE VOTE: 21-0-0
Effective October 1, 1993

PUBLIC SAFETY

S.B. 89 (Chapter 287)

Senate Bill 89 confers the powers of peace officers upon forensic technicians and correctional officers employed at the Lake's Crossing Center for the Mentally Disordered Offender.

Employees at the facility are responsible for the security and evaluation of persons accused of the most violent crimes in the State. In addition, facility personnel are required to complete peace officer training.

Because of the nature of this work, and the serious crimes alleged against the center's clients, peace officer powers were requested to address facility security and community safety concerns.

Referred to Senate Committee on Human Resources and Facilities
SENATE VOTE: 20-1-0
Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 38-3-1
Effective October 1, 1993

A.B. 124 (Chapter 275)

Assembly Bill 124 authorizes the Director of the Division of Emergency Management to facilitate the development of a comprehensive, coordinated approach to emergency management in the State of Nevada. This process is to involve governmental entities, business and industry, and other interested persons for the mitigation of, preparation for, response to, and recovery from emergencies.

The concept in Assembly Bill 124 was recommended by the interim study of laws relating to hazardous materials.

Referred to Assembly Committee on Natural Resources, Agriculture and Mining
ASSEMBLY VOTE: 41-0-1
Referred to Senate Committee on Natural Resources
SENATE VOTE: 21-0-0
Effective October 1, 1993

A.B. 581 (Chapter 301)

Assembly Bill 581 requires the Superintendents of the Nevada Youth Training Center and the Caliente Youth Center to notify the public of the escape of an inmate. Public notification must be made immediately after notification of the appropriate law enforcement agency. The bill further requires the superintendents to inform the public of the subsequent apprehension of an escaped inmate.

Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 41-0-1
Referred to Senate Committee on Judiciary
SENATE VOTE: 21-0-0
Effective October 1, 1993

Health and Safety

S.B. 61 (Chapter 630)

Senate Bill 61 removes privies and cesspools as acceptable methods of sewage disposal. The measure applies only to hotels, children's camps, and construction or labor camps. The bill specifies that certain portable chemical treatment toilets are an acceptable means of disposal. These toilets must comply with the provisions of the *Uniform Plumbing Code.*

Current law allows certain usage of privies and cesspools which may not be in the best interest of public health. For example, privy pits associated with construction or labor camps are permitted. Also, under a statute enacted in 1919, hotels may use privies and cesspools for waste disposal. These practices are considered to be detrimental to public health and not acceptable in modern society.

Referred to Senate Committee on Human Resources and Facilities
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Health and Human Services
ASSEMBLY VOTE: 41-0-1
Effective July 13, 1993

S.B. 108 (Chapter 354)

Senate Bill 108 requires any person or governmental entity that uses radar guns to:

- Use only those radar guns approved by the International Association of Chiefs of Police;

- Have the performance of each radar gun inspected at least every 3 years; and

- Adopt procedures to protect users from potential harm.

The measure further requires peace officers to successfully complete a training course approved by the Peace Officers Standards and Training Committee before using a radar gun.

Referred to Senate Committee on Natural Resources
SENATE VOTE: 18-0-3
Referred to Assembly Committee on Natural Resources, Agriculture and Mining
ASSEMBLY VOTE: 30-8-4
Effective October 1, 1993

S.B. 421 (Chapter 651)

Senate Bill 421 makes various changes related to the smoking of tobacco. The measure prohibits the placement of cigarette vending machines in public elevators, public waiting rooms of medical facilities or medical professionals' offices, stores that sell food, child care facilities, and buses, if minors are permitted access to these areas.

A violation of the provisions restricting smoking is deemed a misdemeanor. In addition to the criminal penalty, a civil penalty of $100 per violation is authorized. The money collected must be placed in an account which may be used only for health educational programs for minors.

The bill requires district and state health officers to enforce the civil penalty provisions. These officers and other peace officers are charged with enforcing the provisions in general.

Senate Bill 421 strengthens the state laws restricting the smoking of tobacco in public places. Federal laws and certain Federal funding regulations require states to show progress in the enforcement of smoking restrictions.

Referred to Senate Committee on Judiciary
SENATE VOTE: 20-1-0
Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 39-3-0
Effective October 1, 1993

S.B. 456 (Chapter 382)

Senate Bill 456 provides that the handlebars on a motorcycle may not extend above the shoulders of the driver when seated. Currently, the law limits the height of motorcycle handlebars to not more than 15 inches above the uppermost part of the driver's seat.

Referred to Senate Committee on Transportation
SENATE VOTE: 18-1-2
Referred to Assembly Committee on Transportation
ASSEMBLY VOTE: 38-3-1
Effective October 1, 1993

A.B. 154 (Chapter 101)

Assembly Bill 154 requires each school bus to be equipped with a mechanical device that is attached to the front exterior of the bus and which, when extended, causes persons to walk around it. The device must be approved by the State Board of Education and installed at the expense of each school district or bus operator. Such installation is not required for any school bus which is used solely to transport pupils with special needs who are individually loaded and unloaded without having to walk in front of the bus.

This measure provides that school bus drivers must operate the mechanical device when the bus is stopped to load or unload pupils. A school district may upgrade or replace the device with another mechanism that has been approved by the State Board of Education.

Referred to Assembly Committee on Education
ASSEMBLY VOTE: 40-0-2
Referred to Senate Committee on Human Resources and Facilities
SENATE VOTE: 21-0-0
Effective October 1, 1993

A.B. 538 (Chapter 339)

Assembly Bill 538 revises statutory provisions governing the operation of watercraft in an area where a diver's flag is displayed. The bill prohibits operation of a vessel other than a diver's support vessel within 100 feet of a diver's flag, except in the case of an emergency. The measure further provides

that, except in an emergency, a vessel between 100 and 200 feet of a diver's flag may be operated only at a speed which leaves a flat wake, but in no case greater than 5 nautical miles per hour.

Referred to Assembly Committee on Natural Resources, Agriculture and Mining
ASSEMBLY VOTE: 41-0-1
Referred to Senate Committee on Natural Resources
SENATE VOTE: 21-0-0
Effective October 1, 1993

A.B. 686 (Chapter 409)

Assembly Bill 686 requires a lifeguard on duty at a swimming facility or property owned or operated by the State or a political subdivision to have satisfactorily completed an advanced lifesaving course offered by the Red Cross or an equivalent course. A current certificate indicating satisfactory completion of such a course must be posted in a prominent place near the lifeguard's station or otherwise available for public inspection during business hours. In addition, the employer of a lifeguard is authorized to require a lifeguard to demonstrate competency at any time during employment.

Referred to Assembly Committee on Health and Human Services
ASSEMBLY VOTE: 42-0-0
Referred to Senate Committee on Human Resources and Facilities
SENATE VOTE: 21-0-0
Effective October 1, 1993

A.B. 744 (Chapter 413)

Assembly Bill 744 adds a new chapter concerning amusement parks to Title 40, "Public Health And Safety," of the *Nevada Revised Statutes.* "Amusement park" is defined as any permanent facility or park where amusement rides are available for the public's use.

The measure requires an amusement park operator to take reasonably necessary precautions to ensure the safety of passengers on amusement rides. The bill also stipulates the responsibilities of passengers, including conduct while riding, embarking, or disembarking; the use of safety devices; and the heeding of warnings or other instructions.

In addition, A.B. 744 authorizes an operator to prohibit a passenger from boarding a ride if the passenger is under the influence of alcohol. Finally, the bill establishes the procedures for reporting personal injuries.

Assembly Bill 744 is designed to protect the safety of visitors in amusement parks, which are increasingly popular tourist attractions.

Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 38-0-4
Referred to Senate Committee on Judiciary
SENATE VOTE: 20-1-0
Effective July 2, 1993

A.B. 780 (Chapter 601)

Assembly Bill 780 revises the statutes governing sanitation. The measure defines "public swimming pool" as one used collectively by persons for swimming or bathing, regardless of whether a fee is charged. The term does not include a pool at a private residence that is used by the family and invited guests of the owner or authorized resident or a pool at a family foster home or child care facility.

The requirements of this bill apply only to public swimming pools constructed after the passage of this measure. Existing pools are deemed to be in compliance with the provisions of any regulations adopted pursuant to this act.

Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 25-17-0
Referred to Senate Committee on Human Resources and Facilities
SENATE VOTE: 19-0-2
Effective July 13, 1993

Procedures Associated with Police and Fire Protection

S.B. 16 (Chapter 440)

Senate Bill 16 extends the provisions of current law allowing interlocal agreements between University of Nevada System police and other law enforcement agencies to include all counties in Nevada. Such agreements typically concern conditions under which police authority may be exercised on property near the campuses and situations requiring mutual assistance.

Under current law, this kind of agreement is allowed only in counties with less than 400,000 residents, primarily Washoe County. Senate Bill 16 allows the University to enter into similar agreements in Clark County.

Referred to Senate Committee on Human Resources and Facilities
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Education
ASSEMBLY VOTE: 39-3-0
Effective July 9, 1993

S.B. 429 (Chapter 415)

Senate Bill 429 requires certain peace officers to complete a training program for the detection, investigation and response to cases of child sexual abuse or exploitation. Before a person may be certified as a category I peace officer, the Peace Officers' Standards and Training Committee (P.O.S.T.) must require that they complete such a program on child sexual abuse and exploitation. This provision applies only to category I peace officers who are initially certified on or after January 1, 1994.

Additionally, the P.O.S.T. Committee must require every peace officer who is regularly assigned to investigate child sexual abuse and exploitation cases to complete a training program annually. These provisions apply only to peace officers who are regularly assigned to this type of case as of October 1, 1993.

Senate Bill 429 allows a law enforcement agency that does not have a peace officer certified to investigate child sexual abuse and exploitation cases to consult with another law enforcement agency. Further, the measure specifies that noncertified peace officers are not prohibited from testifying or presenting evidence in these cases.

Referred to Senate Committee on Finance
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Health and Human Services
ASSEMBLY VOTE: 42-0-0
Effective October 1, 1993

S.B. 444 (Chapter 381)

Senate Bill 444 allows the State Forester Firewarden or a local government to authorize a controlled fire. The measure requires that the authorizing agency, prior to the starting of a controlled fire, approve a written plan. The plan must specify and evaluate factors associated with management and the potential impact of the fire and identify a person to oversee the project. Additionally, the State Fire Marshal is mandated to maintain library materials which discuss issues related to controlled fires.

The measure further directs the Division of Forestry and the State Fire Marshal to recommend legislation to minimize the threat of wildfires in areas of new development by February 1, 1995.

Referred to Senate Committee on Natural Resources
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Natural Resources, Agriculture and Mining
ASSEMBLY VOTE: 41-0-1
Effective October 1, 1993

A.B. 143 (Chapter 240)

Assembly Bill 143 makes various changes to the provisions governing county fire protection districts. The bill authorizes a district that was created by a board of county commissioners and has existed for at least 10 years to be reorganized as a district created by election.

Further, A.B. 143 authorizes the board of directors of such a district to organize and manage fire companies, departments, or volunteer fire departments for the district. The bill also increases the number of directors from three to five members elected at large. The cap on the salary for each director is increased from $1,800 to $3,600 per year.

Referred to Assembly Committee on Government Affairs
ASSEMBLY VOTE: 41-0-1
Referred to Senate Committee on Government Affairs
SENATE VOTE: 21-0-0
Effective June 17, 1993

A.B. 575 (Chapter 609)

Assembly Bill 575 consolidates the statutory provisions that confer peace officer powers. The consolidated provisions are added to Chapter 281, "General Provisions Concerning Public Officers and Employees," of the *Nevada Revised Statutes*. The measure deletes corresponding language in other statutes or repeals sections specifically conferring peace officer powers, since these are included in the new consolidated section.

In addition, the bill amends the section which requires that certain persons be certified by the Peace Officers Standards and Training Committee. The revision clarifies that those persons upon whom some or all of the powers of a

peace officer have been conferred pursuant to the act, with designated exceptions, must be certified by the committee. Specific references to persons who must be certified are deleted.

Assembly Bill 575 consolidates in one section all provisions granting peace officer powers. The bill is not intended to expand, reduce, or alter any existing powers.

Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 40-0-2
Referred to Senate Committee on Government Affairs
SENATE VOTE: 21-0-0
Effective October 1, 1993

A.B. 619 (Chapter 607)

Assembly Bill 619 clarifies that the statutes governing metropolitan police departments do not prohibit a participating political subdivision from establishing and administering certain units of specialized law enforcement. These units include animal control officers, marshals, park rangers, arson investigators, and enforcement officers for business licensing and nonmoving traffic laws. The bill specifies that the authority and jurisdiction of these special units is concurrent with the authority and jurisdiction of the metropolitan police department; however, certain limitations are placed on marshals and park rangers.

Referred to Assembly Committee on Government Affairs
ASSEMBLY VOTE: 42-0-0
Referred to Senate Committee on Government Affairs
SENATE VOTE: 21-0-0
Effective October 1, 1993

PUBLIC UTILITIES

S.B. 206 (Chapter 205)

Senate Bill 206 extends the sunset date on a provision which requires public utilities to pay certain travel costs incurred by the Public Service Commission of Nevada (PSCN) to represent the State's consumers in hearings before Federal agencies, such as the Federal Energy Regulatory Commission.

This provision originally was adopted in 1989 with a sunset date of October 1, 1991. This date was extended by the 1991 Legislature to October 1, 1993. Senate Bill 206 further extends the sunset date to October 1, 1995.

Referred to Senate Committee on Commerce and Labor
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Government Affairs
ASSEMBLY VOTE: 41-0-1
Effective June 8, 1993

S.B. 230 (Chapter 356)

Senate Bill 230 directs the State Engineer to establish a program which allows public water systems to add customers who agree to discontinue using a domestic well and connect to a public water system. This arrangement may only be made in ground water basins for which the State Engineer has denied applications for additional municipal use of ground water.

Referred to Senate Committee on Natural Resources
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Government Affairs
ASSEMBLY VOTE: 42-0-0
Effective October 1, 1993

S.B. 231 (Chapter 271)

Senate Bill 231 establishes a certification procedure for utility and tax benefits to encourage new industry in Nevada.

The Commission on Economic Development is required to certify a business for certain benefits based upon specified criteria. The business must be consistent with the State's economic development plan and the economic benefits must exceed the costs to the State. The business must be engaged primarily in processing raw material or an intermediate product through a recycling process that involves at least 50 percent of the material or product.

The business also is required to make a capital investment of $50 million to qualify for the utility benefit and the property tax exemption and a capital investment of $15 million to qualify only for the property tax exemption.

For a certified business, the Public Service Commission of Nevada (PSCN) is allowed to authorize a public utility to transmit additional electricity, through the process known as "retail wheeling," to reduce the overall cost of power to the business. The business must agree to continue its operations in Nevada for 30 years as a condition of the authorization, and appropriate security is required for this agreement. Such an authorization also must include terms and conditions to ensure that the rates and charges on other customers of the public utility are not used to subsidize the cost of providing service to the business.

As another benefit, the measure authorizes a 75 percent personal property tax exemption for a certified business. This exemption also is subject to a 30-year operating agreement, and it applies only to property used in connection with the business.

The Commission on Economic Development is required to report to the next two sessions of the Nevada Legislature concerning the certifications granted and the effect of this act on attracting business to the State.

Referred to Senate Committee on Commerce and Labor
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Government Affairs
ASSEMBLY VOTE: 37-0-5
Effective June 24, 1993

S.B. 400 (Chapter 305)

Senate Bill 400 prohibits certain activities near a high voltage, overhead electrical line. A person is prohibited from performing actions and operating equipment generally within 10 feet of an overhead power line. The measure allows work to be conducted more closely if notice is provided to, and consent is received by, the public utility operating the overhead line.

The public utility is allowed to place conditions on its consent to preserve public safety. The bill specifies procedures for the public utility and the person performing the work to establish an agreement on the payment of expenses for carrying out preventative safety measures.

The measure clarifies the liability for damages in situations where a violation caused contact with an overhead line. In addition, civil penalties not to exceed

$1,000 per day are provided for each violation to be determined by the Public Service Commission of Nevada. The requirements of this measure do not apply to employees of public utilities that provide electrical or communication services, and to authorized electrical workers for a cable television or communication services business.

Senate Bill 400 is designed to enhance worker safety, provide incentives for employers to implement protective safety measures, and help prevent injuries from accidental electrical contacts.

Referred to Senate Committee on Commerce and Labor
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Health and Human Services
ASSEMBLY VOTE: 41-0-1
Effective October 1, 1993

S.B. 425 (Chapter 208)

Senate Bill 425 extends the dates upon which the Public Service Commission of Nevada (PSCN) must report to the Legislature concerning the alternative plan for regulating public utilities that provide telecommunication services. Reports are required to be submitted by February 1, 1995, and February 1, 1997.

Legislation in 1989 required the PSCN to adopt regulations providing an alternative plan for regulating local telephone companies. This plan of reduced regulation allows local telephone companies to have earnings flexibility while local ratepayers experience rate stability and receive protection from monopoly abuse. It also provides for a sharing of earnings between shareholders and ratepayers when earnings exceed a certain level. One company, Nevada Bell, currently is operating under the alternative plan.

Senate Bill 425 provides for further reporting to the Legislature on the results of this experimental approach for regulating telecommunication services.

Referred to Senate Committee on Commerce and Labor
SENATE VOTE: 20-0-1
Referred to Assembly Committee on Government Affairs
ASSEMBLY VOTE: 41-0-1
Effective June 8, 1993

S.B. 441 (Chapter 284)

Senate Bill 441 declares the policy of the Legislature concerning the regulation of public utilities. It specifies that the purpose of the law is to provide for fair and impartial regulation of public utilities by the Public Service Commission of Nevada, and for the safe, efficient, and reliable operation of public utilities. The bill further declares that the purpose and policy of this regulation is to balance the interests of customers and shareholders of public utilities by providing public utilities with the opportunity to earn a fair return on their investments while providing customers with just and reasonable rates.

This bill is intended to codify the role of the commission in public utility regulation and to provide a positive signal to financial analysts of the national investment rating agencies.

Referred to Senate Committee on Commerce and Labor
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Government Affairs
ASSEMBLY VOTE: 39-0-3
Effective October 1, 1993

A.B. 32 (Chapter 25)

Assembly Bill 32 allows counties to issue general obligation bonds for sewerage projects. The bill also defines "sewerage project" with regard to public improvements by counties.

Referred to Assembly Committee on Government Affairs
ASSEMBLY VOTE: 41-0-1
Referred to Senate Committee on Taxation
SENATE VOTE: 21-0-0
Effective October 1, 1993

A.B. 301 (Chapter 312)

Assembly Bill 301 revises the definition of "package plant for sewage treatment" to exclude: (1) septic systems comprised of single or multiple septic tanks and leachfields; and (2) systems operated for the pretreatment of industrial waste water before disposal to a publicly owned treatment plant. Existing law also excludes plants for the treatment of domestic sewage with a capacity of less than 5,000 gallons per day.

Referred to Assembly Committee on Natural Resources, Agriculture and Mining
ASSEMBLY VOTE: 42-0-0
Referred to Senate Committee on Natural Resources
SENATE VOTE: 21-0-0
Effective October 1, 1993

A.B. 416 (Chapter 172)

Assembly Bill 416 authorizes the Public Service Commission of Nevada (PSCN) to adopt regulations to ensure the safe operation and maintenance of all storage facilities and intrastate pipelines which are used to store and transport natural gas or liquefied petroleum gas. If the commission and any other state agency have coexisting jurisdiction over such regulation, the commission has the final authority.

Additionally, the bill provides a penalty for the violation of such regulations and increases the penalty for the violation of a commission regulation which was adopted in conformity with the Natural Gas Pipeline Safety Act of 1968 or related Federal regulations.

Finally, this measure authorizes the commission to enter into an agreement with the Federal Government for the inspection of the safety of storage facilities and interstate pipelines which transport any gas.

These changes were developed from recommendations of the United States Department of Transportation in its recent annual evaluations of the PSCN relating to the Federal grant funds provided to support the pipeline safety program.

Referred to Assembly Committee on Government Affairs
ASSEMBLY VOTE: 41-0-1
Referred to Senate Committee on Commerce and Labor
SENATE VOTE: 21-0-0
Effective October 1, 1993

A.B. 535 (Chapter 396)

Assembly Bill 535 expands the classification of water systems which are eligible to receive capital improvements grants to include a community or nontransient water system that existed on July 3, 1991, as a privately owned, nonprofit business and has since become publicly owned.

This measure allows water systems in small communities throughout Nevada to apply for funds needed to bring these systems into compliance with the Federal Clean Water Act.

Referred to Assembly Committee on Government Affairs
ASSEMBLY VOTE: 42-0-0
Referred to Senate Committee on Government Affairs
SENATE VOTE: 20-1-0
Effective October 1, 1993

A.B. 773 (Chapter 490)

Assembly Bill 773 allows cable television systems to offer telecommunications services to consumers on the same basis as telephone companies. Cable television systems are required to obtain a certificate of public convenience and necessity before offering any telecommunication service that is regulated by the Public Service Commission of Nevada. Currently, cable television systems are forbidden to offer telecommunications services in an area served by a telephone company.

The bill also states that all providers of telecommunications services must be regulated in a fair and impartial manner to promote economical and efficient service.

Referred to Assembly Committee on Commerce
ASSEMBLY VOTE: 38-2-2
Referred to Senate Committee on Commerce and Labor
SENATE VOTE: 21-0-0
Effective July 9, 1993

RESOLUTIONS

Senate Joint Resolutions

S.J.R. 2 (File No. 125)

Senate Joint Resolution No. 2 proposes to amend *The Constitution of the State of Nevada* to direct the Legislature to provide by law for the rights of victims of crime. The resolution enumerates those rights as the right to be informed of the status of criminal proceedings related to the crime; to be present at all public hearings; and to be heard at proceedings for sentencing or release of a convicted person.

The measure stipulates that no cause of action arises from a violation of laws pertaining to the rights of victims, nor does a violation give cause to set aside a conviction or sentence. A person may initiate an action to compel a public officer or employee to carry out duties associated with victims' rights.

Existing law grants victims many of the rights outlined in the resolution. Senate Joint Resolution No. 2 would elevate those rights to constitutional recognition.

If approved in identical form by the 1995 Legislature, this measure will be submitted to the voters at the 1996 General Election for final approval or disapproval.

S.J.R. 3 (File No. 10)

Senate Joint Resolution No. 3 commends former United States President George Bush and former Vice President Dan Quayle for their leadership and service to the United States over the past 4 years.

S.J.R. 6 (File No. 91)

Senate Joint Resolution No. 6 urges the Tahoe Regional Planning Agency to reduce traffic congestion in the Tahoe Basin by emphasizing the development and use of transportation alternatives to driving personal vehicles, such as walking, bicycling and public transit.

S.J.R. 7 (File No. 164)

Senate Joint Resolution No. 7 directs the Legislative Commission to appoint a committee to continue to review the functioning of the Tahoe Regional Planning Compact and oversee the Tahoe Regional Planning Agency (TRPA).

In 1991, the Legislature directed the Legislative Commission to review the TRPA and Nevada's related compact with California. A continuation of that oversight is directed by this measure, although the membership of the study committee is reduced to six legislators. During the last interim, the study committee was composed of seven legislators.

S.J.R. 8 (File No. 46)

Senate Joint Resolution No. 8 expresses the support of the Nevada Legislature for the designation of the Tahoe Regional Planning Agency (TRPA) as a Metropolitan Planning Organization under the provisions of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA). This designation will enable the TRPA to compete for federal funds for public and other transportation projects in the Tahoe Basin.

S.J.R. 10 (File No. 73)

Senate Joint Resolution No. 10 urges the President and the Congress of the United States to increase the amount of funding available for research to develop effective treatments and a cure for Chronic Fatigue Syndrome.

S.J.R. 11 (File No. 55)

Senate Joint Resolution No. 11 urges the Congress and the President to authorize the transfer of the Western Area Power Administration's 230-kilovolt transmission system to the Colorado River Commission on behalf of the State of Nevada.

S.J.R. 12 (File No. 66)

Senate Joint Resolution No. 12 urges Federal agencies to recognize the rights of users of roads established on rights-of-way over public lands to provide access to private property. The resolution notes that the State and its residents derive important benefits from the continued use of these roads.

S.J.R. 13 (File No. 52)

Senate Joint Resolution No. 13 urges Congress, the Bureau of Land Management, and the U.S. Forest Service to expedite the establishment of programs to control the fertility of wild horses and burros and encourages the timely establishment of a national center for these animals in northern Nevada. The resolution also urges that the Federal Government provide adequate funding for the operation of such a program and center.

S.J.R. 14 (File No. 53)

Senate Joint Resolution No. 14 urges Congress to monitor and limit the acquisition of private land in Nevada by the Federal Government and to promote the transfer of appropriate federal lands to private ownership.

S.J.R. 15 (File No. 187)

Senate Joint Resolution No. 15 urges Congress to require that the determination of a species as being threatened or endangered be made in a timely manner. The measure states that time should be allowed for the evaluation and possible mitigation of the economic impact on development and growth because of the determination. Of particular importance are the local economies in the geographic area where the species is located. The measure urges Congress to require the Secretary of the Interior to consider the economic impact of plans for the recovery of the species.

Senate Joint Resolution No. 15 was recommended by the Legislature's Committee on Public Lands in response to the desert tortoise being listed as a threatened species and the impact of that listing on economic development in the City of Las Vegas.

S.J.R. 17 (File No. 54)

Senate Joint Resolution No. 17 urges Congress to reject any unreasonable increase in grazing fees on public lands. The Legislature's Committee on Public Lands recommended this resolution as part of its 1993 legislative package.

S.J.R. 18 (File No. 103)

Senate Joint Resolution No. 18 urges the U.S. Fish and Wildlife Service to complete the final recovery plan for the Lahontan Cutthroat Trout as soon as possible after the public comment period. The resolution further urges that this agency be directed to cooperate and coordinate with parties affected by the recovery plan, use scientific research developed in the Great Basin and Intermountain West, and include in the final plan a mechanism for the delisting of each trout subbasin population which meets reasonable recovery criteria. Additionally, the Secretary of Interior and the Secretary of Agriculture are urged to implement the plan as soon as possible.

S.J.R. 19 (File No. 126)

Senate Joint Resolution No. 19 urges Congress to develop an alternative use for the Nevada Test Site that most effectively utilizes its facilities, equipment, and personnel by making it the Nation's center for testing and demonstrating geographically demanding technologies. It also urges Congress to develop contingency plans for alternative employment of the workers at the Test Site. The plans should include the use of any money available from the President's program for the transfer of governmental technology to universities and private industries.

S.J.R. 23 (File No. 142)

Senate Joint Resolution No. 23 proposes to amend *The Constitution of the State of Nevada* to authorize legislative review of administrative regulations promulgated by an executive branch agency. The measure allows a legislative agency to suspend any regulation that appears to exceed the executive agency's statutory authority until it is formally reviewed by a legislative body composed of members of both houses. It also authorizes the nullification of any regulation by a majority vote of the legislative body, whether or not the regulation was suspended.

This measure would prevent an executive branch agency from promulgating regulations that exceed or conflict with the intent of the Legislature. Currently, the adoption of regulations is not subject to substantial revision or rejection by the Legislature or the Legislative Counsel Bureau, although legislative review is performed.

If approved in identical form by the 1995 Legislature, this measure will be submitted to the voters at the 1996 General Election for final approval or disapproval.

S.J.R. 25 (File No. 106)

Senate Joint Resolution No. 25 proposes to amend the *Nevada Constitution* to create an intermediate court of appeals between the district courts and the State's Supreme Court.

The court of appeals would consist of three or more judges as provided by law. The Legislature would be required to fix the jurisdiction of the court of appeals and provide for the review, where appropriate, of appeals decided by the appellate court.

Senate Joint Resolution No. 25 addresses concerns that the Nevada Supreme Court's rising caseload, already higher than that of comparable state supreme courts, has resulted in considerable delays and fewer written opinions. An intermediate court would alleviate the Supreme Court's caseload.

If approved in identical form by the 1995 Legislature, this measure will be submitted to the voters at the 1996 General Election for final approval or disapproval.

S.J.R. 26 (File No. 74)

Senate Joint Resolution No. 26 expresses appreciation and gratitude to the Taiwan Delegation for the gift of five paintings to the Nevada Legislature.

S.J.R. 27 (File No. 189)

Senate Joint Resolution No. 27 proposes to amend the ordinance of *The Constitution of the State of Nevada* by repealing certain language approved in 1864. That language disclaims the right and title of the State to the unappropriated public lands within Nevada and places that land at the disposition of the Federal Government.

The resolution urges the United States Congress to consent to this amendment upon its approval and ratification by the voters of Nevada. However, the resolution provides that the amendment to the *Constitution*, if approved by the voters, is effective upon a legal determination that such consent is not necessary.

If approved in identical form by the 1995 Legislature, this measure will be submitted to the voters at the 1996 General Election for final approval or disapproval.

Senate Concurrent Resolutions

S.C.R. 1 (File No. 13)

Senate Concurrent Resolution No. 1 congratulates Deputy Sheriff Matthew William Putzer for receiving Nevada's Meritorious Service Award.

S.C.R. 2 (File No. 14)

Senate Concurrent Resolution No. 2 congratulates Deputy Sheriff Michael John Wright for receiving Nevada's Officer of the Year Award.

S.C.R. 3 (File No. 12)

Senate Concurrent Resolution No. 3 congratulates police officer Cindy Rodriquez-Carroll for being honored with Nevada's Meritorious Service Award.

S.C.R. 4 (File No. 15)

Senate Concurrent Resolution No. 4 commemorates Nevada's celebration of African-American History Month throughout February.

S.C.R. 5 (File No. 181)

Senate Concurrent Resolution No. 5 directs the Department of Information Services to conduct a study of the feasibility and desirability of consolidating certain processes and functions related to its operations in the executive branch of government, excluding the University and Community College System of Nevada. The department is directed to report semiannually to the Interim

Finance Committee concerning the progress of the study. The resolution calls for any related findings and conclusions to be compiled into a final report submitted prior to beginning the 1995 executive budget process.

S.C.R. 6 (File No. 72)

Senate Concurrent Resolution No. 6 directs Nevada's Department of Transportation to conduct a traffic safety study of public libraries located adjacent to state highways in counties with 100,000 or more inhabitants. The department is to study the feasibility of placing traffic signals, reducing speed limits, designating additional crosswalks, or establishing safety zones on busy highways near these libraries.

S.C.R. 7 (File No. 36)

Senate Concurrent Resolution No. 7 directs Nevada's Department of Transportation to coordinate with California to study the feasibility of constructing a light rail system and increasing mass transit facilities in the Lake Tahoe Basin. The department is also directed to assist the Tahoe Regional Planning Agency (TRPA) in finding and securing funding for the study of alternative methods of transportation. Finally, the TRPA is urged to dedicate as many of its resources as is reasonably possible to the improvement of mass transit facilities in the basin and the development of a program of transportation which emphasizes the protection of the environment.

S.C.R. 9 (File No. 22)

Senate Concurrent Resolution No. 9 expresses the mutual consent of the Senate and Assembly to adjourn from the conclusion of legislative business on March 10, 1993, until March 15, 1993.

S.C.R. 10 (File No. 24)

Senate Concurrent Resolution No. 10 memorializes Harold Beard. Mr. Beard served as Chief of Legislative Police for the Legislative Counsel Bureau from 1985 until his death on August 11, 1992.

S.C.R. 11 (File No. 111)

Senate Concurrent Resolution No. 11 urges the Board of Regents of the University of Nevada System to develop and adopt alternative methods for earning a master's degree in order to accommodate persons with physical or learning disabilities.

This resolution expresses the Legislature's intent that people with disabilities should be afforded the opportunity to achieve their full potential within the university system.

S.C.R. 12 (File No. 28)

Senate Concurrent Resolution No. 12 commends Edward L. Pine for distinguished service to the citizens of Nevada, both in his various professional capacities and his participation in local service organizations and clubs.

S.C.R. 14 (File No. 81)

Senate Concurrent Resolution No. 14 directs the Administrator of the Division of State Parks to assist interested persons in establishing a nonprofit foundation for state parks.

Private nonprofit foundations have become a popular method of raising money and community support for the repair and maintenance of parks in other states. This resolution directs the state agency to lend its support and assistance to any person or organization interested in participating in such a foundation for Nevada's parks.

S.C.R. 15 (File No. 82)

Senate Concurrent Resolution No. 15 directs the Division of State Parks to report to the 1995 Nevada Legislature regarding its priorities and plans for the renovation, improvement, expansion, and creation of state parks.

S.C.R. 16 (File No. 77)

Senate Concurrent Resolution No. 16 commends the City of Caliente for its efforts to improve public safety and urges the Public Service Commission of Nevada to approve construction plans for a second railroad crossing in the city.

S.C.R. 17 (File No. 160)

Senate Concurrent Resolution No. 17 expresses the support of the Legislature for all efforts to develop a national program of personal assistance services for persons with disabilities. Additionally, the measure urges the Governor to establish a task force to examine such programs in this State and propose recommendations regarding planning, development, refinement, and implementation of state personal assistance services programs. The measure also specifies the representatives who should be appointed to the task force and clarifies that the members would serve without compensation or reimbursement for expenses.

S.C.R. 18 (File No. 39)

Senate Concurrent Resolution No. 18 memorializes Count Alessandro Dandini, a distinguished Nevada educator, inventor, and philanthropist.

S.C.R. 19 (File No. 42)

Senate Concurrent Resolution No. 19 memorializes Procter R. Hug, Sr., of Reno, Nevada, a distinguished educator and former two-term State Senator.

S.C.R. 20 (File No. 43)

Senate Concurrent Resolution No. 20 designates May 10 through May 16, 1993, as Public Lands Week in Nevada. The measure recognizes the many economic and recreational benefits derived from federally owned public land.

S.C.R. 21 (File No. 45)

Senate Concurrent Resolution No. 21 designates April 1, 1993, as Nevada REALTORS Day.

S.C.R. 22 (File No. 48)

Senate Concurrent Resolution No. 22 memorializes Barbara Bennett, former Mayor of Reno, and extends the sympathy of the members of the Legislature to her friends and family.

S.C.R. 23 (File No. 49)

Senate Concurrent Resolution No. 23 memorializes Jeanne Stevenson Thornton, a native Nevadan who was active in many civic organizations in Reno.

S.C.R. 24 (File No. 50)

Senate Concurrent Resolution No. 24 memorializes Clarence Thornton, a former Reno City Councilman and western Nevada agricultural pioneer.

S.C.R. 25 (File No. 51)

Senate Concurrent Resolution No. 25 designates April 8, 1993, as Nevada State Library and Literacy Day.

S.C.R. 26 (File No. 57)

Senate Concurrent Resolution No. 26 memorializes long-time gaming attorney Mead Dixon.

S.C.R. 27 (File No. 60)

Senate Concurrent Resolution No. 27 memorializes Donald W. Reynolds, founder of the Donrey Media Group and nationally renowned philanthropist. Through the Donald W. Reynolds Foundation, Inc., many charitable and educational activities and facilities have been funded in Nevada and elsewhere.

S.C.R. 28 (File No. 63)

Senate Concurrent Resolution No. 28 commends members of the nursing profession in Nevada for their outstanding service and designates April 19, 1993, as Nurses' Appreciation Day.

S.C.R. 29 (File No. 64)

Senate Concurrent Resolution No. 29 commends the Junior Leagues of Las Vegas and Reno for their contributions to the residents of Nevada.

S.C.R. 30 (File No. 65)

Senate Concurrent Resolution No. 30 memorializes Joan O'Neil Kenney, former Regent of the University of Nevada System.

S.C.R. 31 (File No. 67)

Senate Concurrent Resolution No. 31 commends Bret Boyd for his contributions in the field of lepidopterology (the study of butterflies).

S.C.R. 32 (File No. 68)

Senate Concurrent Resolution No. 32 designates April 22, 1993, as Kiwanis Day in Nevada.

S.C.R. 33 (File No. 78)

Senate Concurrent Resolution No. 33 memorializes the crew and passenger of the Care Flight helicopter that crashed while on a rescue mission on November 27, 1991, and extends the condolences of the Nevada Legislature to their surviving families.

S.C.R. 34 (File No. 79)

Senate Concurrent Resolution No. 34 congratulates Dr. Margaret Bryan Davis for receiving the Nevada Medal, an honor conferred by the Desert Research Institute and Nevada Bell in recognition of outstanding scientific, engineering, and technical achievements.

S.C.R. 35 (File No. 182)

Senate Concurrent Resolution No. 35 directs the Legislative Commission to conduct an interim study to review past and present efforts to conserve and develop energy resources in Nevada and to formulate state policies on the use and sources of energy.

S.C.R. 36 (File No. 83)

Senate Concurrent Resolution No. 36 memorializes George F. Hamilton who was a long-time Reno optician and philanthropist.

S.C.R. 37 (File No. 89)

Senate Concurrent Resolution No. 37 memorializes Richard Williams, a long-time Nevada resident and public servant.

S.C.R. 38 (File No. 104)

Senate Concurrent Resolution No. 38 memorializes Herman M. "Hank" Greenspun, a renowned journalist who founded radio and television stations in southern Nevada, and was best known as the owner and featured columnist of the *Las Vegas Sun* newspaper.

S.C.R. 39 (File No. 116)

Senate Concurrent Resolution No. 39 commends and congratulates Monsignor Leo E. McFadden of Reno, upon his announced retirement from active priesthood in the Roman Catholic Church, for his many years of service to the Nation and to the people of Nevada.

S.C.R. 40 (File No. 118)

Senate Concurrent Resolution No. 40 memorializes substance abuse counselor Patricia Ann Frauenfelder Bates. Ms. Bates founded Carson City's Community Addiction Center and directed various state and local substance abuse agencies over a period of more than 25 years. She was instrumental in the passage of legislation in Nevada mandating substance abuse coverage in health insurance policies and for the certification of substance abuse counselors and treatment programs.

S.C.R. 41 (File No. 121)

Senate Concurrent Resolution No. 41 congratulates long-time athletic coach and educator Virgil "Corky" Poole upon his retirement from the Clark County School District. The measure notes Mr. Poole's service with the district for 31 years and his life-long involvement with the youth in his community.

S.C.R. 42 (File No. 123)

Senate Concurrent Resolution No. 42 memorializes Senator Nicholas J. Horn. The resolution notes Senator Horn's distinguished 16-year legislative career, especially his dedication to improving education programs, and extends the sincere condolences of the Nevada Legislature to his surviving family.

S.C.R. 43 (File No. 183)

Senate Concurrent Resolution No. 43 directs the Legislative Commission to conduct an interim study of the revenue structure of Nevada and its local governments and to make recommendations for legislation to improve that structure.

S.C.R. 44 (File No. 131)

Senate Concurrent Resolution No. 44 commends the efforts of the Maternal Obstetrical Management System (MOMS) to reduce the number of pregnant women in the Carson City area who receive little or no prenatal care. The MOMS is a cooperative effort involving Nevada Medicaid, Carson-Tahoe Hospital, and the Carson Medical Group.

S.C.R. 45 (File No. 134)

Senate Concurrent Resolution No. 45 memorializes former United States District Court Judge Bruce R. Thompson. Further, the resolution extends sympathy to Judge Thompson's family and recognizes his great and lasting contributions to the people in Nevada.

S.C.R. 46 (File No. 165)

Senate Concurrent Resolution No. 46 directs the Legislative Commission to conduct an interim study of the options available for establishing and operating a Legislative Budget Office.

S.C.R. 47 (File No. 161)

Senate Concurrent Resolution No. 47 endorses the efforts of Nevada's Perinatal Substance Abuse Subcommittee to secure grants and funds to allow the subcommittee to achieve its goals in the education, prevention and treatment of perinatal substance abuse in Nevada. Among other things, the subcommittee is encouraged to develop a long-term plan and policy for Nevada to prevent or ameliorate maternal drug or alcohol abuse to reduce the number of infants born exposed to drugs or alcohol. The measure requires that a report of the group's findings and any recommendations for legislation be submitted to the 1995 Legislature.

S.C.R. 48 (File No. 138)

Senate Concurrent Resolution No. 48 memorializes Cesar Chavez, founder of the National Farm Workers Association.

S.C.R. 49 (File No. 157)

Senate Concurrent Resolution No. 49 urges all parties involved in the proposed mining operation at the Robinson Mining District in White Pine County to work cooperatively toward completing the Environmental Impact Statement as quickly as possible.

S.C.R. 50 (File No. 158)

Senate Concurrent Resolution No. 50 urges that a checklist or guidelines be developed regarding an action by a government entity that could affect private real property. Nevada's Attorney General is to develop guidelines for use by

state agencies, and the Nevada Association of Counties and Nevada League of Cities are to develop guidelines for use by local governments. The resolution also urges the training of Deputy Attorneys General and state and local agency personnel regarding the guidelines and related takings jurisprudence, and the proper use of these guidelines when enacting ordinances, or processing licenses, applications and permits related to or affecting real property. Finally, the measure directs the Attorney General, the Nevada Association of Counties, and the Nevada League of Cities to report to the 1995 Legislature regarding actions taken pursuant to the resolution.

This resolution allows a 2-year waiting period prior to the Legislature considering legislation that would require or prohibit certain actions regarding the governmental taking of private land.

S.C.R. 51 (File No. 159)

Senate Concurrent Resolution No. 51 urges the Welfare Division to request any Federal waivers that may be needed to provide alternative child care arrangements for persons eligible to participate in Nevada's Job Opportunities and Basic Skills (JOBS) training program. The JOBS program provides specific job training to certain recipients of Aid to Families with Dependent Children. The program's goal is to provide these persons with the training necessary to join the permanent work force and end their dependency upon the state welfare system.

S.C.R. 52 (File No. 166)

Senate Concurrent Resolution No. 52 directs the Legislative Commission to conduct an interim study of the structure and financing of public elementary and secondary education in Nevada.

S.C.R. 53 (File No. 147)

Senate Concurrent Resolution No. 53 commends Terry Sullivan, Director of the Department of General Services, for his 32 years of dedicated service to the State of Nevada. The measure recognizes his honesty, fairness, and faithful service while working under Democratic and Republican governors.

S.C.R. 54 (File No. 150)

Senate Concurrent Resolution No. 54 commends and thanks the sponsors of "A Gathering of Governors," an event and subsequent public television broadcast in 1993 which honored the six living governors of the State of Nevada.

S.C.R. 55 (File No. 167)

Senate Concurrent Resolution No. 55 directs the Legislative Commission to conduct an interim study of the system of classification of state employees and the payment of overtime to those employees.

S.C.R. 56 (File No. 154)

Senate Concurrent Resolution No. 56 memorializes Pat Nixon. The measure offers the Legislature's sincere condolences to former President Richard Nixon and expresses its overwhelming pride in referring to Pat Nixon as a native Nevadan.

Assembly Joint Resolutions

A.J.R. 1 (File No. 9)

Assembly Joint Resolution No. 1 congratulates Bill Clinton and Al Gore on their inaugurations as President and Vice President, respectively, of the United States of America.

A.J.R. 2 (File No. 56)

Assembly Joint Resolution No. 2 urges the Tahoe Regional Planning Agency to carry out its plans by:

1. Implementing existing regulations instead of adopting new restrictions; and

2. Helping property developers by offering assistance to design proposals that will not detract from the environmental quality of the Tahoe Basin.

The resolution stresses that TRPA thoroughly implement its existing rules before it adopts new regulations. However, in situations warranting new rules, it would not preclude such action.

This measure was proposed by the Nevada Legislature's Committee to Investigate the Functioning of the Tahoe Regional Planning Compact, created by A.J.R. 17 of the 1991 session.

A.J.R. 3 (File No. 107)

Assembly Joint Resolution No. 3 urges the Tahoe Regional Planning Agency to take certain actions relating to the Lake Tahoe Basin. These actions are to:

- Adopt stronger measures to protect scenery.

- Analyze the future demand for outdoor recreation and devise a method to incorporate that information into the Tahoe Regional Plan. Further, the agency is urged to report to the next Legislature on the results of the analysis and the method devised for planning.

- Continue its activities to authorize the appropriate expansion of residential development in environmentally sensitive areas by establishing priorities through its individual parcel evaluation system.

- Continue its involvement in the Lake Tahoe Economic Roundtable and consider appropriate measures to avoid damage to the economy.

A.J.R. 5 (File No. 35)

Assembly Joint Resolution No. 5 urges the United States Congress to expedite ratification of amendments to the Tahoe Regional Planning Compact approved by the State of California and subsequently adopted by the State of Nevada in 1987.

Resolutions similar to A.J.R. No. 5 were approved by the Nevada Legislature in both the 1989 and 1991 sessions. In addition, the California Legislature has repeatedly urged Congress to ratify the approved amendments. Apparently, the amendments are not controversial, but Congress has simply failed to process the appropriate legislation.

A.J.R. 6 (File No. 188)

Assembly Joint Resolution No. 6 proposes to amend *The Constitution of the State of Nevada* concerning certain matters relating to the recall of a public officer. The measure would require that a petition for recall contain only the signatures of registered voters in the district represented by the public officer, the number of which must be equal to 25 percent or more of those who voted at the election in which the officer was elected. Currently, the *Constitution* specifies that the number be equal to 25 percent or more of those who voted in the district "at the preceding general election."

The proposal would also extend, from 20 to 30 days, the period within which a special election for consideration of the proposed recall must be held after it is ordered.

If approved in identical form by the 1995 Legislature, this measure will be referred to the voters at the 1996 General Election for final approval or disapproval.

A.J.R. 7 (File No. 108)

Assembly Joint Resolution No. 7 urges Congress to enact legislation to eliminate inequities in the payment of Social Security benefits based on the year that persons initially became eligible for such benefits. The resolution further urges Congress to eliminate these inequities without reducing the benefits of persons who were born before 1917.

Social Security benefits paid to persons born during the years 1917 to 1926, who are commonly referred to as "notch babies," are lower than those paid to persons who were born before that time. The resolution notes that adequate reserves are available in the Social Security Trust Fund to eliminate these inequities.

A.J.R. 8 (File No. 190)

Assembly Joint Resolution No. 8 urges Congress, before it adopts legislation that requires the states to provide particular services or benefits, to determine the approximate amount of money it will cost to comply with that mandate. The resolution further urges Congress not to enact a mandate unless it also appropriates to each state an amount of money sufficient to cover the costs associated with the new Federal requirement.

The measure notes that, since the mid-1980s, Congress has increasingly shifted the costs of mandated Federal programs to the states, instead of exercising the fiscal discipline and restraint necessary for a balanced Federal budget.

A.J.R. 9 (File No. 145)

Assembly Joint Resolution No. 9 expresses the support of the Nevada Legislature for the efforts of the Territory of Guam to attain the status of a Commonwealth of the United States. This status will provide the citizens of Guam with greater rights of self-determination.

The resolution was requested by the Legislature of Guam, which hosted the 1992 Annual Meeting of the Western Legislative Conference of The Council of State Governments. The Nevada Legislature is an active member of that organization.

A.J.R. 10 (File No. 34)

Assembly Joint Resolution No. 10 memorializes the State of California to recognize Nevada irrigation districts as governmental entities. This action would ensure that Nevada irrigation districts have the same statutory rights and privileges as other irrigation districts in that state.

In California, governmental entities are covered under different codes than private corporations or people. The Walker River Irrigation District is a governmental entity under Nevada law. The district, however, also owns Bridgeport Reservoir located wholly in California and Topaz Reservoir which lies partially in California. The State of Nevada seeks equal footing for its governmental entities like the Walker River Irrigation District when they function in California.

A.J.R. 16 (File No. 109)

Assembly Joint Resolution No. 16 urges the United States Congress to pass legislation that would prohibit any state from imposing an income tax on the pension of a person who is not a resident of that state. The resolution endorses two separate measures now pending in Congress to address this matter: H.R. 702, introduced by Representative Barbara Vucanovich of Nevada, and S. 235, introduced by Senator Harry Reid of Nevada.

This resolution notes that Nevada is one of the fastest growing states in the Nation, and many of its new residents are retired and live on limited or fixed incomes. Several other states now impose an income tax on pensions originating in those states, even if the person receiving the pension has moved to another state.

A.J.R. 17 (File No. 86)

Assembly Joint Resolution No. 17 urges Congress to amend Title XIX of the Social Security Act to allow states greater flexibility in implementing coordinated health care programs for Medicaid. This change would enable states to design these programs without obtaining Federal waivers for statewide applicability, comparability of services, and freedom of choice.

A.J.R. 18 (File No. 61)

Assembly Joint Resolution No. 18 urges Congress to give special consideration to the effect of human and social services legislation on the stability and unity of families. To enhance the analysis of proposed Federal law, this measure advocates the use of family impact statements to determine the effect of such legislation on family preservation.

A.J.R. 19 (File No. 124)

Assembly Joint Resolution No. 19 proposes to amend *The Constitution of the State of Nevada* to prohibit money from the Public Employees' Retirement System (PERS) from being loaned to the State or invested to purchase any obligations of the State. The measure also proposes amending the *Constitution* to require that PERS be governed by a public employees' retirement board. The board is authorized to appoint an executive director and employ an

independent actuary. The board is also required to adopt actuarial assumptions based upon the recommendations of the actuary.

The goal of this legislation is to prevent the State of Nevada from borrowing from its employees' pension funds during periods of fiscal difficulties. Other states have encountered serious problems in the aftermath of such borrowing.

If passed in identical form by the 1995 Legislature, this measure will be submitted to the voters at the 1996 General Election for final approval or disapproval.

A.J.R. 20 (File No. 169)

Assembly Joint Resolution No. 20 urges the United States Congress to enact legislation to facilitate the establishment of a Western United States Trade District composed of federally owned public lands in Churchill, Lyon, and Pershing Counties. The lands are to be identified by the Nevada International Trade Exchange, Inc. Members of Nevada's Congressional Delegation are urged to work with this organization and with other members of Congress and appropriate Federal agencies to assure prompt passage of this legislation and the development of the district.

A.J.R. 22 (File No. 26)

Assembly Joint Resolution No. 22 states Nevada's rigorous objection to proposed reforms of the general mining law and urges Congress to reject the proposed imposition of gross value royalties.

A.J.R. 23 (File No. 110)

Assembly Joint Resolution No. 23 urges Congress to enact legislation that establishes uniform hours for the closing of polls across the United States in elections for national officers.

The measure notes that voters who live in the Western States often learn of election returns in the eastern part of the Nation before the polls close in their own states. If voters perceive that their votes will make little difference because a national candidate has an overwhelming lead over an opponent, they may decide not to vote. Reduced voter turnout during a Presidential election year may significantly affect the election of state and local officers.

A.J.R. 24 (File No. 40)

Assembly Joint Resolution No. 24 declares that the 67th Session of the Nevada Legislature is opposed to the enactment or enforcement of legislation that would require the revocation or suspension of a person's driver's license upon conviction of a drug-related offense.

The resolution notes that the Legislature is taking this action to avoid the loss of federal highway funds. The Legislature recognizes that drug abuse is a serious problem, but states that federal highway fund sanctions are an inappropriate response to this problem. Federal law (23 *United States Code Annotated* § 159) requires that each state either enact legislation providing for the revocation or suspension of the driver's license of every person convicted of a drug-related offense or pass a resolution stating its opposition to the enactment of such legislation.

A.J.R. 26 (File No. 139)

Assembly Joint Resolution No. 26 proposes to amend *The Constitution of the State of Nevada* to exempt from the debt limit money borrowed to retrofit state buildings to make those buildings more energy efficient. Currently, the *Constitution* exempts debts incurred by the State for the preservation of its property or natural resources. This amendment clarifies that the existing exemption applies to debts incurred in modifying public buildings to conserve energy.

This proposal will be returned to the 1995 Legislature and, if adopted in identical form, will be placed on the 1996 General Election ballot for voter approval or disapproval.

A.J.R. 27 (File No. 115)

Assembly Joint Resolution No. 27 urges Congress to support the ENABLE demonstration project. The measure also urges state agencies and county governments to support and cooperate with ENABLE.

ENABLE is a public-private partnership which proposes to develop a network of 17 family service centers throughout rural Nevada to improve the delivery of health and human services. Under the current system, state and local human service programs in rural areas operate independently without coordinating programs and services. ENABLE proposes establishing a single agency for each community that will integrate these services in a cost-effective manner.

A.J.R. 28 (File No. 170)

Assembly Joint Resolution No. 28 urges Congress to review the Social Security Act and repeal or amend pertinent provisions to provide Social Security benefits to public system retirees that are commensurate with their or their spouses' years of nonpublic employment.

Under existing law, Social Security benefits are reduced for people who receive benefits from public employee retirement systems. Consequently,

public employees who worked in the private sector or whose spouses worked in the private sector do not receive Social Security benefits that reflect such employment.

A.J.R. 29 (File No. 171)

Assembly Joint Resolution No. 29 urges the United States Congress to designate the month of May, each year, as U.S. Armed Forces History Month and to support actively related educational programs within public and private schools.

The resolution designates the month of May as U.S. Armed Forces History Month in Nevada, and it urges the State's residents and pupils in schools to observe the month with appropriate ceremonies and activities.

A.J.R. 31 (File No. 117)

Assembly Joint Resolution No. 31 urges the United States Congress to enact legislation requiring unclaimed securities distributions held by intermediaries to be returned to the states of the taxpayers and companies that paid them.

Assembly Joint Resolution No. 31 was requested by Nevada's Department of Commerce. The resolution addresses a recent U.S. Supreme Court decision that held that the states in which intermediaries, such as brokerage houses, are incorporated are entitled to claim certain abandoned funds. Nevada joined 47 other states in arguing that the state in which the issuer of a security is located should claim the abandoned funds, but the position was rejected by the court. The court suggested, however, that dissatisfied states petition Congress to enact appropriate legislation.

A.J.R. 35 (File No. 140)

Assembly Joint Resolution No. 35 proposes to amend *The Constitution of the State of Nevada* to allow the investment of state funds in a company, association or corporation to stimulate economic development. The proposed amendment requires that these investments must be approved by a two-thirds vote of the Legislature and that the Legislature must make the following findings:

1. The investment is for the economic development of the State or the creation of new employment opportunities;

2. The State can reasonably expect to receive a fair rate of return; and

3. The investment will be made in cooperation with private investors of reasonable sophistication and on terms at least as favorable as those offered to private investors.

Any revenue received from these investments may be reinvested under the same conditions.

This proposal will be returned to the 1995 Legislature and, if adopted in identical form, will be placed on the 1996 General Election ballot for voter approval or disapproval.

A.J.R. 36 (File No. 153)

Assembly Joint Resolution No. 36 urges Congress and the President of the United States to approve legislation to make permanent the authority for states to issue tax-exempt small issue industrial development bonds and qualified tax-exempt mortgage revenue bonds. The resolution further states that the authority to issue these bonds should remain within Nevada's Department of Commerce or its successor organization pursuant to the reorganization of State Government.

A.J.R. 37 (File No. 172)

Assembly Joint Resolution No. 37 urges Congress to oppose proposed legislation that would establish a surcharge on water from Federal reclamation projects.

The surcharge would be in addition to the annual operation and maintenance charges currently paid by users of water from the reclamation projects. Estimates of the initial surcharge range from 50 cents to $12 for each acre-foot of water and could cost users in the Newlands Reclamation Project of Churchill County between $105,000 and $2.5 million annually.

A.J.R. 39 (File No. 191)

Assembly Joint Resolution No. 39 urges the members of Nevada's Congressional Delegation and Congress to oppose the North American Free Trade Agreement unless certain changes are made. The trade agreement is designed to create a "free trade" bloc among the United States, Canada, and Mexico. The resolution notes that the current form of the agreement would adversely affect workers and the agricultural industry in Nevada and the United States. Other concerns addressed in the resolution include environmental quality, food purity, and trade benefits.

Assembly Concurrent Resolutions

A.C.R. 1 (File No. 1)

Assembly Concurrent Resolution No. 1 adopts the Joint Rules of the Senate and Assembly for the 1993 Legislative Session.

A.C.R. 2 (File No. 2)

Assembly Concurrent Resolution No. 2 honors the memory of Dr. Martin Luther King, Jr.

A.C.R. 3 (File No. 37)

Assembly Concurrent Resolution No. 3 urges the Tahoe Regional Planning Agency (TRPA) to continue to simplify its code of ordinances and its procedures for planning, reviewing, and approving development projects in the Tahoe Basin. Additionally, TRPA is urged to report to the Nevada Legislature about progress in these areas.

A.C.R. 4 (File No. 135)

Assembly Concurrent Resolution No. 4 directs the State Fire Marshal and the State Emergency Response Commission to consult with local emergency planning commissions in a study of the feasibility of creating regional teams to respond to hazardous materials incidents. The study is to include an evaluation of establishing mutual aid agreements between local responding entities. Any related findings and recommendations are to be reported to the 1995 Nevada Legislature.

A.C.R. 7 (File No. 11)

Assembly Concurrent Resolution No. 7 memorializes the late United States Supreme Court Justice Thurgood Marshall.

A.C.R. 10 (File No. 41)

Assembly Concurrent Resolution No. 10 designates October as "Nevada Child Health Care Month." Educators, physicians, social workers, health insurers, and certain State agencies are urged to provide information to children and parents regarding the importance of preventative health care.

A.C.R. 11 (File No. 17)

Assembly Concurrent Resolution No. 11 memorializes Sam Boyd of Las Vegas, a prominent gaming industry pioneer and leader. Mr. Boyd died in early 1993 at the age of 82.

A.C.R. 12 (File No. 96)

Assembly Concurrent Resolution No. 12 urges Nevada's Commissioner of Insurance to encourage insurers who issue health insurance policies in this State to offer special policies with reduced premiums for selected limited coverage to persons over 50 years of age.

A.C.R. 13 (File No. 18)

Assembly Concurrent Resolution No. 13 commemorates the birthday of the 16th President of the United States, Abraham Lincoln.

A.C.R. 14 (File No. 19)

Assembly Concurrent Resolution No. 14 commemorates the birthday of the first President of the United States, George Washington.

A.C.R. 15 (File No. 20)

Assembly Concurrent Resolution No. 15 memorializes Arthur Ashe. A world-famous tennis star, Mr. Ashe devoted his last few years to advocating additional research and public awareness programs concerning the deadly virus which causes AIDS.

A.C.R. 16 (File No. 114)

Assembly Concurrent Resolution No. 16 expresses support for the national education goals as modified for the State of Nevada.

In September of 1989, President George Bush and the Nation's governors met in a National Education Summit and developed six national goals for education to be achieved by the year 2000. This measure contains the national education goals as modified to address the needs of Nevada students.

A.C.R. 17 (File No. 58)

Assembly Concurrent Resolution No. 17 urges all public schools in Nevada to participate in the Nevada School Improvement Project.

Under this voluntary project, consultants provide training to the entire staff of a school in assessing the school's needs and using that information to plan and implement improvement activities. Improvement objectives may range from the school's physical environment to the instructional process or curriculum. In 1992, nearly one-quarter of all schools in Nevada participated in the project.

A.C.R. 18 (File No. 75)

Assembly Concurrent Resolution No. 18 urges the boards of trustees of all county school districts in Nevada to adopt daily class schedules for their public

elementary schools which include a fixed period of uninterrupted teaching time during each school day.

A.C.R. 20 (File No. 85)

Assembly Concurrent Resolution No. 20 encourages employers in Nevada to establish programs to promote a drug-free work place, employee wellness, physical fitness, and the prevention of disease and accidents.

A.C.R. 21 (File No. 70)

Assembly Concurrent Resolution No. 21 directs the Welfare Division to simplify the application to the Medicaid program as well as provide a Spanish language version of the application.

A.C.R. 22 (File No. 23)

Assembly Concurrent Resolution No. 22 memorializes Julia Viani, a former resident of the Nevada communities of Yerington, Virginia City, and Hawthorne. Mrs. Viani was an involved member of her community and became active in politics when her husband served in the Nevada Assembly.

A.C.R. 23 (File No. 151)

Assembly Concurrent Resolution No. 23 urges the State Board of Education, the University of Nevada Board of Regents, and the boards of trustees of all school districts to adopt regulations and take other actions necessary to end gender bias in Nevada's schools. These actions should foster fairness in the treatment of girls and boys and create an educational environment that is gender equitable. The measure lists 30 separate recommendations, developed by the American Association of University Women Educational Foundation, which should be considered to accomplish the goals of A.C.R. 23.

A.C.R. 24 (File No. 30)

Assembly Concurrent Resolution No. 24 commends the Clark County Housing Authority on its 50th year of continuous service to the residents of Clark County, Nevada. The measure recognizes the primary goal of the authority, which is to provide safe, decent, sanitary, and affordable rental housing for lower-income senior citizens and families.

A.C.R. 25 (File No. 25)

Assembly Concurrent Resolution No. 25 memorializes James A. Joyce. A long-time journalist, advertising executive and political consultant, Mr. Joyce was one of the most widely respected and influential lobbyists in the history of the Nevada Legislature.

A.C.R. 27 (File No. 31)

Assembly Concurrent Resolution No. 27 commends the members of the Nevada Parent-Teacher Association for their contributions to education in the State.

A.C.R. 30 (File No. 32)

Assembly Concurrent Resolution No. 30 designates March 19 and 20, 1993, as Nevada 4-H State Capital Days.

A.C.R. 31 (File No. 102)

Assembly Concurrent Resolution No. 31 urges local governments to identify school zones in congested areas that would benefit from the installation of flashing yellow lights. Local governments are urged to post school zone signs that exceed minimum size requirements as an alternative to installing flashing yellow lights in less congested areas. Finally, the measure encourages local governments to establish advisory committees to work in cooperation with Nevada's Department of Transportation in making decisions concerning school zones.

A.C.R. 32 (File No. 38)

Assembly Concurrent Resolution No. 32 congratulates Dorothy B. North of Elko, Nevada, upon receiving the "1993 Capitol Focus Award" and commends her for her dedication to helping others in the fight against alcohol and drug abuse.

A.C.R. 34 (File No. 44)

Assembly Concurrent Resolution No. 34 memorializes long-time Nevada resident Willie Albert Neal and extends the condolences of the Nevada Legislature to his surviving family.

A.C.R. 35 (File No. 97)

Assembly Concurrent Resolution No. 35 establishes goals for the prevention of child abuse and neglect in Nevada and urges state agencies and community organizations to support the fulfillment of these goals. The measure also commends Nevada's Committee for the Protection of Children for its dedication to families.

A.C.R. 36 (File No. 173)

Assembly Concurrent Resolution No. 36 urges state officers with authority over state buildings to request that all state buildings with flagpoles display the flag of the National League of Families of American Prisoners and Missing in Southeast Asia. Such flags should be flown until the Governor publicly

proclaims that the fates of Americans missing in World War II, the Korean Conflict, and the war in Vietnam have been appropriately resolved.

Additionally, the resolution accepts the offer of the National League to provide the necessary flags and declares that no public money will be spent to supply or replace the flags.

A.C.R. 37 (File No. 136)

Assembly Concurrent Resolution No. 37 urges the State's Welfare Administrator to develop a program that would require health care providers to encourage Medicaid recipients of childbearing age to participate in an educational program on family planning.

A.C.R. 38 (File No. 174)

Assembly Concurrent Resolution No. 38 directs the Legislative Commission to conduct a comprehensive interim study of the laws governing the methods used to finance the infrastructure for new residential, commercial, and industrial development in Nevada.

A.C.R. 41 (File No. 59)

Assembly Concurrent Resolution No. 41 memorializes Herbert Rowntree of Lyon County. Mr. Rowntree represented that county in the Nevada Assembly for five regular legislative sessions, served as Secretary of the Senate, and was known for his expertise in diverse topics, including poultry farming, water management, and parliamentary procedure.

A.C.R. 42 (File No. 62)

Assembly Concurrent Resolution No. 42 congratulates professional golfer Patty Sheehan of Reno, Nevada, for being admitted to the Hall of Fame of the Ladies Professional Golf Association (LPGA). She qualified for this honor by winning her 30th LPGA tournament on March 21, 1993.

A.C.R. 44 (File No. 71)

Assembly Concurrent Resolution No. 44 designates the week of April 26, 1993, as Nevada Thunderbird Week, in honor of the precision flying squadron headquartered at Nellis Air Force Base.

A.C.R. 45 (File No. 185)

Assembly Concurrent Resolution No. 45 limits and prescribes the number of requests for the drafting of bills and resolutions that may be submitted to the Legislative Counsel prior to the 1995 Legislative Session. The measure specifies the exact number of requests which may be submitted by legislators,

state agencies, and certain elected officers. Further, the measure directs the completion of 1,000 bill drafts before the first day of the 1995 Session.

Several important functions are accomplished by A.C.R. 45, including:

1. Providing guidance to the Legislative Counsel and others concerning the bill draft requests that may be submitted;

2. Establishing the number of bill drafts that are to be ready by the start of the 1995 Session; and

3. Establishing other provisions that govern the drafting of legislative measures prior to the next legislative session.

A.C.R. 46 (File No. 76)

Assembly Concurrent Resolution No. 46 declares April 28, 1993, as Workers Memorial Day in Nevada, in recognition of workers who have been killed, injured, or diseased on the job.

A.C.R. 47 (File No. 175)

Assembly Concurrent Resolution No. 47 directs the Legislative Commission to conduct an interim study to review Nevada's existing taxation laws, particularly those governing the creation of taxing districts, and to establish criteria to be used for the creation of such districts.

A.C.R. 48 (File No. 80)

Assembly Concurrent Resolution No. 48 commemorates the 125th anniversary of Reno, Nevada, on May 9, 1993.

A.C.R. 51 (File No. 87)

Assembly Concurrent Resolution No. 51 authorizes the State Controller to pay members of the clergy $35 for each religious service performed for the Assembly or Senate.

A.C.R. 52 (File No. 88)

Assembly Concurrent Resolution No. 52 congratulates the Reed High School Girls' Basketball Team for winning its third consecutive "AAA" State Championship and for its 83-game winning streak.

A.C.R. 54 (File No. 98)

Assembly Concurrent Resolution No. 54 commends the 12 Nevada educators who have been recipients of the $25,000 Milken Family Foundation awards in 1991 and 1992.

A.C.R. 55 (File No. 137)

Assembly Concurrent Resolution No. 55 urges Nevada's local governments to continue to emphasize the importance of conserving water through management and conservation programs.

A.C.R. 56 (File No. 99)

Assembly Concurrent Resolution No. 56 recognizes the role the Nevada Federation of Republican Women has played in politics and commends the organization for its public service.

A.C.R. 58 (File No. 101)

Assembly Concurrent Resolution No. 58 welcomes Mr. Senad Hrustanovic to the State of Nevada and commends him on his efforts to promote trade between Nevada and the region that includes his homeland, Bosnia-Herzegovina. In addition, the measure expresses the desire of Nevadans for peace in the region.

A.C.R. 60 (File No. 105)

Assembly Concurrent Resolution No. 60 memorializes Luis Esteban Justino Mendive, a widely respected educator and public school principal.

A.C.R. 61 (File No. 112)

Assembly Concurrent Resolution No. 61 memorializes Edwin "Tip" Whitehead, a member of the Athletic Hall of Fame at the University of Nevada, Reno, and a man who devoted 50 years of his life as a public high school teacher, principal and coach.

A.C.R. 62 (File No. 152)

Assembly Concurrent Resolution No. 62 urges local law enforcement agencies to develop guidelines and train officers concerning citizens' right to bear arms. The resolution addresses concerns that the statutes relating to concealed weapons are interpreted differently by local law enforcement entities in the State and thus are not enforced uniformly.

A.C.R. 63 (File No. 148)

Assembly Concurrent Resolution No. 63 urges owners of residential swimming pools in Nevada to ensure that their pools are safe for children by providing fences or other barriers to entry. Additionally, the measure encourages the Health Division and local boards of health to enhance public awareness of swimming pool safety and provide information to the public and the media concerning accepted design standards for restrictive barriers.

A.C.R. 64 (File No. 119)

Assembly Concurrent Resolution No. 64 requests the Governor of Nevada to return Assembly Bill 522 of the 1993 Session to the Nevada Legislature for its further attention.

A.C.R. 65 (File No. 122)

Assembly Concurrent Resolution No. 65 commends Nevada Senator Harry Reid for his efforts to develop and promote alternative uses of the Nevada Test Site.

A.C.R. 66 (File No. 127)

Assembly Concurrent Resolution No. 66 commends and congratulates Brian Lent for his outstanding scholastic achievement as an undergraduate student at the University of Nevada, Reno.

A.C.R. 67 (File No. 176)

Assembly Concurrent Resolution No. 67 directs the Legislative Commission to consider conducting an interim study of the structure and functioning of the Legislative Counsel Bureau. The resolution specifies that the services of the National Conference of State Legislatures should be utilized in any such study.

A.C.R. 68 (File No. 128)

Assembly Concurrent Resolution No. 68 grants 4 days of administrative leave to permanent and session employees of the Legislature and Legislative Counsel Bureau who are employed on the last day of the 1993 Legislative Session.

A.C.R. 70 (File No. 129)

Assembly Concurrent Resolution No. 70 commends the Retired Public Employees of Nevada for their years of service and contributions to the State.

A.C.R. 71 (File No. 177)

Assembly Concurrent Resolution No. 71 directs the Legislative Commission to conduct an interim study of drug and alcohol abuse among criminal offenders. The study is to include the evaluation of possible treatment programs and a review of state laws relating to drug- and alcohol-related offenses.

A.C.R. 72 (File No. 132)

Assembly Concurrent Resolution No. 72 commends John R. "Jack" McCloskey, the editor and publisher of the *Mineral County Independent News* for the last 60 years.

A.C.R. 73 (File No. 133)

Assembly Concurrent Resolution No. 73 honors and recognizes the accomplishments of the late Flora Dungan, a former member of the Assembly from Clark County.

A.C.R. 75 (File No. 178)

Assembly Concurrent Resolution No. 75 directs the Legislative Commission to conduct an interim study of the laws relating to the disclosure of information in real estate transactions.

A.C.R. 76 (File No. 179)

Assembly Concurrent Resolution No. 76 directs the Legislative Commission to conduct an interim study of certain aspects of the criminal justice system in Nevada.

A.C.R. 77 (File No. 141)

Assembly Concurrent Resolution No. 77 designates October as Italian-American History Month and urges residents of Nevada to observe the month with appropriate ceremonies and activities.

A.C.R. 79 (File No. 180)

Assembly Concurrent Resolution No. 79 amends the Joint Rules of the Senate and Assembly with respect to requests for bill drafts and introductions made by standing committees. A standing committee may request or introduce only those measures that are within its jurisdiction. Also, a measure introduced by a standing committee must indicate the name of the person or organization at whose request the measure was drafted.

These provisions are consistent with related statutory changes made during the 1993 Legislative Session and ensure that Joint Rule No. 14 is in proper form at the start of the 68th Legislative Session.

A.C.R. 80 (File No. 146)

Assembly Concurrent Resolution No. 80 memorializes Bob L. Kerns, a member of the Nevada Assembly at the time of his death on October 15, 1991. The measure notes that Mr. Kerns served for 9 years in the Assembly and, prior to that time, was employed by the Reno Fire Department for 27 years.

A.C.R. 81 (File No. 149)

Assembly Concurrent Resolution No. 81 honors James J. Banner, a former member of the Assembly from Clark County, for his lifetime of contributions and dedicated service to his community, the State of Nevada, and the

United States of America. Mr. Banner served 17 years in the Nevada Legislature.

A.C.R. 82 (File No. 155)

Assembly Concurrent Resolution No. 82 commends the Superintendent and staff of the State Printing and Micrographics Division for their fine work and outstanding service during the 67th Legislative Session. The division prints the legislative measures, daily histories, and other materiels essential to the legislative process.

A.C.R. 83 (File No. 156)

Assembly Concurrent Resolution No. 83 memorializes James W. Calhoun, former director of the Nevada State Museum. The resolution recognizes Mr. Calhoun's numerous accomplishments in establishing many of the museum's more popular exhibitions and in obtaining professional recognition for the institution.

A.C.R. 84 (File No. 162)

Assembly Concurrent Resolution No. 84 commends Michael H. Meyer, Executive Director of the Boys and Girls Club of Las Vegas, for his dedicated service to disadvantaged and at-risk youth in southern Nevada.

Senate Joint Resolutions - 66th Session

S.J.R. 7 - 66th Session (File No. 33)

Senate Joint Resolution No. 7 of the 66th Legislative Session proposes to amend the *The Constitution of the State of Nevada* to require open meetings of the Legislature and its committees, except meetings to consider certain personnel matters. The measure also removes the provision that allows the Senate to conduct a closed executive session.

This measure, approved in identical form by the 1991 Legislature, will be submitted to the voters at the 1994 General Election for final approval or disapproval.

S.J.R. 21 - 66th Session (File No. 113)

Senate Joint Resolution No. 21 of the 66th Session proposes to amend Article 10 of *The Constitution of the State of Nevada* to authorize a reduction in the tax on all or part of the property of a business or industry that relocates or has relocated its hazardous operations. This property tax reduction must only be allowed for businesses that were located in Nevada on or before July 1,

1991, and relocate or have previously relocated their hazardous operations from an area in this State to a site designated by the Legislature.

This measure provides future legislatures the option of authorizing property tax incentives for hazardous facilities to relocate in designated areas away from residential neighborhoods. The amounts of such incentives would be determined by the Legislature, and their application would be limited to qualified businesses that were located in Nevada on or before July 1, 1991, so they would not apply to businesses relocating from other states.

This proposal, approved in identical form by the 1991 Legislature, will be submitted to the voters at the 1994 General Election for final approval or disapproval.

Assembly Joint Resolutions - 66th Session

A.J.R. 21 - 66th Session (File No. 29)

Assembly Joint Resolution No. 21 of the 66th Session proposes to amend *The Constitution of the State of Nevada* to extend the jurisdiction of the Commission on Judicial Discipline to include justices of the peace and municipal judges. The current provisions apply only to Supreme Court Justices and district court judges. The resolution also provides for disciplinary measures in addition to impeachment, censorship, retirement, or removal.

The proposal further clarifies that no Supreme Court Justice, district or municipal court judge, or justice of the peace may sit on the commission during a proceeding involving a member from the same jurisdiction.

This measure, approved in identical form by the 1991 Legislature, will be submitted to voters at the 1994 General Election for final approval or disapproval.

A.J.R. 22 - 66th Session (File No. 47)

Assembly Joint Resolution No. 22 of the 66th Session proposes to amend *The Constitution of the State of Nevada* to allow an increase in compensation for Supreme Court and district court judges during the term for which they have been elected or appointed.

Because the Justices serve 6 year terms that, in some cases, are staggered, senior Justices are sometimes paid less than newly elected or appointed Justices. Passage of this constitutional amendment would allow discontinuance of the current practice of using service on the State Board of Pardons

Commissioners to equalize the salaries of all Justices. The level of compensation for Supreme Court Justices and district court judges would continue to be set by the Legislature.

This measure, approved in identical form by the 1991 Legislature, will be submitted to the voters at the 1994 General Election for final approval or disapproval.

A.J.R. 24 - 66th Session (File No. 100)

Assembly Joint Resolution No. 24 of the 66th Session proposes to amend Section 3, Article 9, of *The Constitution of the State of Nevada* which concerns public indebtedness. This measure would make an exception to the limitation on state indebtedness to allow the State to enter into installment or lease-purchase agreements.

This resolution was originally proposed to enable the State to enter into agreements to privatize facilities, such as parts of the prison system. Approved by the 1991 and 1993 Legislatures in identical form, the measure will be placed on the General Election ballot in 1994 for voter approval or disapproval.

STATE GOVERNMENT

S.B. 36 (Chapter 58)

Senate Bill 36 requires certain persons who are subject to Nevada's use tax, and for whom the Department of Taxation must travel outside the State to conduct an audit, to pay travel and other actual expenses incurred by the department.

Referred to Senate Committee on Taxation
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Taxation
ASSEMBLY VOTE: 42-0-0
Effective October 1, 1993

S.B. 82 (Chapter 76)

Senate Bill 82 requires the Division of Child and Family Services to operate under the Nevada Administrative Procedure Act if certain powers and duties of the Welfare Division regarding adoption are assigned to it by the Director of the Department of Human Resources.

This measure originated in the Legislature's interim study to review child and family services.

Referred to Senate Committee on Government Affairs
SENATE VOTE: 20-0-1
Referred to Assembly Committee on Government Affairs
ASSEMBLY VOTE: 38-0-4
Effective October 1, 1993

S.B. 159 (Chapter 292)

Senate Bill 159 requires the State Board of Examiners to consider additional factors before approving contracts between state agencies and independent contractors. The board is directed to consider whether sufficient authority exists to expend the money required by the contract and whether it would be more cost-effective for the service provided by the contractor to be performed by a state agency.

If the contract submitted for approval extends an existing contract, the bill requires the board to request each agency to ensure that the State is actually receiving the services provided by the contract.

Referred to Senate Committee on Government Affairs and re-referred to Committee on Finance
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Government Affairs
ASSEMBLY VOTE: 41-0-1
Effective October 1, 1993

S.B. 163 (Chapter 303)

Senate Bill 163 establishes the general requirements for determining the cost of a state agency furnishing a service. All costs related to providing the service through a using agency, including an estimate of the costs of monitoring or reviewing a contract with a private contractor, must be included. This information may be used to evaluate and award a contract for the provision of that service through a competitive bidding process.

Referred to Senate Committee on Government Affairs
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Government Affairs
ASSEMBLY VOTE: 40-0-2
Effective October 1, 1993

S.B. 167 (Chapter 323)

Senate Bill 167 requires Nevada's Purchasing Division to establish standards concerning the purchase of new equipment by state agencies. Such standards must be used to determine the cost effectiveness of purchasing versus leasing the equipment and the efficiency of providing maintenance service for the equipment in-house or through a private contractor.

This measure originated with a legislative interim study of privatization.

Referred to Senate Committee on Government Affairs
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Government Affairs and re-referred to Committee on Ways and Means
ASSEMBLY VOTE: 38-0-4
Effective October 1, 1993

S.B. 173 (Chapter 119)

Senate Bill 173 creates the Committee to Approve Schedules for the Retention and Disposition of Official State Records. The measure outlines the composition, duties, and authority of the committee.

The State Board of Examiners currently approves the retention and disposal schedules for official state records. This measure creates a specific committee to provide a more thorough review of the process.

Referred to Senate Committee on Government Affairs
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Government Affairs
ASSEMBLY VOTE: 42-0-0
Effective October 1, 1993

S.B. 223 (Chapter 70)

Senate Bill 223 allows the Administrator of the Aging Services Division to authorize long-term care facility advocates and community ombudsmen for the elderly to perform each other's duties on a temporary basis.

Under current law, advocates may assist only individuals in long-term care facilities, and ombudsmen may assist only those persons outside of long-term care institutions. This measure allows these workers to be used interchangeably, as authorized by the administrator, on a temporary basis.

The advocates and ombudsmen perform similar duties for the State's senior citizens, including complaint resolution and coordination of services. This bill allows the Aging Services Division to address situations in which illness or geographic isolation may make it temporarily more expedient for an advocate or ombudsman to address the immediate needs of an elderly person, whether or not the person is institutionalized.

Referred to Senate Committee on Human Resources and Facilities
SENATE VOTE: 20-0-1
Referred to Assembly Committee on Health and Human Services
ASSEMBLY VOTE: 42-0-0
Effective October 1, 1993

S.B. 226 (Chapter 71)

Senate Bill 226 expands the circumstances under which Nevada may claim intangible property that is presumed abandoned by the owner and is held by an intermediary in another state. The measure allows this State to claim property whose owner's last address is unknown if the issuer of the property was located in Nevada at the time of issuance. Existing law requires the issuer to be incorporated in Nevada. The bill exempts property which may be presumed abandoned and subject to the custody of Nevada pursuant to other laws.

Senate Bill 226 conforms state law with a recent Federal ruling that holds a state is entitled to claim certain property if the issuer was located in the state at the time of issuance, even if not incorporated in that state.

Referred to Senate Committee on Judiciary
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 42-0-0
Effective April 20, 1993

S.B. 228 (Chapter 206)

Senate Bill 228 removes the political party affiliation requirement for members of the Board for the Regulation of Liquefied Petroleum Gas. The measure also increases the number of members needed for a quorum from three to four. Additionally, S.B. 228 provides a mechanism for the board to recover certain travel, per diem, and attorney or other consultant costs associated with its investigations and hearings.

Referred to Senate Committee on Natural Resources
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Natural Resources. Agriculture and Mining
ASSEMBLY VOTE: 39-1-2
Effective October 1, 1993

S.B. 256 (Chapter 487)

Senate Bill 256 requires an independent contractor hired to represent the State in any court proceeding to identify in all pleadings the specific state agency represented.

Referred to Senate Committee on Government Affairs
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Government Affairs
ASSEMBLY VOTE: 41-0-1
Effective October 1, 1993

S.B. 282 (Chapter 239)

Senate Bill 282 requires the State Public Works Board to provide engineering and architectural services for improvements, including nonresidential buildings with more than 1,000 square feet in floor area, made in State parks by the State Department of Conservation and Natural Resources. The department may construct or improve smaller facilities or residences without utilizing the services of the State Public Works Board.

Many improvements do not require architectural or engineering input from the State Public Works Board. In the case of constructing identical restroom facilities in various parks around the State, the initial technical assistance from the board concerning the facility is helpful, but replicating the same plan requires no further analysis.

Referred to Senate Committee on Government Affairs
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Government Affairs
ASSEMBLY VOTE: 41-0-1
Effective October 1, 1993

S.B. 283 (Chapter 122)

Senate Bill 283 repeals specific requirements regarding the posting of a notice of a public meeting of the State Park Advisory Commission. As a result, the commission is subject to Nevada's "open meeting law" which is less restrictive than the repealed provisions.

Referred to Senate Committee on Government Affairs
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Government Affairs
ASSEMBLY VOTE: 35-7-0
Effective October 1, 1993

S.B. 330 (Chapter 125)

Senate Bill 330 revises the qualifications of the two members of the Board for the Regulation of Liquified Petroleum Gas (LPG) who must be engaged in the sale or distribution of LPG in this State. These members also must have a working knowledge of, and actual experience in, the daily operation of a business classified as a fully licensed dealer of LPG. This change in qualifications does not affect a current member of the board until that member's term of office has expired.

Senate Bill 330 clarifies the legislative intent that the two industry members on the board must be fully qualified LPG dealers. The qualifications under current law could be interpreted to include anyone who sells LPG, such as the operator of a convenience store.

Referred to Senate Committee on Commerce and Labor
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Natural Resources, Agriculture and Mining
ASSEMBLY VOTE: 42-0-0
Effective October 1, 1993

S.B. 340 (Chapter 207)

Senate Bill 340 concerns any state agency or officer required to use the equipment or services of the Department of Data Processing. The request of such agency or officer for a new or reclassified data processing position must be approved by the Director of the Department of Data Processing before submission to the Department of Personnel.

The measure applies to all state agencies except those with independent data processing systems. Such agencies include the Department of Motor Vehicles and Public Safety, Employment Security Department, Legislative Counsel Bureau, Public Employees Retirement System, State Industrial Insurance System, Department of Transportation, University and Community College System of Nevada, and Department of Wildlife.

Referred to Senate Committee on Government Affairs
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Government Affairs
ASSEMBLY VOTE: 42-0-0
Effective October 1, 1993

S.B. 361 (Chapter 484)

Senate Bill 361 creates an Office of Science, Engineering and Technology within the Office of the Governor. The Director of this office is to be appointed by the Governor after receiving recommendations from a panel of persons with expertise in these fields. The Director must have a graduate degree and appropriate experience. He is to serve as a member of Nevada Industry, Science, Engineering and Technology, Inc., and work in cooperation with the Commission on Economic Development.

The Director is required to ensure that Nevada's science and technological resources are used to the greatest benefit of the residents of the State, recommend alternative uses for the Nevada Test Site, establish programs for the improvement of education in science and mathematics, coordinate the efforts of agencies to bring federally funded technology projects into the State, provide technical assistance to the Commission on Economic Development and local governments in bringing advanced technology to Nevada, and

provide advice and assistance to business and industry. The bill also requires the Director to make periodic reports to the Commission on Economic Development and the Legislature.

Referred to Senate Committee on Finance
SENATE VOTE: 20-0-1
Referred to Assembly Concurrent Committees on Commerce and Ways and Means
ASSEMBLY VOTE: 37-5-0
Effective July 1, 1993

S.B. 443 (Chapter 231)

Senate Bill 443 adds a representative of the Inter-Tribal Council of Nevada, Inc., to the membership of the State Board on Geographic Names.

Referred to Senate Committee on Natural Resources
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Natural Resources, Agriculture and Mining
ASSEMBLY VOTE: 39-0-3
Effective October 1, 1993

S.B. 471 (Chapter 428)

Senate Bill 471 creates the Office of Advocate for Missing and Exploited Children within the Office of the Attorney General. The Attorney General is required to appoint a licensed attorney as the children's advocate. The advocate is directed to advise and represent the clearinghouse on missing and exploited children and to advocate the best interests of these children. In addition, the bill authorizes the advocate to:

1. Appear on behalf of missing and exploited children in any court in this State;

2. Advise any political subdivision concerning its duty to protect these children; and

3. Recommend legislation related to missing and exploited children.

Upon request by the children's advocate, any district attorney or local law enforcement agency must provide all necessary information and assistance to facilitate the advocate's work.

Senate Bill 471 also modifies various provisions regarding the clearinghouse for information on missing and exploited children. Further, the bill specifies that materials, publications and instructional aids are to be provided free of charge to public or private schools establishing a program on this topic.

Referred to Senate Committee on Finance
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Health and Human Services
ASSEMBLY VOTE: 42-0-0
Effective October 1, 1993

S.B. 542 (Chapter 640)

Senate Bill 542 transfers certain existing duties and authority from the Welfare Division and the Mental Hygiene and Mental Retardation Division to the Division of Child and Family Services.

The 1991 Nevada Legislature created the Division of Child and Family Services and directed the Interim Finance Committee to conduct an interim study to review child and family services. This measure is a product of that study.

Referred to Senate Committee on Government Affairs
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Government Affairs
ASSEMBLY VOTE: 42-0-0
Effective July 1, 1993

A.B. 12 (Chapter No. 48)

Assembly Bill 12 authorizes the State's Purchasing Division to agree to a contractual period of up to 3 years for the provision of certain products. Specifically, products eligible for purchase under extended contracts must be those items whose processing emphasizes the efficient use of energy or that are made from recycled materials.

This bill was requested by the Purchasing Division which is participating in a joint effort with other states to purchase recycled paper. Nevada is the only one of these states bound by law to purchasing contracts of no more than 1 year in length; however, contracts to purchase recycled paper are typically 3 years in duration. Assembly Bill 12 allows Nevada to continue to participate in negotiations for recycled paper at a reasonable price.

Referred to Assembly Committee on Government Affairs
ASSEMBLY VOTE: 41-0-1
Referred to Senate Committee on Government Affairs
SENATE VOTE: 21-0-0
Effective October 1, 1993

A.B. 170 (Chapter 418)

Assembly Bill 170 authorizes the State Board of Examiners to issue general obligation bonds for the preservation and promotion of cultural resources. Funds generated by the bonds may only be used to pay the actual expenses of preserving or protecting historical buildings to be used to develop a network of cultural centers and activities.

Referred to Assembly Committee on Ways and Means
ASSEMBLY VOTE: 40-1-1
Referred to Senate Committee on Finance
SENATE VOTE: 20-1-0
Effective July 9, 1993

A.B. 235 (Chapter 307)

Assembly Bill 235 establishes and revises various administrative fines and penalties which may be imposed by certain regulatory authorities, such as professional licensing boards and state agencies. In all cases, the fines and penalties are substantially increased.

The bill allows the regulatory authorities to recover, from the person being disciplined, the cost of investigations and hearings. In addition, the regulatory board is, in some cases, granted the option either to delegate to a hearing officer the power to take disciplinary action and collect the fine for the regulator or to take the disciplinary action itself and deposit the amount collected in the General Fund. A board which credits its fines to the General Fund is allowed to present a claim for attorney's fees and investigative costs to the Interim Finance Committee through the State Board of Examiners.

Referred to Assembly Committee on Commerce
ASSEMBLY VOTE: 41-0-1
Referred to Senate Committee on Commerce and Labor
SENATE VOTE: 21-0-0
Effective October 1, 1993

A.B. 247 (Chapter 364)

Assembly Bill 247 requires the State Welfare Board to follow certain public notice procedures before adopting, amending or repealing any regulation for the administration of a public assistance program or any other Welfare Division program. The measure requires the board to provide a reasonable opportunity for all interested persons to comment, orally or in writing, upon a proposed regulation and to consider fully such comments. Further, the board is required to keep, and provide for public inspection, written minutes of any public hearing held pursuant to this measure. Finally, no person may object to any Welfare Board regulation based on noncompliance with the procedural requirements set forth in A.B. 247 more than 2 years after the effective date of the regulation.

Referred to Assembly Committee on Government Affairs
ASSEMBLY VOTE: 41-0-1
Referred to Senate Committee on Human Resources and Facilities
SENATE VOTE: 21-0-0
Effective October 1, 1993

A.B. 259 (Chapter 615)

Assembly Bill 259 requires the Secretary of State to submit to the Legislative Commission a framed portrait of Isaac Roop, Governor of the Provisional Territory of Nevada from 1859 to 1861. Upon acceptance by the commission, the portrait must be displayed with the other portraits of former governors of Nevada in the Capitol Building.

Referred to Assembly Committee on Ways and Means
ASSEMBLY VOTE: 38-0-4
SENATE VOTE: 19-0-2
Effective July 13, 1993

A.B. 349 (Chapter 392)

Assembly Bill 349 makes various changes concerning the regulation of securities. The measure creates a revolving account in the State General Fund, to which fines and penalties are deposited, for the payment of investigative, enforcement, and educational costs associated with securities regulation. The bill also extends the application of certain provisions to essential employees of licensed persons, sales representatives, and investment advisers.

Other provisions provide for the authorization of a $250 fee for certain exemptions, reimbursement for photocopy expenses to persons asked to

provide information who are not the subject of an investigation, and the recovery of investigative costs by the Securities Division.

Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 41-0-1
Referred to Senate Committee on Judiciary
SENATE VOTE: 21-0-0
Effective October 1, 1993

A.B. 386 (Chapter 443)

Assembly Bill 386 provides additional funding and authority to the Department of Taxation for collecting the fee on the sale of tires which provides revenue for the Solid Waste Management Account, as modified through Senate Bill 97 of the 1993 Legislative Session. In addition, the measure more clearly identifies the types of tire sales that are subject to the fees, and it clarifies provisions in S.B. 97 regarding civil penalties and damages.

Referred to Assembly Committee on Ways and Means
ASSEMBLY VOTE: 41-0-1
Referred to Senate Committee on Natural Resources
SENATE VOTE: 21-0-0
Effective July 9, 1993

A.B. 408 (Chapter 315)

Assembly Bill 408 requires the Chief of the Buildings and Grounds Division to establish a program to track the use of energy in buildings owned by the State. The chief is also authorized to establish such a program, where appropriate, for other buildings occupied by a state agency. The required components of such a program, including the identification of energy and costs savings from energy conservation efforts, are listed in the bill.

This measure also directs the chief to apply for any available grants and accept any gifts, grants or donations to assist in establishing and carrying out the program. Each state agency that occupies a building in which the use of energy is tracked pursuant to this program must reimburse the division for the agency's proportionate share, based on energy consumption, of any unfunded portion of the cost of the program.

Referred to Assembly Committee on Ways and Means
ASSEMBLY VOTE: 40-0-2
Referred to Senate Committee on Finance
SENATE VOTE: 21-0-0
Effective July 1, 1993

A.B. 414 (Chapter 539)

Assembly Bill 414 authorizes Nevada's Labor Commissioner to hold hearings and assess fines for violations of state laws governing wages, certain contributions, and other employment practices on public works projects. The measure specifies the fines to be paid and authorizes the commissioner to impose an administrative fine not to exceed the costs incurred to investigate and prosecute the matter.

The measure also allows certain unsuccessful bidders on a public works contract to bring a civil action for damages against the contractor who was awarded the contract and subsequently assessed an administrative penalty by the commissioner for committing an offense.

Finally, if such an administrative penalty is imposed against a person, that person, and the corporate officers of that person, may not be awarded a public works contract for a period of 2 years after the date of the imposition of the penalty. For a second or subsequent offense, a contract may not be awarded for a period of 3 years.

Referred to Assembly Committee on Government Affairs
ASSEMBLY VOTE: 34-4-4
Referred to Senate Committee on Government Affairs
SENATE VOTE: 21-0-0
Effective October 1, 1993

A.B. 432 (Chapter 503)

Assembly Bill 432 modifies various provisions concerning the administration of state welfare programs. The Administrator of the Welfare Division is directed to adopt a state plan, required by the Federal Government for the administration of public assistance programs under the responsibility of that agency. In developing the plan, the Administrator must consider the amount of available Federal money, the conditions attached to the acceptance of the money, and the limitations of legislative appropriations and authorizations.

The definition of public assistance is expanded to include assistance regarding food stamps, low-income home energy, and low-income weatherization. The bill clarifies the authority of the State Welfare Board to adopt regulations to

administer public assistance programs. The Administrator of the Welfare Division is responsible for establishing standards and policies governing the administration of the division. In addition, membership and responsibilities of the Medical Care Advisory Group are reorganized to facilitate its advisory capacity to the Welfare Division.

Referred to Assembly Committee on Ways and Means
ASSEMBLY VOTE: 36-6-0
Referred to Senate Committee on Finance
SENATE VOTE: 21-0-0
Effective July 1, 1993

A.B. 503 (Chapter 317)

Assembly Bill 503 authorizes Nevada's Welfare Division to recover benefits correctly or incorrectly paid to medically indigent persons. The bill allows correctly paid benefits to be recovered from the estates of the recipient and the surviving spouse, after the death of the spouse and if the recipient has no surviving child who is under 21 years of age or is blind or disabled. Incorrectly paid benefits may be obtained from the recipient or the applicant, if the person who signed the application failed to report required information known at the time the application was signed or discovered at a later date.

The Administrator of the Welfare Division may elect not to file a claim against a recipient or spouse if such a claim would cause an undue hardship for the spouse or other survivors. Furthermore, any money recovered must be applied first to the cost of the recovery. Additional money must be distributed among the Federal Government, Nevada's Department of Human Resources (DHR), and the county in proportion to the amount of assistance each contributed to the recipient. The measure also places DHR as the fifth priority in payment of debts against an estate.

Assembly Bill 503 allows the Welfare Division to defray the cost of assistance by placing liens on the assets of a recipient or surviving spouse under certain circumstances. Currently, Nevada is one of a few states that do not operate a Medicaid estate recovery program.

Referred to Assembly Committee on Health and Human Services
ASSEMBLY VOTE: 41-0-1
Referred to Senate Committee on Human Resources and Facilities
SENATE VOTE: 21-0-0
Effective October 1, 1993

A.B. 602 (Chapter 400)

Assembly Bill 602 revises various provisions regarding treatment costs for clients in state mental health facilities. The bill stipulates that the sliding scale fee charged to clients who are unable to pay the actual cost of services must not be calculated until all benefits from third party sources have been applied to the cost of care. The measure enables the Mental Hygiene and Mental Retardation Division to establish the maximum fee based on costs that are not figured on a per diem basis. Furthermore, the division is able to recover interest on unpaid bills at the current rate of interest.

In addition, the measure removes the responsibility of an adult child to pay for services rendered to a mentally ill parent. The division is also no longer required to petition the court for authority to bill for a person involuntarily committed to a division facility. Finally, the administrator of the division is authorized to pay for services not furnished by division staff for nonresident indigent clients when money is authorized in approved budgets.

Referred to Assembly Committee on Health and Human Services
ASSEMBLY VOTE: 41-0-1
Referred to Senate Committee on Human Resources and Facilities
SENATE VOTE: 21-0-0
Effective July 1, 1993

A.B. 655 (Chapter 321)

Assembly Bill 655 amends the provisions relating to Medicaid liens on judgments or settlements from a third party responsible for the illness or injury for which Medicaid payments were made. The measure stipulates that the Medicaid lien must be satisfied in full at the time the proceeds of the recovery are distributed to the recipient or his attorney or, in the case of an out-of-court settlement, at the time a court dismisses the action.

In addition, the bill strengthens the requirements that the Welfare Division be notified before a recipient enters into a settlement with or commences an action against a third party. Failure to comply results in the Welfare Division's waiver of a reduction in the Medicaid lien for attorney's fees.

Assembly Bill 655 responds to recent situations in which Medicaid liens were denied, postponed, or reduced for attorney's fees without the division's knowledge or approval.

Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 41-0-1
Referred to Senate Committee on Human Resources and Facilities
SENATE VOTE: 21-0-0
Effective October 1, 1993

A.B. 762 (Chapter 552)

Assembly Bill 762 authorizes the Commission on Economic Development to charge fees for advertising in materials it prepares and for services it provides, such as the procurement of permits on behalf of others. Existing law allows the commission to collect fees to recover its costs for the preparation and mailing of its materials.

Referred to Assembly Committee on Ways and Means
ASSEMBLY VOTE: 41-0-1
Referred to Senate Committee on Government Affairs
SENATE VOTE: 20-1-0
Effective July 1, 1993

A.B. 782 (Chapter 466)

Assembly Bill 782 reorganizes the administrative structure of the executive department of State Government.

Changes to Departments

Assembly Bill 782 reduces the number of departments in the executive branch of government from 21 to 13. The bill retains nine of the original entities: the Departments of Administration; Conservation and Natural Resources; Education; Human Resources; Motor Vehicles and Public Safety; Personnel; Prisons; Taxation; and Transportation. The Departments of General Services; Parole and Probation; and Wildlife become divisions of the Departments of Administration; Motor Vehicles and Public Safety; and Conservation and Natural Resources, respectively.

The measure creates four new departments: the Departments of Business and Industry; Employment, Training and Rehabilitation; Information Services; and Museums, Library and Arts. The Department of Business and Industry combines the most existing departments: the Departments of Agriculture; Commerce; Industrial Relations; Insurance; and Minerals. The old

Departments of Data Processing; Employment Security; and Museums and History become the new Departments of Information Systems; Employment, Training and Rehabilitation; and Museums, Library and Arts.

The Department of the Military becomes a special purpose agency called the Office of the Military.

Transfers of Divisions

Assembly Bill 782 transfers several divisions from one department to a different, new department. For example, the Rehabilitation Division, including the Bureau of Alcohol and Drug Abuse, is transferred from the Department of Human Resources to the Department of Employment, Training and Rehabilitation. Additionally, the Historic Preservation and Archeology Division moves from the Department of Conservation and Natural Resources to the Department of Museums, Library and Arts. The Fire Marshal is transferred from the Department of Commerce to the Department of Motor Vehicles and Public Safety.

The transfer of these divisions ensures that similar agencies are combined into appropriate departments, thus providing a more efficient and cooperative means of providing similar services.

Transfer of Independent Entities

Assembly Bill 782 also transfers many independent entities into various departments. Such transfers include the State Public Defender and the Indian Commission to the Department of Human Resources; the Labor Commissioner, Rural Housing Authority, Athletic Commission, and Taxicab Authority to the Department of Business and Industry; the State Job Training Office, the Office of Equal Rights, and the Substance Abuse Program Coordinator, commonly known as the "Drug Czar," to the Department of Employment, Training and Rehabilitation.

These transferred entities retain most of their authority and responsibilities. Essentially, the only change is that the heads of these agencies are appointed by the appropriate department directors rather than the Governor.

This measure also repeals numerous offices, boards, and commissions. Some of these entities are deleted completely, such as the Eldorado Valley Advisory Group, the Advisory Board on Guides, and the Governor's Advisory Council on Youth. Others are eliminated, but their responsibilities are transferred to other agencies. For example, the duties of the Office of Community Services

are moved to the Department of Business and Industry. The roles of the State Board for Forestry and Fire Control, the State Multiple Use Advisory Committee on Federal Lands, and the State Park Advisory Commission are assigned to the Advisory Board on Natural Resources. Created by A.B. 782, this new board is appointed by the Governor to advise the Director of the Department of Conservation and Natural Resources on several land and resource issues.

Other Provisions

The reorganization bill also adds language to several existing laws governing the cooperation of employers with auditors of the old Employment Security Department to include auditors from the Department of Taxation. The intent of this provision is to decrease the number of state audits employers must undergo.

Additionally, the measure creates the Office of Internal Audits in the Department of Administration. This office is directed to conduct periodic audits of the programs, activities, and functions of executive branch agencies and to provide analyses and recommendations concerning the efficiency and effectiveness of the management of these agencies in carrying out their assigned duties. The Director of the office is required to be alert to possible abuses, illegalities, errors, or conflicts of interest that may exist within an agency. Reports of these audits and other, related activities of the office are to be submitted annually to the Governor and the Legislative Auditor. The provisions concerning this office expire by limitation on July 1, 1995.

Finally, A.B. 782 transfers the responsibility for collecting the insurance premium tax from the Insurance Commissioner to the Department of Taxation. The bill also revises the penalties for failure to pay this tax to make them similar to other tax penalties. Consequently, the penalties for failing to pay the insurance premium tax are increased.

Referred to Assembly Committee on Ways and Means
ASSEMBLY VOTE: 41-0-1
Referred to Senate Committee on Government Affairs
SENATE VOTE: 16-5-0
Effective July 9, 1993, for the purpose of authorizing any preliminary activities necessary to ensure that the provisions of this measure are implemented in an orderly fashion and October 1, 1993, for all other purposes.

State Financial Administration

S.B. 23 (Chapter 528)

Senate Bill 23 requires the Governor to impanel a 5-member economic forum on or before February 1 of each even-numbered year. Three members must be selected by the Governor, while the Senate Majority Floor Leader and the Speaker of the Assembly are required to nominate one member each. The members must be experts in economics, taxation, or related fields; cannot be state officers or employees; and serve without compensation for a term of 2 years.

The measure requires the economic forum to provide an accurate estimate of revenue that will be collected by the State during the subsequent biennium. The bill also creates a technical advisory committee on future state revenues to assist the economic forum. This committee consists of fiscal officers from the legislative and executive branches and the university system and a representative of local government.

Finally, S.B. 23 requires all budgets submitted for legislative review to be based on the projections and estimates prepared by the economic forum.

Referred to Senate Committee on Finance
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Government Affairs
ASSEMBLY VOTE: 31-10-1
Effective October 1, 1993

S.B. 49 (Chapter 358)

Senate Bill 49 exempts claims for the payment of public officials' salaries from review by the State Board of Examiners. Additionally, it permits the State Controller to accept claims for payment against Federal funds that are allocated to the State and authorized for expenditure, but not yet deposited.

The Federal Cash Management Improvement Act of 1990, effective July 1, 1993, requires the State to pay to the Federal Government any interest it earns on Federal money accepted but not expended. This measure allows Nevada to remain "revenue neutral" and avoid any delay between the date Federal money is received and the date it is expended.

Referred to Senate Committee on Government Affairs
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Government Affairs
ASSEMBLY VOTE: 38-0-4
Effective July 1, 1993

S.B. 53 (Chapter 104)

Senate Bill 53 requires the State Treasurer to designate the financial institutions for the deposit of money received by state officers, departments or commissions. Such deposits are required to be made each Thursday, and more frequently in some cases. The measure removes the requirement that the Office of the State Treasurer be notified of each deposit by telephone.

Referred to Senate Committee on Government Affairs
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Government Affairs
ASSEMBLY VOTE: 41-0-1
Effective May 10, 1993

S.B. 73 (Chapter 47)

Senate Bill 73 authorizes the Welfare Division to accept gifts and grants to assist in the production of a booklet describing adoption procedures in Nevada and the children available. Existing law requires the division to produce the document, but does not address the use of grants or gifts in the production. This measure clarifies that authority and requires that such gifts and grants be kept in a separate account for production of the booklet.

Referred to Senate Committee on Judiciary
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 42-0-0
Effective October 1, 1993

S.B. 84 (Chapter 373)

Senate Bill 84 provides that an order for payment drawn by the clerk of a school district is void if not presented for payment within 1 year after it is issued.

Referred to Senate Committee on Finance
SENATE VOTE: 20-0-1
Referred to Assembly Committee on Ways and Means
ASSEMBLY VOTE: 42-0-0
Effective July 1, 1993

S.B. 109 (Chapter 103)

Senate Bill 109 allows the Secretary of State to issue refunds requiring immediate payment from a revolving account. The measure also removes duplicative language regarding the deposit of interest from the Secretary of State's Trust Account into the General Fund.

Referred to Senate Committee on Government Affairs
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Government Affairs
ASSEMBLY VOTE: 41-0-1
Effective July 1, 1993

S.B. 157 (Chapter 158)

Senate Bill 157 allows the State Controller, with the approval of the Attorney General, to cancel accounts due the State. It also provides a process to withhold from a state employee's compensation any amount by which the salary was overpaid.

Referred to Senate Committee on Government Affairs
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Government Affairs
ASSEMBLY VOTE: 42-0-0
Effective October 1, 1993

S.B. 168 (Chapter 658)

Senate Bill 168 establishes a procedure for preparing a request for proposal (RFP) for certain contracting services. If the Legislature requires a using agency to contract for services of $100,000 or more, that agency must meet with representatives of the Purchasing Division, Attorney General and any other persons deemed necessary to discuss the preparation of a RFP. Within 90 days of the authorization of the contract, a report must be submitted to the Legislature or to the Interim Finance Committee regarding the status of the RFP and its proposed completion date.

This measure resulted from an interim study of the feasibility of privatizing certain government services.

Referred to Senate Committee on Government Affairs
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Government Affairs
ASSEMBLY VOTE: 41-0-1
Effective October 1, 1993

S.B. 172 (Chapter 66)

Senate Bill 172 removes the responsibility of the State Board of Finance to approve certain county, city, and school district funds. The measure also eliminates the fund for the regulation of geothermal wells and specifies that any future related revenue be deposited in the General Fund and credited to the Department of Minerals.

Referred to Senate Committee on Government Affairs
SENATE VOTE: 20-0-1
Referred to Assembly Committee on Government Affairs
ASSEMBLY VOTE: 42-0-0
Effective October 1, 1993

S.B. 274 (Chapter 256)

Senate Bill 274 transfers the administration of the budget account for aid for victims of domestic violence to the Division of Child and Family Services from the Division of Mental Health and Mental Retardation.

The bill also revises the formula for allocating grants from the account by setting the threshold for per capita distribution to apply to counties with a population of 14,000 or more.

Referred to Senate Committee on Finance
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Ways and Means
ASSEMBLY VOTE: 41-0-1
Effective July 1, 1993

S.B. 280 (Chapter 343)

Senate Bill 280 creates the account for Lake Tahoe Nevada State Park in the State General Fund. The Administrator of the Division of State Parks is authorized to deposit in this fund fees for special services. The money from this fund may be expended for the repair, operation, and maintenance of the sewer and water systems in the Lake Tahoe Nevada State Park.

Referred to Senate Committee on Finance
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Ways and Means
ASSEMBLY VOTE: 42-0-0
Effective July 1, 1993

S.B. 289 (Chapter 99)

Senate Bill 289 corrects a provision of state law to require that certain fees relating to the transportation of hazardous materials be deposited in the State Highway Fund instead of the State General Fund.

Referred to Senate Committee on Finance
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Ways and Means
ASSEMBLY VOTE: 41-0-1
Effective: The act becomes effective on May 5, 1993, and applies retroactively to July 1, 1991.

S.B. 319 (Chapter 124)

Senate Bill 319 creates an account for the Division of State Parks to be used for the repair and maintenance of state parks, monuments and recreational areas. The account is funded through the collection of fees for special services in excess of the projected revenue from that source. Money in the account is not transferred to the State General Fund at the end of any fiscal year. Prior to expending any money from the account, the Administrator of the Division of State Parks must receive the approval of the Nevada Legislature's Interim Finance Committee. In an emergency, the money may be expended with the approval of the Director of the State Department of Conservation and Natural Resources.

Referred to Senate Committee on Government Affairs
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Government Affairs
ASSEMBLY VOTE: 42-0-0
Effective July 1, 1993

S.B. 336 (Chapter 126)

Senate Bill 336 allows Nevada's Commissioner for Veteran Affairs to collect a fee of 5 percent for acting as the guardian for veterans, or certain family members of veterans, who receive a monthly income of $500 or more.

This measure allows the State to be reimbursed for the costs of providing guardianship services to veterans, or certain family members, who have significant incomes, but are unable to manage their financial affairs.

Referred to Senate Committee on Finance
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Government Affairs
ASSEMBLY VOTE: 38-4-0
Effective October 1, 1993

S.B. 351 (Chapter 260)

Senate Bill 351 consolidates, rearranges or eliminates various funds in State Government. The bill directs the State Controller to transfer the assets and liabilities of each consolidated or eliminated fund to the appropriate new fund or account by the end of fiscal year 1992-93.

Referred to Senate Committee on Government Affairs
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Government Affairs
ASSEMBLY VOTE: 41-0-1
Effective July 1, 1993

S.B. 385 (Chapter 334)

Senate Bill 385 makes an appropriation of $5,000 from the State General Fund to the prison revolving account and increases from $5,000 to $10,000 the balance of money required in this account. Further, the bill expands the permitted uses of money in the account to include assistance of certain newly released or paroled offenders. Finally, the measure repeals an existing provision which allows use of money in the account for the payment of small prison bills.

Referred to Senate Committee on Finance
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Ways and Means
ASSEMBLY VOTE: 38-0-4
Effective June 29, 1993

S.B. 494 (Chapter 477)

Senate Bill 494 revises the statutory provisions concerning Nevada's Medicaid program. The measure revises Nevada's Medicaid provider tax to comply with new Federal guidelines. This tax allows the State to use funds collected from intergovernmental transfers and taxes on hospitals to obtain Federal matching

funds for the Medicaid program. An additional state benefit of $50.4 million is expected from the program.

The Department of Human Resources is required to apply for waivers and otherwise comply with Federal directives necessary to revise the State's Medicaid tax on hospitals. The measure exempts small county hospitals from the provider tax and authorizes counties and hospital districts to enter into interlocal agreements with the department regarding the tax. For those hospitals subject to the tax, the Medicaid tax may not exceed the federally allowed maximum amount of 6 percent of the hospital's net revenue from both inpatients and outpatients.

The department must pay each hospital a specified amount for the treatment of a disproportionate share of indigent or low-income patients. The amounts are allocated by first setting aside $100,000 for each disproportionate share hospital, and apportioning the remaining amount into three pools for Clark County, Washoe County, and all other counties based upon total billed charges for the previous year. In counties with a population greater than 100,000, a special allocation will be made to the hospital in each county serving the greatest number of indigent patients. The remaining funds are allocated to the eligible hospitals based upon Medicaid patient utilization and the client population being served. The bill establishes a cap on the amount of the tax to be collected at $38,350,000 for fiscal year 1993-94, and $40,300,000 for FY 1994-95.

In addition, the measure requires each county to execute an interlocal agreement with the Department of Human Resources for the treatment of the medically indigent. In exchange for this shift of responsibility for treating the county's indigent population, each county must transfer to the department its funds previously designated to pay for indigent care. This amount, plus that collected from the hospital tax, is used by the department to obtain additional Federal matching funds for the State's Medicaid program.

Finally, the measure repeals a portion of the Medicaid provider tax enacted by the 1991 Legislature. Previously, other health care providers, such as physicians and dentists, were taxed based upon their actual Medicaid case load. Due to new Federal requirements, these entities will no longer be taxed, and the enabling statutes for taxing these providers is deleted.

Referred to Senate Committee on Finance
SENATE VOTE: 19-2-0
Referred to Assembly Committee on Ways and Means
ASSEMBLY VOTE: 38-4-0
Effective July 1, 1993

S.B. 517 (Chapter 470)

Senate Bill 517 establishes the State Highway Payroll Clearing Account to accommodate current payroll transactions. This account is to be placed in two or more banks approved by the State Board of Finance. The Director of the Department of Transportation is directed to begin using this account on October 1, 1993, or as soon thereafter as is practicable.

The State Highway Revolving Account, which is currently used for payroll, is to be used instead to provide travel advances and subsistence allowances. The State Controller is directed to make an initial deposit of $125,000 in this account and to increase that balance as the Board of Directors of the Department of Transportation deems necessary. The Director of the department must transfer any interest or other income earned by the money in this account to the State Highway Fund each quarter.

In addition, the bill expands the informal bidding procedure followed by the department for small construction projects to cover projects costing up to $250,000. The current ceiling is $50,000.

Referred to Senate Committee on Finance
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Ways and Means
ASSEMBLY VOTE: 41-0-1
Effective July 1, 1993

S.B. 551 (Chapter 425)

Senate Bill 551 increases the limit from $25,000 to $50,000 above which purchases of equipment by the Department of Transportation must be approved by the Department's Board of Directors. The measure also specifies that the board may not delegate this responsibility to the Director of the Department.

Referred to Senate Committee on Finance
SENATE VOTE: 20-0-1
Referred to Assembly Committee on Ways and Means
ASSEMBLY VOTE: 42-0-0
Effective July 9, 1993

S.B. 563 (Chapter 634)

Senate Bill 563 transfers the Highway Patrol Special Account from the State General Fund to the State Highway Fund.

Referred to Senate Committee on Finance
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Ways and Means
ASSEMBLY VOTE: 38-4-0
Effective July 1, 1993

S.B. 568 (Chapter 352)

Senate Bill 568 authorizes the expenditure (for fiscal years 1993-1994 and 1994-1995) by various state agencies of money not appropriated from the State General Fund or the State Highway Fund. In addition, the measure authorizes expenditures from the State General Fund for administration of statutory provisions concerning licensing and control of gaming. It also provides for expenditure by the University and Community College System of revenue from student registration fees and money from the system's endowment fund.

The measure requires the assessment of each professional or licensing board for its proportional share of the costs associated with a Budget Division employee who is responsible for monitoring the budget-related activities of these boards. The measure also specifies the amount of money to be collected from each county for the services provided by the State Public Defender. Finally, the bill authorizes the Chief of the Budget Division to take necessary action to ensure orderly transition to the modified state government structure as provided in Assembly Bill 782 of the 1993 Legislative Session.

Referred to Senate Committee on Finance
SENATE VOTE: 16-5-0
Referred to Assembly Committee on Ways and Means
ASSEMBLY VOTE: 41-0-1
Effective July 1, 1993

A.B. 29 (Chapter 30)

Assembly Bill 29 exempts the State of Nevada from paying a fee to a county recorder when the State files a notice of a pending eminent domain action.

Referred to Assembly Committee on Government Affairs
ASSEMBLY VOTE: 41-0-1
Referred to Senate Committee on Government Affairs
SENATE VOTE: 21-0-0
Effective October 1, 1993

A.B. 93 (Chapter 196)

Assembly Bill 93 clarifies existing provisions governing revenue to be deposited in the state treasury's Fund for New Construction of Facilities for Prison Industries. The measure specifies that an amount equal to 5 percent of the gross wages earned by an inmate employed in the industrial or agricultural program be deposited to the fund from the deductions made by the Director of the Department of Prisons for maintaining the offender in the institution.

Referred to Assembly Committee on Ways and Means
ASSEMBLY VOTE: 41-0-1
Referred to Senate Committee on Finance
SENATE VOTE: 20-0-1
Effective June 8, 1993

A.B. 182 (Chapter 61)

Assembly Bill 182 prohibits the Bureau of Services to the Blind from executing contracts or agreements obligating the bureau to make payments on a commercial loan to a blind person.

The bill becomes effective July 1, 1993, but does not affect any contract or agreement executed before that date.

This measure was recommended by the Audit Division of the Legislative Counsel Bureau to clarify that Nevada law does not allow the Bureau of Services to the Blind to guarantee loans to blind vendors. The Audit Division suggested that this practice is not financially advisable because it unnecessarily extends the State's line of credit.

Referred to Assembly Committee on Health and Human Services
ASSEMBLY VOTE: 41-0-1
Referred to Senate Committee on Human Resources and Facilities
SENATE VOTE: 21-0-0
Effective July 1, 1993

A.B. 727 (Chapter 564)

Assembly Bill 727 amends the statutes concerning municipal obligations. The measure authorizes the issuance of state securities to purchase municipal revenue securities and provides a "state intercept" mechanism to the State's existing municipal bond bank program.

The municipal bond bank program allows the State to sell its general obligation bonds to purchase local bonds. The State's lower interest rate saves local entities substantial amounts in interest payments. This measure expands the program to encompass the issuance of state securities to finance the acquisition of revenue securities. Revenue securities are defined as notes, warrants, interim debentures, bonds, and temporary bonds, issued by a municipality for certain authorized undertakings. The securities are payable from revenues from the undertaking, certain taxes, or a combination of revenues and taxes.

The bill provides that, if a local government fails to make a payment due on outstanding bonds, the State Treasurer shall make the necessary payment from available funds. The Treasurer is then authorized to deduct that amount from the next succeeding payment of allocable local revenues which are received by the State and designated as allocable to the municipality.

Bonds issued through the state intercept program are not considered a debt of the State under Nevada's constitutional debt limitations. Such bonds do not impair the State's ability to borrow to finance its own needs.

Assembly Bill 727 expands the benefits of the municipal bond bank to more local governments. The measure is designed to assist municipalities in the acquisition, construction, and equipping of public improvements.

Referred to Assembly Committee on Ways and Means
ASSEMBLY VOTE: 42-0-0
Referred to Senate Committee on Government Affairs
SENATE VOTE: 21-0-0
Effective October 1, 1993

A.B. 730 (Chapter 530)

Assembly Bill 730 transfers the account for verification of insurance from the State General Fund to the State Highway Fund. The balance in that account is limited to $1 million, with any excess being transferred out on June 30 each year.

Referred to Assembly Committee on Ways and Means
ASSEMBLY VOTE: 41-0-1
Referred to Senate Committee on Transportation
SENATE VOTE: 21-0-0
Effective July 1, 1993

A.B. 755 (Chapter 555)

Assembly Bill 755 makes various changes to the provisions governing the investment of public funds.

The bill directs the Treasurer, when investing public funds, to exercise the judgment and care that a prudent, discreet, and intelligent person would exercise when managing private funds, taking into consideration the probable income as well as the probable safety of the capital.

Further, the measure authorizes the Treasurer to invest funds from the state permanent school fund in obligations or certificates of specified Federal programs. The bill also expands the list of authorized bonds and securities in which the Treasurer may invest public funds to include certain money market mutual funds and collateralized mortgage obligations.

In addition, A.B. 755 specifies that repurchase agreements are proper and lawful investments of money of a board of county commissioners, a board of trustees of a county school district, or a governing body of an incorporated city for the purchase or sale of negotiable, specified securities. The bill outlines certain conditions which must be met by these entities when utilizing this form of investment.

Referred to Assembly Committee on Government Affairs
ASSEMBLY VOTE: 41-0-1
Referred to Senate Committee on Government Affairs
SENATE VOTE: 20-1-0
Effective July 12, 1993

A.B. 758 (Chapter 553)

Assembly Bill 758 permits the issuance of state securities for general savings or for college savings. The authorizing resolution for such an issuance must state the purpose of the sale, confirm its approval by the State Board of Examiners, and provide for the payment of compound interest on the securities.

The measure specifies that the issuance must include the disclaimer that the State does not guarantee that the amount received at maturity will be sufficient to pay for college or the price for which a security may be sold before it matures.

Referred to Assembly Committee on Government Affairs
ASSEMBLY VOTE: 41-0-1
Referred to Senate Committee on Government Affairs
SENATE VOTE: 21-0-0
Effective July 12, 1993

A.B. 763 (Chapter 441)

Assembly Bill 763 repeals the Permanent Net Proceeds Fund on July 1, 1993.

On July 1, 1995, the fund is reinstated, and 5 percent of the portion of the revenue from the net proceeds of minerals tax must be deposited into the fund annually. Revenue received during the two previous fiscal years, which exceeds $55 million, after subtracting the amount deposited pursuant to these provisions, shall be transferred to the fund each odd-numbered year.

Referred to Assembly Committee on Ways and Means
ASSEMBLY VOTE: 39-2-1
Referred to Senate Committee on Taxation
SENATE VOTE: 11-10-0
Effective: Section 1 is effective July 1, 1995. The remaining provisions are effective July 1, 1993.

A.B. 776 (Chapter 549)

Assembly Bill 776 abolishes the Department of Insurance's regulatory account to conform with the agency's current practices.

The regulatory account was created to account for expenses incurred in carrying out the provisions of Chapters 689 and 452 of the *Nevada Revised Statutes* that pertain to the funeral and cemetery service industries.

The fees collected under Chapter 689 actually are deposited in the State General Fund, and expenses not related to financial examinations are paid from the department's main operating budget. The expenses of conducting financial examinations of sellers of funeral and burial services are paid from the Insurance Examiners' Fund, and reimbursements from the sellers for the cost of such exams are deposited in the Insurance Examiners' Fund. Consequently, the regulatory account has little activity.

Current law provides that fees collected from applicants for certificates of authority to operate a cemetery also are to be deposited in the department's regulatory account and that any expenses of regulating cemeteries be paid from the account. There is also little activity in this program.

The bill also provides that penalties assessed against delinquent insurers and adjusters be deposited in the State General Fund rather than the regulatory account. Depositing penalties levied under these statutes to the State General Fund avoids the appearance that the Department of Insurance profits if it fines a licensee.

Referred to Assembly Committee on Ways and Means
ASSEMBLY VOTE: 41-0-1
Referred to Senate Committee on Commerce and Labor
SENATE VOTE: 21-0-0
Effective July 1, 1993

TAXATION

S.B. 36 (Chapter 58)

Senate Bill 36 requires certain persons who are subject to Nevada's use tax, and for whom the Department of Taxation must travel outside the State to conduct an audit, to pay travel and other actual expenses incurred by the department.

Referred to Senate Committee on Taxation
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Taxation
ASSEMBLY VOTE: 42-0-0
Effective October 1, 1993

S.B. 267 (Chapter 146)

Senate Bill 267 repeals the prospective expiration of provisions authorizing the creation of certain taxing districts in cities within counties having a population between 100,000 and 400,000. The 1989 Legislature approved legislation, which was extended in 1991, allowing the creation of taxing districts in redevelopment or urban renewal areas to provide for additional police protection and the maintenance of improvements. Removal of the "sunset" clause makes this authorization permanent.

Referred to Senate Committee on Taxation
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Taxation
ASSEMBLY VOTE: 42-0-0
Effective May 21, 1993

S.B. 334 (Chapter 485)

Senate Bill 334 increases the compensation allotted to the State for the collection of the City-County Relief Tax and the Local School Support Tax components of the Combined Sales and Use Tax. The amount of compensation is increased from one-half of 1 percent to 1 percent of the total amount collected.

Referred to Senate Committee on Finance
SENATE VOTE: 11-10-0
Referred to Assembly Committee on Ways and Means
ASSEMBLY VOTE: 29-13-0
Effective July 1, 1993

S.B. 518 (Chapter 643)

Senate Bill 518 clarifies that the transmission of radio and television signals and the sale of air time are not taxable transactions. The Department of Taxation is precluded from considering taxable any activities that are directly related to the process of transmitting radio, television, cable television, or data signals.

Referred to Senate Committee on Taxation
SENATE VOTE: 20-0-1
Referred to Assembly Committee on Taxation
ASSEMBLY VOTE: 39-3-0
Effective October 1, 1993

S.B. 550 (Chapter 426)

Senate Bill 550 provides exemptions from increased or additional taxes for labor and materials used for construction contracts that were executed before the increases were adopted. The exemptions apply to the state business tax, the local school support tax, and the two county sales tax options that were adopted by the 1991 Legislature. The exemptions apply only to the increases imposed and not to any tax rates that were in effect when the contract or bid was executed.

The act becomes effective upon passage and approval, and its provisions are deemed to be included in any ordinance which became effective after July 1, 1991, to impose the county tax for public mass transportation and construction of roads or for the promotion of tourism.

Referred to Senate Committee on Taxation
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Taxation
ASSEMBLY VOTE: 40-2-0
Effective July 9, 1993

S.B. 560 (Chapter 636)

Senate Bill 560 extends the time for recording a notice of lien for delinquent taxes and clarifies the priority of a lien for such taxes on transient lodging. In addition, a county fair and recreation board is authorized to suspend the

business license of a transient lodging facility and close it for failure to remit transient lodging taxes when due.

Referred to Senate Committee on Taxation
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Taxation
ASSEMBLY VOTE: 41-0-1
Effective October 1, 1993

S.B. 570 (Chapter 422)

Senate Bill 570 changes, from June 15 to May 30, the date on which mine operators must file a statement showing the estimated gross yield and estimated net proceeds for the current calendar year. This change allows additional information pertaining to estimates of net proceeds to be considered in the calculation of basic support and in the development of school districts' budgets.

The measure also changes, from June 5 to June 13, the date by which the chairman of the board of county commissioners must convene a meeting of the county's local governing boards to establish a combined tax rate if the rate resulting from their final budgets exceeds the statutory limit. This change allows school districts more time to review mine estimates and adopt budgets.

Senate Bill 570 is a companion measure to S.B. 569, the school funding bill of the 1993 Session.

Referred to Senate Committee on Finance
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Taxation
ASSEMBLY VOTE: 41-0-1
Effective October 1, 1993

A.B. 101 (Chapter 53)

Assembly Bill 101 authorizes the Department of Taxation to reduce, rather than waive entirely, the payment of certain tax penalties owed to the State or to a county, and provides that interest also may be waived or reduced. Finally, the bill requires the department, upon request, to disclose information concerning the amount and person associated with a waiver or reduction.

Referred to Assembly Committee on Taxation
ASSEMBLY VOTE: 42-0-0
Referred to Senate Committee on Taxation
SENATE VOTE: 21-0-0
Effective April 14, 1993

A.B. 103 (Chapter 444)

Assembly Bill 103 authorizes counties to increase the rate of taxes imposed for public mass transportation and the construction of public roads. The measure also specifies that a change in the rate of this tax or the similar tax to promote tourism must be approved by the electorate, and that the imposition or increase of these taxes must be submitted to the voters at a general election. Finally, the bill requires a temporary exemption from these taxes for the gross receipts from the sale of tangible personal property used for construction projects under specified conditions.

Referred to Assembly Committee on Taxation
ASSEMBLY VOTE: 39-1-2
Referred to Senate Committee on Taxation
SENATE VOTE: 21-0-0
Effective October 1, 1993

A.B. 136 (Chapter 108)

Assembly Bill 136 revises the provisions governing the assessment and conversion of agricultural and open-space real property. The measure amends the filing date for agricultural use and open-space assessment, eliminates the requirement that action be taken on such applications before December 15 of each year, removes the provision that allows late applications to be petitioned to the County Board of Equalization, and clarifies provisions concerning parcels which are converted to a higher use.

Referred to Assembly Committee on Taxation
ASSEMBLY VOTE: 42-0-0
Referred to Senate Committee on Taxation
SENATE VOTE: 20-0-1
Effective May 11, 1993

A.B. 153 (Chapter 464)

Assembly Bill 153 requires the Department of Taxation to convene annually a committee consisting of the heads of certain state and local government agencies to coordinate their collection of information and forms relating to the conduct of business so that each enterprise is required to furnish information to government in as few separate reports as possible. The Executive Director

of the department is authorized to establish subcommittees to perform various tasks necessary to achieve such a consolidation.

The measure requires the committee to develop an initial consolidated application form for use after July 1, 1994, by the Department of Taxation, the Employment Security Department, the State Industrial Insurance System, the State Department of Conservation and Natural Resources, and any other state or local government agency.

Further, A.B. 153 requires the committee to develop consolidated forms related to the collection by the State of business taxes and fees by October 1, 1994. Additionally, the committee is directed to develop a simplified document that summarizes all taxes and fees related to doing business in this State and includes the addresses and telephone numbers of pertinent state and local agencies.

The committee is directed to report quarterly to the Legislative Commission, and submit a final report by February 15, 1995, concerning the committee's progress and compliance with these provisions.

Referred to Assembly Committee on Government Affairs
ASSEMBLY VOTE: 42-0-0
Referred to Senate Committee on Government Affairs
SENATE VOTE: 21-0-0
Effective July 1, 1993

A.B. 173 (Chapter 63)

Assembly Bill 173 requires that a proposal to amend the Sales and Use Tax Act be submitted to the voters at the 1994 General Election. This proposal exempts from the Act the sale, storage, or other use of horses. Approval of this proposal by the voters also adds the same exemption to the Local School Support Tax and City-County Relief Tax laws.

Referred to Assembly Committee on Taxation
ASSEMBLY VOTE: 42-0-0
Referred to Senate Committee on Taxation
SENATE VOTE: 16-5-0
Effective: Pending the outcome of the November 8, 1994, General Election

A.B. 233 (Chapter 363)

Assembly Bill 233 clarifies legislative intent regarding the scope and application of the casino entertainment tax. The measure provides that the 10 percent tax is not applicable to entertainment presented in a facility that

would not have been subject to the Federal Cabaret Tax as that tax existed in 1965.

Referred to Assembly Committee on Judiciary and re-referred to Committee on Taxation
ASSEMBLY VOTE: 39-0-3
Referred to Senate Committee on Judiciary
SENATE VOTE: 19-0-2
Effective July 1, 1993

A.B. 394 (Chapter 504)

Assembly Bill 394 amends the law relating to the business tax. The bill authorizes the Department of Taxation to revoke the business license of a firm that does not pay the tax. In addition, the bill changes the tax rate to provide for all businesses to pay a flat rate of $25 per employee per quarter. Currently, the tax rate varies with the size of the firm. Finally, the bill stipulates that the tax for each quarter is due by the last day of the month following the end of that quarter, except that the payment due for the quarter ending September 30, 1993, is due on October 1, 1993. The department may grant a 30-day extension for good cause.

Referred to Assembly Committee on Taxation
ASSEMBLY VOTE: 40-2-0
Referred to Senate Committee on Taxation
SENATE VOTE: 21-0-0
Effective July 1, 1993

A.B. 423 (Chapter 394)

Assembly Bill 423 establishes the principles which the Nevada Tax Commission must apply in administering the taxes and fees which are imposed by the State. In adopting regulations, enforcement policies, and policies for auditing taxpayers, the commission's policies must include the following principles:

- Forms, instructions, and regulations for computing the amount of tax due must be brief and easily understood.

- The mechanism for collecting state taxes must be compatible with the collection of taxes imposed by other jurisdictions on the same property or revenue.

- Unless a change is necessary because of a new law or to be compatible with a tax imposed by another jurisdiction, the forms, instructions, and

regulations must remain the same from year to year, so the taxpayer's liability is as predictable as possible.

- Exemptions or waivers, where permitted by law, must be granted equitably among eligible taxpayers and as sparingly as is consistent with the legislative intent, to retain the broadest feasible tax base.

- Audits and other enforcement procedures must be applied as uniformly as practical.

- Tax collection must be pursued equitably to make certain that every taxpayer pays the full amount imposed by law.

Referred to Assembly Committee on Taxation
ASSEMBLY VOTE: 42-0-0
Referred to Senate Committee on Taxation
SENATE VOTE: 21-0-0
Effective October 1, 1993

A.B. 433 (Chapter 144)

Assembly Bill 433 allows the governing body of a city with a population of 200,000 or more to create a district to finance the costs of improving a central business area. The governing body is authorized to impose a tax of up to 2 percent on transient lodging for projects designed to encourage tourism or to improve the aesthetic environment of the central business area.

The tax rate may be waived or set at different rates in certain areas or for a particular business depending on the benefits to be received from the project. The city is allowed to pledge the proceeds from the tax to pay for general or special obligations issued for authorized projects.

The bill specifies the procedure for challenging in district court the validity of the ordinance, tax, or project. Such a challenge must begin within 15 days of the effective date of the ordinance. The court is required to affirm the validity unless the approval was the result of fraud or a gross abuse of discretion.

The measure currently affects only the City of Las Vegas.

Referred to Assembly Committee on Government Affairs
ASSEMBLY VOTE: 41-0-1
Referred to Senate Committee on Government Affairs
SENATE VOTE: 20-0-1
Effective May 20, 1993

A.B. 448 (Chapter 369)

Assembly Bill 448 revises the exemption provisions of Nevada's business tax. In a county with a population of 35,000 or more, a proposed business is exempt from the business tax if it has more than 75 full-time employees, makes a capital investment of $1 million in Nevada, and the Commission on Economic Development approves the exemption. In a county with a population of less than 35,000, a proposed business with 25 or more full-time employees may be exempt if establishing the business requires a capital investment of $250,000 in Nevada and the Commission on Economic Development approves the exemption.

Finally, the measure removes the provision directing the Commission on Economic Development to adopt regulations regarding the criteria for determining whether a business has substantially complied with the tax exemption requirements.

Referred to Assembly Committee on Taxation
ASSEMBLY VOTE: 37-4-1
Referred to Senate Committee on Taxation
SENATE VOTE: 20-1-0
Effective July 1, 1993

A.B. 456 (Chapter 582)

Assembly Bill 456 amends the law relating to the business tax. The bill changes the method in which the number of full-time equivalent employees is determined for the purpose of imposing the tax.

In addition, the bill requires operators of facilities in which trade shows or conventions are held to pay a tax on behalf of the businesses who participate in these events. The operator may pay a flat fee of $5,000 per year or $1.25 per day for each participating business. Finally, the bill requires the Division of Motion Pictures to collect the business tax from firms engaged in making motion pictures in Nevada.

Referred to Assembly Committee on Taxation
ASSEMBLY VOTE: 41-1-0
Referred to Senate Committee on Taxation
SENATE VOTE: 21-0-0
Effective July 12, 1993, for purposes of adopting regulations, and January 1, 1994, for all other purposes.

A.B. 482 (Chapter 370)

Assembly Bill 482 allows a mobile home, which previously was converted to real property pursuant to state law, to be converted to personal property for the purpose of taxation. The measure establishes a procedure for such a conversion which requires the mobile home owner to file certain affadavits with the Manufactured Housing Division concerning the transfer of title and consent to remove the mobile home. The owner also must give written notice to the county assessor. The assessor is required to certify that all taxes for the fiscal year on both the mobile home and the land on which it is situated have been paid.

The assessor may not remove the mobile home from the tax rolls until verification is received that there is no security interest in the mobile home or the holders of such interest have agreed in writing to the conversion of the mobile home to personal property. Also, an affadavit of conversion of the mobile home from real to personal property must be recorded in the office of county recorder. After these requirements have been met, the mobile home becomes personal property for the purpose of taxation immediately upon its physical removal from the real property.

Finally, the Department of Taxation is required to adopt standard affadavit forms and any regulations deemed necessary to carry out this law.

Referred to Assembly Committee on Taxation
ASSEMBLY VOTE: 42-0-0
Referred to Senate Committee on Taxation
SENATE VOTE: 21-0-0
Effective July 1, 1993

A.B. 640 (Chapter 606)

Assembly Bill 640 eliminates the tax exemption for property held by the Nature Conservancy for ultimate acquisition by the Federal Government. If such property is held for conservation purposes, the bill provides that it must be assessed at the rate set for first-class pasture during the period it is held by the Nature Conservancy. If the property is held for any other purpose, it must be assessed as similar private property is assessed. In addition, the bill

specifically prohibits cancellation of the lien for deferred tax on agricultural or open space property held by the Nature Conservancy for transfer to any tax-exempt entity.

Referred to Assembly Committee on Taxation
ASSEMBLY VOTE: 41-1-0
Referred to Senate Committee on Taxation
SENATE VOTE: 17-4-0
Effective July 13, 1993

A.B. 680 (Chapter 568)

Assembly Bill 680 allows the sales tax on the purchase of a motor vehicle, sold by a person who is not required to be registered with Nevada's Department of Taxation, to be computed based on an appraisal conducted by an independent appraiser authorized by the Department of Motor Vehicles and Public Safety (DMV&PS). The bill allows an authorized appraisal to be submitted by such a seller to DMV&PS instead of a copy of the bill of sale. Additionally, the measure directs the DMV&PS to establish by regulation a procedure and a form for appraising vehicles.

Referred to Assembly Committee on Transportation
ASSEMBLY VOTE: 42-0-0
Referred to Senate Committee on Taxation
SENATE VOTE: 21-0-0
Effective October 1, 1993

A.B. 731 (Chapter 563)

Assembly Bill 731 requires that a proposal to amend the Sales and Use Tax Act be submitted to the voters at the 1994 General Election. This proposal expressly exempts from the Act sales made to and by governmental entities and organizations created for charitable or religious purposes, thus clarifying the current exemption in state law. Approval of this proposal by the voters also adds the same exemption to the Local School Support Tax and City-County Relief Tax laws.

Referred to Assembly Committee on Taxation
ASSEMBLY VOTE: 42-0-0
Referred to Senate Committee on Taxation
SENATE VOTE: 21-0-0
Effective January 1, 1995, if the referenced question is approved by voters at the 1994 General Election.

A.B. 778 (Chapter 456)

Assembly Bill 778 provides for the prepayment of the insurance premium tax. Currently, the tax is paid at the end of each quarter.

On or before March 1 each year, an insurer is required to pay at least half the estimated tax for the calendar year. The remainder is to be paid on or before June 15. If the estimated prepayment results in the overpayment of the tax for the year, the overpayment is to be applied to the next year's tax liability. If the estimated prepayment results in the underpayment of the tax by 15 percent or more, the insurer must pay a 5 percent penalty, an administrative fine of $2,000 and interest of 1.5 percent per month on the amount of the underpayment. The bill also requires that the amount of prepaid taxes must be considered an asset when assessing the financial condition of an insurer.

The bill also provides for a transition from the current system of collection to the new system. On or before February 1, 1996, the Commissioner of Insurance is directed to allocate a tax credit of $1,750,000 among insurers in proportion to their prepayments for the 1995 calendar year. The insurers may use 20 percent of this credit each year for 5 years to offset their tax liability.

Referred to Assembly Committee on Commerce
ASSEMBLY VOTE: 31-11-0
Referred to Senate Committee on Taxation
SENATE VOTE: 13-8-0
Effective January 1, 1995

A.B. 786 (Chapter 454)

Assembly Bill 786 increases the quarterly fee paid by restricted slot route operators. For operators who have from one to five slot machines, the fee is increased from $45 to $61 per machine. For those with six to 15 machines, the fee is increased from $225 plus $90 for each slot machine in excess of five, to $305 plus $106.

Referred to Assembly Committee on Taxation
ASSEMBLY VOTE: 33-6-3
Referred to Senate Committee on Taxation
SENATE VOTE: 18-1-2
Effective July 1, 1993

Property Taxes

S.B. 41 (Chapter 661)

Senate Bill 41 revises the Senior Citizens' Property Tax Assistance Act. The bill makes it clear that the term "home" does not include portions of a building which are not used as living quarters and generate income for the claimants. The definition of the term "accrued property taxes" is revised to apply to taxes due during the month of August preceding, rather than following, the date on which the application for a refund is filed. The period of time during which the home must be the principal residence of the claimant is also clarified.

The method for processing claims is revised to allow the county assessor to process all applications and submit claims to the Department of Taxation. The department is required to notify unsuccessful claimants by first class rather than registered or certified mail. The Executive Director of the department is required to certify all claims. Any balance remaining in the Senior Citizens' Property Tax Assistance Account must be carried forward to the next fiscal year.

Referred to Senate Committee on Taxation
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Taxation
ASSEMBLY VOTE: 42-0-0
Effective July 13, 1993

S.B. 231 (Chapter 271)

Senate Bill 231 establishes a certification procedure for utility and tax benefits to encourage new industry in Nevada.

The Commission on Economic Development is required to certify a business for certain benefits based upon specified criteria. The business must be consistent with the State's economic development plan and the economic benefits must exceed the costs to the State. The business must be engaged primarily in processing raw material or an intermediate product through a

recycling process that involves at least 50 percent of the material or product. The business also is required to make a capital investment of $50 million to qualify for the utility benefit and the property tax exemption and a capital investment of $15 million to qualify only for the property tax exemption.

For a certified business, the Public Service Commission of Nevada (PSCN) is allowed to authorize a public utility to transmit additional electricity, through the process known as "retail wheeling," to reduce the overall cost of power to the business. The business must agree to continue its operations in Nevada for 30 years as a condition of the authorization, and appropriate security is required for this agreement. Such an authorization also must include terms and conditions to ensure that the rates and charges on other customers of the public utility are not used to subsidize the cost of providing service to the business.

As another benefit, the measure authorizes a 75 percent personal property tax exemption for a certified business. This exemption also is subject to a 30-year operating agreement, and it applies only to property used in connection with the business.

The Commission on Economic Development is required to report to the next two sessions of the Nevada Legislature concerning the certifications granted and the effect of this act on attracting business to the State.

Referred to Senate Committee on Commerce and Labor
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Government Affairs
ASSEMBLY VOTE: 37-0-5
Effective June 24, 1993

S.B. 501 (Chapter 645)

Senate Bill 501 requires certain school districts to "buy down" the tax rate if any school bond issue, when added to other existing county bonds, causes the combined rate to exceed the statutory limit of $3.64 per $100 of assessed value. The school district must then transfer money from its general fund to the county, which must use the funds to reduce the tax rate accordingly and file a revised budget.

Senate Bill 501 addresses a problem in White Pine County. After the voters approved a school bond issue in 1992, the county's assessed valuation decreased significantly. As a result, the tax rate to support the school bond issue, when added to existing county debt rates, would have pushed the combined rate over the maximum allowed by statute. This bill requires the

school district to use its general fund money to "buy down" the county's debt to the statutory limit.

Referred to Senate Committee on Taxation
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Taxation
ASSEMBLY VOTE: 41-1-0
Effective July 13, 1993

S.B. 506 (Chapter 475)

Senate Bill 506 revises statutory provisions governing the distribution of the proceeds of the Supplemental City-County Relief Tax (SCCRT). The measure corrects specific mistakes made in A.B. 104 of the 1991 Session, known as the "fair-share" bill. The errors involve incorrect figures used to determine the amounts of revenue received by Churchill County and the formula adjusting revenues for the "rural guarantee" counties from year to year. Senate Bill 506 corrects these errors by changing the distribution amounts for the next 2 years. The measure increases the amount of SCCRT revenue going to Churchill County by about $588,000 over the next 2 years and places Lander County into "rural guarantee" category. The bill also moves Eureka County, at least temporarily, into tax "exporter" status because of its increased mining activity.

In addition, the bill revises the method for determining changes to the amounts distributed, using actual rather than estimated data. To mitigate the effect of low revenues for fiscal year 1992-93, the measure permits the change to be spread over a 2-year period and allows affected counties to increase certain taxes for up to a full year to offset any lost revenues.

Finally, the measure provides for a reduction in the revenue property tax rate which was applied to Washoe County in 1991 to offset earlier tax shifts. The reduction amounts to 1.5 cents per $100 of assessed valuation in fiscal year 1993-94 and an additional 4 cents per $100 for each year thereafter. This change results in property tax savings for Washoe County property owners of $750,000 in fiscal year 1993-94 and a total of nearly $3 million per year thereafter.

These changes to the Supplemental City-County Relief Tax were agreed to by the counties and are accomplished without the need for a General Fund appropriation. The measure does **not** reduce the revenue going to Clark, Washoe, or four smaller counties over the 2-year period. The losses reported for those counties are simply reductions in the amounts of **gain** that would otherwise result from the revision to the rural guarantee formula. Under the

provisions of this act, Washoe County will surrender most of its gain, but the other five counties will retain 80 percent or more of their return over the 2-year period.

Referred to Senate Committee on Finance
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Taxation
ASSEMBLY VOTE: 42-0-0
Effective July 1, 1993

A.B. 1 (Chapter 24)

Assembly Bill 1 prohibits an increase in the assessed valuation of real or personal property of a business when improvements are made to remove certain barriers for persons with disabilities. These provisions expire by limitation on June 30, 2003.

Existing law contains a similar prohibition regarding improvements made to residential property. The bill broadens this prohibition.

Referred to Assembly Committee on Taxation
ASSEMBLY VOTE: 41-0-1
Referred to Senate Committee on Taxation
SENATE VOTE: 20-1-0
Effective July 1, 1993

A.B. 100 (Chapter 544)

Assembly Bill 100 extends the date, from Fiscal Year (FY) 1994-1995 to FY 1996-1997, before which the county commissioners may, with voter approval, impose a tax to improve safety and security in the public schools within the county's school district. In addition, the measure lowers the rate of the levy from 3 to 2 cents per $100 of assessed valuation. The bill clarifies that the school districts must not lower safety and security funding below the amount spent during the year the tax is approved by the voters. Finally, the measure extends the requirement, from January 15, 1993, to January 15, 1995, for a report to the Legislature concerning the uses of the proceeds from the tax by any school district that imposes the levy.

Referred to Assembly Committee on Taxation
ASSEMBLY VOTE: 42-0-0
Referred to Senate Committee on Taxation
SENATE VOTE: 21-0-0
Effective October 1, 1993

A.B. 102 (Chapter 543)

Assembly Bill 102 requires county treasurers to publish or post quarterly a notice of the due dates for payment of property taxes and the penalties for delinquency. The bill also repeals various requirements of the county treasurer regarding the payment and report of those taxes.

Referred to Assembly Committee on Taxation
ASSEMBLY VOTE: 42-0-0
Referred to Senate Committee on Taxation
SENATE VOTE: 21-0-0
Effective July 1, 1993

A.B. 137 (Chapter 55)

Assembly Bill 137 makes various changes to the provisions of state law concerning the assessment of property for taxation. The measure makes certain assessment procedures more efficient, clarifies confusing or contradictory laws, and repeals certain obsolete provisions.

Referred to Assembly Committee on Taxation
ASSEMBLY VOTE: 42-0-0
Referred to Senate Committee on Taxation
SENATE VOTE: 21-0-0
Effective: Sections 4 through 12 on July 1, 1993; all others on April 14, 1993

A.B. 183 (Chapter 11)

Assembly Bill 183 requires that a proposal for an ad valorem tax to support hiring of additional officers by a metropolitan police department be submitted to the voters who reside in the geographical areas served by the department. The measure provides that if the tax is disapproved by voters in any of the area's taxing districts, the tax may not be imposed on any of the districts. The bill further specifies the apportionment of the tax among the taxing districts and the maximum combined rate that may be applied. The measure only applies to counties whose population is 400,000 or more.

Referred to Assembly Committee on Taxation
ASSEMBLY VOTE: 41-0-1
Referred to Senate Committee on Taxation
SENATE VOTE: 20-0-1
Effective March 19, 1993

A.B. 282 (Chapter 353)

Assembly Bill 282 authorizes counties, with the approval of the voters, to impose a property tax of 15 cents per $100 valuation for a period of up to 10 years. The proceeds of this tax are to be distributed to the county, the cities and towns in proportion to the Supplemental City-County Relief Tax distributions for fiscal year 1990-91. Each local government that receives a portion of the proceeds from this tax is to establish a fund for capital projects. Money may be held in this fund for up to 10 years. The money may be used to purchase capital assets, construct or repair public works, or renovate existing facilities.

The bill also repeals a provision which allows counties to establish a surplus building and maintenance reserve fund.

Referred to Assembly Committee on Taxation
ASSEMBLY VOTE: 42-0-0
Referred to Senate Committee on Taxation
SENATE VOTE: 20-0-1
Effective July 1, 1993

A.B. 305 (Chapter 365)

Assembly Bill 305 authorizes the levy of a property tax in an irrigation district to pay for attorneys' fees and other costs directly related to protecting the supply and distribution of water.

Referred to Assembly Committee on Taxation
ASSEMBLY VOTE: 42-0-0
Referred to Senate Committee on Taxation
SENATE VOTE: 21-0-0
Effective July 1, 1993

A.B. 395 (Chapter 442)

Assembly Bill 395 requires election notices relating to the issuance of bonds or other securities to contain annual cost estimates for the operation and maintenance of the facilities or improvements to be constructed or acquired with the proceeds of the bonds or securities.

The bill also requires the Washoe County Board of County Commissioners to levy an additional property tax at a rate not to exceed 7.74 cents per $100 of assessed valuation for the operation of a jail for the county and cities of Reno and Sparks. The statutory change is intended to allow the revenue to increase with population growth and inflation, and thereby keep pace with the increasing cost of operating such a facility. Under previous law, the county was limited to a fixed amount of revenue derived annually from property taxes.

Referred to Assembly Committee on Taxation
ASSEMBLY VOTE: 25-17-0
Referred to Senate Committee on Taxation
SENATE VOTE: 21-0-0
Effective July 9, 1993

A.B. 697 (Chapter 532)

Assembly Bill 697 requires the Department of Taxation to impose a fee on the owners of centrally assessed property and the counties that receive revenues from the taxation of that property to pay the costs of administering the tax. The bill also requires the department to impose a fee on each county that receives revenues from the tax on the net proceeds of mines to pay the costs of administering that tax.

Referred to Assembly Committee on Taxatiion
ASSEMBLY VOTE: 28-11-3
Referred to Senate Committee on Taxation
SENATE VOTE: 11-10-0
Effective July 1, 1993. Expires by limitation on July 1, 1995.

A.B. 735 (Chapter 562)

Assembly Bill 735 revises the law regarding the manner in which the value of certain beneficial uses and possessory interests in property is determined for the purpose of imposing property taxes. The bill declares that the intent of the Legislature is to assess the right of use or enjoyment of property that is owned by a tax-exempt entity but leased to a person who is not tax-exempt in the same manner as these rights would be assessed if they were enjoyed pursuant to an ownership interest.

The bill provides that, in valuing these interests, the assessor must consider the portion of the property leased or used and the percentage of the year that it is leased or used.

Referred to Assembly Committee on Taxation
ASSEMBLY VOTE: 40-0-2
Referred to Senate Committee on Taxation
SENATE VOTE: 21-0-0
Effective July 1, 1993

A.B. 768 (Chapter 666)

Assembly Bill 768 provides an exemption from property tax for facilities used to produce electrical power from recycled materials such as tires, plastic, asphalt shingles, and agricultural or municipal wastes. The bill also limits the tax exemption for these facilities and active solar energy systems to 10 years for personal property and 20 years for real property.

Referred to Assembly Committee on Taxation
ASSEMBLY VOTE: 27-14-1
Referred to Senate Committee on Taxation
SENATE VOTE: 20-0-1
Effective July 2, 1993

TRANSPORTATION

S.B. 106 (Chapter 439)

Senate Bill 106 amends the law regulating the maximum weight for certain vehicles operated on public highways other than interstate highways. The bill provides that buses operated by a regional transportation commission or its contractor may not weigh more than 20,000 pounds on a single axle with single tires or 25,000 pounds on a single axle with dual tires.

Referred to Senate Committee on Transportation
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Transportation
ASSEMBLY VOTE: 42-0-0
Effective October 1, 1993

S.B. 235 (Chapter 436)

Senate Bill 235 defines accessory road to mean any way over public land, established between 1866 and 1976, for which the general use or enjoyment before 1976 is not established, and that provides access to private property. The bill provides that these roads are to remain open, but that local governments have no duty to maintain them and are not liable for damages suffered as a result of their use. The roads may be maintained by their users.

The State Forester Firewarden may temporarily close an accessory road when there is danger from fire resulting from the use of the road. These closures may not prevent a public utility from using the road to maintain its facilities. The bill also provides a procedure which a county commission may follow to permanently close an accessory road. If a permanent road closure prevents an owner from obtaining access to his property, the public agency which closed the road must compensate the owner.

The bill declares that it is in the interest of the State of Nevada to keep accessory roads open and available for use. If an agency of the United States attempts to close a road or exact a fee for its use, the Attorney General may bring an action for declaratory judgment to keep the road open or to obtain just compensation for land owners who may be affected.

Referred to Senate Committee on Transportation and
Re-referred to Committee on Finance
SENATE VOTE: 19-2-0
Referred to Assembly Committee on Transportation
ASSEMBLY VOTE: 42-0-0
Effective October 1, 1993

S.B. 236 (Chapter 435)

Senate Bill 236 grants immunity from liability to the State and its counties for damages suffered by people from the use of minor county roads. The bill also allows the user of a minor county road to file a map of the road with the county recorder, revises the requirements for designating and indexing these roads, and relieves counties of the responsibility for including these roads on the map of their road systems.

Referred to Senate Committee on Transportation
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Transportation
ASSEMBLY VOTE: 42-0-0
Effective October 1, 1993

S.B. 427 (Chapter 429)

Senate Bill 427 amends the law relating to scenic highways. The bill requires the Director of Nevada's Department of Transportation to adopt regulations prescribing the requirements for the designation of a highway as a scenic route. The bill deletes the requirement that a scenic highway lead to a special point of interest and have an alternate parallel route.

This measure enables Nevada to qualify for Federal scenic highway funds.

Referred to Senate Committee on Transportation
SENATE VOTE: 20-0-1
Referred to Assembly Committee on Transportation
ASSEMBLY VOTE: 42-0-0
Effective July 9, 1993

S.B. 430 (Chapter 455)

Senate Bill 430 amends traffic laws regarding the entry and exit of vehicles on freeways and the use of sirens and lights by emergency vehicles.

The bill provides that a vehicle about to enter or exit a controlled-access highway is required to yield the right-of-way to another vehicle only if that

vehicle constitutes an immediate hazard. Vehicles on the freeway are required to yield the right-of-way to vehicles which are entering or exiting.

The bill also stipulates that the operator of an emergency or official vehicle provides a sufficient signal to other vehicles with the use of flashing lights. The driver of an official vehicle in pursuit of a violator of the law gives a sufficient signal by using either flashing lights or a siren.

Under current law, a vehicle entering a freeway is required always to yield the right-of-way to vehicles already on the freeway. The measure is designed to make traffic flow more orderly and less hazardous. In addition, the bill provides that, in specific emergency situations, flashing lights provide sufficient notice to other vehicles. Under certain conditions, it is easier to see flashing lights than to hear sirens.

Referred to Senate Committee on Transportation
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 42-0-0
Effective October 1, 1993

S.B. 435 (Chapter 380)

Senate Bill 435 increases the maximum length allowed for passenger buses from 40 feet to 45 feet. This change in the maximum bus length was mandated by the Federal Intermodal Surface Transportation Efficiency Act of 1991.

Referred to Senate Committee on Transportation
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Transportation
ASSEMBLY VOTE: 41-0-1
Effective October 1, 1993

S.B. 456 (Chapter 382)

Senate Bill 456 provides that the handlebars on a motorcycle may not extend above the shoulders of the driver when seated. Currently, the law limits the height of motorcycle handlebars to not more than 15 inches above the uppermost part of the driver's seat.

Referred to Senate Committee on Transportation
SENATE VOTE: 18-1-2
Referred to Assembly Committee on Transportation
ASSEMBLY VOTE: 38-3-1
Effective October 1, 1993

S.B. 498 (Chapter 646)

Senate Bill 498 amends the law regarding trucks and other heavy-duty vehicles. The bill provides that if a peace officer or vehicle safety inspector detains the driver of such a vehicle for an equipment violation, the officer is to issue a citation or a notice of correction instead of arresting the driver. If the officer determines that the vehicle is unsafe and is an immediate hazard, the officer may require that the vehicle be taken to the nearest garage where it can be repaired. If the vehicle is carrying wet concrete or other perishable cargo, does not pose an immediate threat to life, and is destined for a location not more than 15 miles away, the officer must not delay the vehicle for more than 15 minutes. After the vehicle has delivered its cargo, the officer may require that it be taken to the nearest garage for repair.

Referred to Senate Committee on Transportation
SENATE VOTE: 20-1-0
Referred to Assembly Committee on Transportation
ASSEMBLY VOTE: 41-0-1
Effective October 1, 1993

A.B. 6 (Chapter 16)

Assembly Bill 6 establishes the right-of-way procedure where a traffic signal has been installed and the signal lights are uncovered but are inoperative, due, perhaps, to a power failure or other malfunction. The bill requires that a driver stop at the intersection, as if it were a four-way stop, and yield to any car that reached the stop first or is in the intersection.

Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 41-0-1
Referred to Senate Committee on Judiciary
SENATE VOTE: 21-0-0
Effective October 1, 1993

A.B. 138 (Chapter 618)

Assembly Bill 138 revises certain provisions concerning the speed limits in school zones and school crossing zones.

The bill defines the terms "school zones" and "school crossing zones." It also restricts the imposition of a 15 mile per hour (mph) speed limit in a school zone to a period starting one-half hour before school begins and ending one-half hour after classes end. If the school zone is designated by a speed beacon, the 15-mph speed limit does not apply when the pupils are in class and the yellow flashing lights have been turned off.

Additionally, the measure imposes a speed limit of 25 mph in a school crossing zone during a period beginning one-half hour before school begins and ending one-half hour after classes end. The 25-mph speed limit does not apply on days when school is not in session or, if the crossing is designated by a speed beacon, during the time that the pupils are in class and the yellow flashing lights have been turned off.

Referred to Assembly Committee on Government Affairs
ASSEMBLY VOTE: 41-0-1
Referred to Senate Committee on Transportation
SENATE VOTE: 21-0-0
Effective July 1, 1993

A.B. 176 (Chapter 446)

Assembly Bill 176 revises provisions regarding roads made public by prescriptive use. The measure stipulates that five or more state residents may petition a board of county commissioners to open, reopen, close, relocate, or abandon a public road within a county. Proof of residency, as well as adequate maps and documentation to justify a hearing, must be submitted with the petition. Time frames in which to notify the public and conduct the hearing also are specified.

In addition, the bill provides standards for the board to determine whether a road is a "public road." These standards relate to:

1. Construction of improvements on unappropriated, unreserved public land;

2. An improvement constructed by mechanical means necessary for customary or usual passage; and

3. A right-of-way accepted by state or local government as a public road or as access to a mining claim or other private property.

Furthermore, the board's decision to open, reopen, close, relocate, or abandon a road must be based on specific findings, such as the resulting public benefit, impairment of the environment, and reduction in the value of public or private

property. The closure of a road does not prohibit a governmental agency or public utility from using it to service its facilities.

The measure protects the county, its officers or employees from legal action related to damage suffered by a person solely as a result of the unmaintained condition of roads made public under these provisions. Finally, the bill clarifies the Department of Transportation's right to regulate freeways and highways under this legislation.

Referred to Assembly Committee on Transportation
ASSEMBLY VOTE: 40-1-1
Referred to Senate Committee on Transportation
SENATE VOTE: 21-0-0
Effective July 9, 1993

A.B. 379 (Chapter 585)

Assembly Bill 379 prohibits the use of certain types of window tinting material on motor vehicles required to be registered in Nevada. The bill restricts the application of tinting material, or the operation of a vehicle with such material, on the driver's immediate left or right windows, unless the transparent material allows light transmission of at least 35 percent, with a tolerance of 7 percent. The measure also prohibits a tint darker than 35 percent on side and rear windows and the windshield under certain circumstances.

The bill exempts windows or windshields tinted darker than 35 percent, if the vehicle was sold when new with such material or could have been sold when new with the tint as standard or optional equipment without violating Federal statutes or regulations at the time of manufacture. The bill also exempts vehicles with a model year of 1993 or earlier if the transparent material was installed before July 1, 1993.

In addition, businesses that engage in window tinting must clearly display a sign stating the limitations of this law. A violation of these provisions is a misdemeanor.

Assembly Bill 379 arose from concerns regarding roadway and personal safety. Many law enforcement officers consider the inability to view the occupants of a vehicle a hazardous situation. Additionally, darkly tinted windows may impede a driver's eye contact with other drivers and hinder the safe operation of their vehicles. A tolerance of 7 percent was added to the 35 percent limit to allow for variances in the film and in factory tinting of windows.

Referred to Assembly Committee on Transportation
ASSEMBLY VOTE: 29-13-0
Referred to Senate Committee on Transportation
SENATE VOTE: 16-4-1
Effective July 1, 1993

A.B. 565 (Chapter 398)

Assembly Bill 565 allows the choice of the words "Pearl Harbor Veteran" or "Pearl Harbor Survivor" to be inscribed on the license plate of a person qualified for this designation.

Referred to Assembly Committee on Transportation
ASSEMBLY VOTE: 41-0-1
Referred to Senate Committee on Transportation
SENATE VOTE: 21-0-0
Effective October 1, 1993

A.B. 645 (Chapter 571)

Assembly Bill 645 revises various provisions governing vehicle dealers and other enterprises related to motor vehicles. The bill allows a person injured by the action of certain businesses to apply to the Director of Nevada's Department of Transportation (NDOT) for compensation from a bond required by the department for such purposes. These businesses consist of a vehicle transporter; dealer, distributor, rebuilder, manufacturer, representative or salesman; automobile wrecker; operator of a salvage pool; or operator of a body shop. For good cause shown and after an opportunity for a hearing, the Director may determine the amount of compensation and the payee. The surety is then required to make the payment. With the exception of vehicle transporters, the Director may also determine the amount of compensation and disburse payment from a deposit held by the department for a person injured by these businesses.

In addition, the definition of a "dealer" or "vehicle dealer" is modified to exclude a person who does not sell more than three personally owned vehicles in any 12-month period. The measure also requires a dealer to retain books and records for 3 years after ceasing to be licensed as a dealer. The NDOT is directed to develop regulations to provide a temporary license for a licensed dealer to conduct business at a temporary location.

Further, the definition of a "salesman" is revised to exclude persons employed by a trailer or semitrailer dealer. Alternatively, the bill broadens the definition to include a person who exercises managerial control, supervises salesmen, or negotiates with a customer to enter into a security agreement for a dealer or

long-term or short-term lessor. The definition of a body shop is also modified to include any place where a motor vehicle is painted for compensation. Moreover, an applicant for a manufacturer's, distributor's, dealer's, or rebuilder's license must submit a certificate of insurance for automobile liability to the department.

Finally, the bill repeals the licensing requirement and penalty regarding the rental of space to display vehicles for sale.

Referred to Assembly Committee on Transportation
ASSEMBLY VOTE: 42-0-0
Referred to Senate Committee on Transportation
SENATE VOTE: 21-0-0
Effective: Certain sections are effective July 12, 1993.
Remaining provisions are effective October 1, 1993.

A.B. 648 (Chapter 406)

Assembly Bill 648 revises certain provisions governing the program for the education of motorcycle riders. The bill specifies that trimobiles, which are motorized, three-wheeled vehicles, are not included in this program. Additionally, a member of the Armed Forces stationed in Nevada, in addition to a Nevada resident, is allowed to be licensed as an instructor of the program. Finally, the measure reduces from 3 years to 2 years the period of time during which a person's driving record must be free of certain traffic violations in order to be licensed as an instructor of the program.

Referred to Assembly Committee on Transportation
ASSEMBLY VOTE: 38-0-4
Referred to Senate Committee on Transportation
SENATE VOTE: 17-4-0
Effective October 1, 1993

A.B. 665 (Chapter 570)

Assembly Bill 665 authorizes Nevada's Department of Transportation (NDOT) to establish an emergency telephone system along the most frequently traveled public highways. In addition, the bill requires NDOT, in cooperation with the Telecommunications Division of the Department of General Services, to study alternative methods of establishing an emergency telephone system and formulate a comprehensive, statewide plan for such a system.

A report of the study findings and recommendations must be submitted to the Director of the Legislative Counsel Bureau by January 3, 1995, for distribution to the 68th Session of the Nevada Legislature.

Referred to Assembly Committee on Transportation
ASSEMBLY VOTE: 40-1-1
Referred to Senate Committee on Transportation
SENATE VOTE: 21-0-0
Effective October 1, 1993

A.B. 726 (Chapter 531)

Assembly Bill 726 requires certain motor carriers to designate a person to ensure compliance with various provisions of the Federal Americans with Disabilities Act of 1990 (ADA). In accordance with Federal regulations, the designee must conduct training sessions to provide each employee with 3 hours of training. These training sessions must include:

1. A description of the carrier's plan for compliance with the ADA;

2. An explanation of the employee's obligations to assist a person with a disability to store a mobility device; and

3. An explanation of the illegality of charging an additional fee or higher fare to a person with a disability.

The bill creates a penalty for failure to designate a person to ensure compliance and conduct proper training sessions.

Referred to Assembly Committee on Transportation
ASSEMBLY VOTE: 41-0-1
Referred to Senate Committee on Transportation
SENATE VOTE: 21-0-0
Effective October 1, 1993

Drivers' Licenses and Vehicle Registration

S.B. 105 (Chapter 28)

Senate Bill 105 repeals an obsolete provision which prescribed the conditions under which a person under the age of 18 years could be licensed to drive a school bus.

Current law requires that a person be at least 21 years old in order to qualify for a commercial driver's license, such as would be required to operate a school bus.

Referred to Senate Committee on Transportation
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Transportation
ASSEMBLY VOTE: 42-0-0
Effective July 1, 1993

S.B. 193 (Chapter 157)

Senate Bill 193 amends the law relating to drivers' licenses. The bill requires the Department of Motor Vehicles and Public Safety to adopt tests and other requirements for the reinstatement of a driver's license after it has been suspended, revoked, cancelled, or voluntarily surrendered. The tests must provide a fair evaluation of a person's ability to operate a motor vehicle. The department may allow for the waiver of certain tests or requirements when necessary. The department is also directed to adopt regulations regarding the circumstances under which the administrator may rescind a revocation, suspension, or cancellation of a license.

In addition, the bill requires that the department establish a procedure for allowing a person to voluntarily surrender his or her license and for the license to be reissued. The department may not charge a fee for reinstating a driver's license which has been voluntarily surrendered for medical reasons or has been cancelled because the driver was a minor and the person who had signed the application for the minor's license had requested that it be cancelled.

Finally, the bill modifies a law regarding verification of mandatory insurance coverage. Currently, the law requires that the department suspend the registration of a vehicle if a form for verification of insurance is returned with an admission of no coverage. The bill provides that the department may rescind its suspension of the registration if the owner proves that there was a justifiable cause for not obtaining insurance. In these cases, the owner will not be required to file proof of financial responsibility (the SR 22 form) or pay the $100 fee for reinstatement of the registration.

Referred to Senate Committee on Transportation
SENATE VOTE: 20-0-1
Referred to Assembly Committee on Transportation
ASSEMBLY VOTE: 41-1-0
Effective October 1, 1993

S.B. 262 (Chapter 522)

Senate Bill 262 reduces the additional fee charged for special license plates issued to amateur radio operators from $35 to $25. The bill also lowers the $20 annual fee for a renewal sticker to $15. In addition, the measure allows

the Department of Motor Vehicles and Public Safety (DMV&PS) to adopt regulations setting forth the requirements and procedures for a waiver of the annual renewal fee. The DMV&PS may waive the renewal fee if the applicant submits a statement that he will assist in communications during local, state, and Federal emergencies and satisfies any other requirements set forth in the regulations for such a waiver.

Referred to Senate Committee on Transportation
SENATE VOTE: 20-0-1
Referred to Assembly Committee on Transportation
ASSEMBLY VOTE: 41-0-1
Effective October 1, 1993

S.B. 415 (Chapter 652)

Senate Bill 415 authorizes the Department of Motor Vehicles and Public Safety (DMV&PS) to request an applicant for a driver's or motorcycle license, renewal, or identification card to state whether the applicant is a veteran of the Armed Forces and the dates of service. The bill directs the DMV&PS to maintain records of the number and dates of service of these applicants. The department must make this information available to the Commissioner for Veteran Affairs. However, any information collected from applicants may only be provided in aggregate form. No personal identifying information may be released.

A report of these activities must be submitted to the 1995 Nevada Legislature.

Referred to Senate Committee on Finance
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Transportation
ASSEMBLY VOTE: 37-5-0
Effective: Certain sections are effective on July 1, 1993. Remaining provisions are effective on October 1, 1993. The bill sunsets on July 1, 1995.

S.B. 452 (Chapter 417)

Senate Bill 452 authorizes the Department of Motor Vehicles and Public Safety, in cooperation with the Board of Regents and the university athletic departments, to design and issue license plates using appropriate designs and colors to represent the University of Nevada, Reno, and the University of Nevada, Las Vegas. In addition to all other registration fees and taxes, the fee for collegiate license plates is $35 and the renewal cost is $10.

The bill also creates a collegiate license plate account in the State General Fund. Persons who request these plates must pay additional fees of $25 for the

initial issuance of the plates and $20 for each renewal. Money from these fees must be deposited in the fund for scholarships at the two universities. One-half of the money in this fund must be used for athletic scholarships and one-half for academic scholarships.

Referred to Senate Committee on Transportation
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Transportation
ASSEMBLY VOTE: 42-0-0
Effective October 1, 1993

S.B. 497 (Chapter 623)

Senate Bill 497 authorizes the issuance of special license plates for the support of a veterans' home in Nevada. These license plates, which may be issued to veterans, their parents, spouses, or children, are to bear the inscription "VETERAN" and the seal of a branch of the armed services.

The bill also creates a veterans' home account in the State General Fund. Money deposited in this account may be expended for the construction, operation, and maintenance of a veterans' home. Applicants are required to pay special fees for deposit into this account of $25 for the initial issuance of the plates and $20 for an annual renewal sticker.

In addition to all other applicable fees and taxes, including the special fees for the veterans' home, applicants must pay a fee of $35 for the initial issuance of the plates and $10 for an annual renewal sticker.

Referred to Senate Committee on Transportation
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Transportation
ASSEMBLY VOTE: 39-3-0
Effective October 1, 1993

A.B. 13 (Chapter 15)

Assembly Bill 13 exempts the automobiles used by investigators from the Secretary of State's Securities Division from being identified, with painted markings or special license plates, as state vehicles.

Currently, unmarked cars are used by investigators from other state agencies, such as the Office of Attorney General, the State Gaming Control Board, and the Division of Brand Inspection. This bill adds Securities Division investigators to the group of state agencies authorized to utilize these vehicles.

Referred to Assembly Committee on Government Affairs
ASSEMBLY VOTE: 41-0-1
Referred to Senate Committee on Government Affairs
SENATE VOTE: 19-1-1
Effective July 1, 1993

A.B. 155 (Chapter 234)

Assembly Bill 155 authorizes the Department of Motor Vehicles and Public Safety to issue special license plates to owners of fire trucks not used for general transportation, but which may be used for musters, exhibitions, parades, or similar activities. The bill also eliminates the regular annual registration fee and privilege tax if the owner submits an affidavit indicating the limited use and qualifications of the fire truck and a successful safety inspection. In addition, the measure establishes an initial fee of $15 for the plates and an annual renewal fee of $5.

Referred to Assembly Committee on Transportation
ASSEMBLY VOTE: 41-0-1
Referred to Senate Committee on Transportation
SENATE VOTE: 21-0-0
Effective June 12, 1993

A.B. 156 (Chapter 97)

Assembly Bill 156 authorizes the Department of Motor Vehicles and Public Safety to issue a temporary permit to short-term lessors to operate an unregistered vehicle. By regulation, the department may establish a reasonable fee for the permit. When the short-term lessor applies to register the vehicle, the department must credit the amount of any permit fee against the amount of registration fees.

Referred to Assembly Committee on Transportation
ASSEMBLY VOTE: 40-0-2
Referred to Senate Committee on Transportation
SENATE VOTE: 20-0-1
Effective October 1, 1993

A.B. 157 (Chapter 595)

Assembly Bill 157 revises various provisions related to drivers' licenses, the registration of motor vehicles, and compulsory automobile insurance. The bill prohibits the Department of Motor Vehicles and Public Safety (DMV&PS) from charging a license reinstatement fee to persons who voluntarily surrender their licenses for medical reasons. The DMV&PS is also allowed to suspend a license for more than 1 year.

With respect to registration requirements, the bill permits the DMV&PS to accept a certificate of insurance or card approved by the Commissioner of Insurance as proof of insurance. The measure requires insurers to supply additional information when providing evidence of insurance and specifies the conditions under which new evidence of insurance must be submitted to the department. Also, the amount of property damage that must be sustained before the division is required to hold a hearing related to accidents involving uninsured motorists is increased from $350 to $750.

In addition, the bill changes the department's method of verification that owners of motor vehicles maintain mandated insurance coverage. The bill requires that insurers provide the department, or its designated agent, with a monthly record of each motor vehicle liability policy that is in effect or has been terminated during the previous month. If an insurer fails to provide this information, the department must not provide that insurer with data regarding drivers' license records. The information provided by the insurers is to be compared to lists of registered vehicles to determine which vehicles are not insured. Currently, insurers report only cancellations of policies rather than all policies that are in effect.

The department is required to maintain a data base containing the information submitted by the insurers or to contract with a nongovernmental agency to perform this task. Each month, the department or its contractor is required to compare the list of policies in force with the list of registered vehicles. If the comparison discloses that the owner of a motor vehicle may not have maintained insurance coverage, the owner must be notified. The owner has 10 days in which to respond. The bill also increases the minimum fine which may be imposed for failure to maintain insurance coverage from $300 to $600.

The bill provides that information in the data base is confidential and may be disclosed only to law enforcement agencies, to the person insured (or the insured's parent, guardian or legal representative), or to a person who suffers a loss or is injured in an accident and requests information for use in an accident report. A person who violates these confidentiality requirements may be fined up to $5,000 and imprisoned for 1 year to 6 years.

Referred to Assembly Committee on Transportation
ASSEMBLY VOTE: 42-0-0
Referred to Senate Committee on Transportation
SENATE VOTE: 20-1-0
Effective: Certain sections are effective on July 12, 1993. The insurance verification system is to begin operation on July 1, 1994. Remaining provisions are effective on October 1, 1993.

A.B. 229 (Chapter 669)

Assembly Bill 229 expands the mandatory suspension or delay in the issuance of a driver's license to a juvenile who commits certain crimes related to alcohol and controlled substances. For a juvenile who is within 2 years of being eligible to apply for a driver's license, the bill allows a judge to prohibit application for a driver's license for 6 months beyond the standard date of eligibility. If the juvenile commits subsequent related crimes, the court is required to suspend or delay the issuance of the license. The Department of Motor Vehicles and Public Safety (DMV&PS) must notify any juvenile who applies for a driver's license of these provisions and require the signing of an affidavit regarding this notification.

In addition, the department may issue a restricted driver's license for travel to work or school. Furthermore, the Commission on Substance Abuse Education, Prevention, Enforcement and Treatment is directed to disseminate information concerning these provisions with the assistance of the Department of Human Resources, the DMV&PS, and the Superintendent of Public Instruction.

Lowering the age limit in which the issuance of a license to a youth may be delayed is expected to deter juveniles who might commit alcohol- and drug-related crimes. In addition, requiring the courts to provide sanctions for repeat offenders will leave no discretion in the imposition of penalties and ensure that the courts are consistent in applying the suspension or delay of a license. This measure also eases the burden on the families of these juveniles who must drive to work or school by allowing the issuance of restrictive licenses in "hardship" cases.

Referred to Assembly Committee on Transportation
ASSEMBLY VOTE: 38-0-4
Referred to Senate Committee on Transportation
SENATE VOTE: 21-0-0
Effective October 1, 1993

A.B. 500 (Chapter 372)

Assembly Bill 500 authorizes the issuance of a fictitious driver's license to a Federal agent or investigator employed by the Attorney General while engaged in undercover investigations. The bill requires the application for these licenses to be made through the director of the appropriate Federal agency or the Attorney General.

Referred to Assembly Committee on Transportation
ASSEMBLY VOTE: 39-2-1
Referred to Senate Committee on Transportatiion
SENATE VOTE: 21-0-0
Effective October 1, 1993

A.B. 609 (Chapter 401)

Assembly Bill 609 establishes fees for the renewal of a commercial driver's license. The Department of Motor Vehicles and Public Safety will charge $85 for a renewal that requires the department to administer a driving skills test and $55 when the test is not required. The bill also revises provisions related to commercial driver's license fees to defray the expense of the license production.

Referred to Assembly Committee on Transportation
ASSEMBLY VOTE: 41-0-1
Referred to Senate Committee on Transportation
SENATE VOTE: 21-0-0
Effective July 1, 1993

Driving Under the Influence

S.B. 10 (Chapter 489)

Senate Bill 10 amends the statutes governing drug and alcohol abuse evaluations of felony DUI offenders. The measure expands the category of persons who may perform evaluations to include psychologists certified by the Board of Psychological Examiners. In addition, the bill requires that a report of presentence investigation include the results of any such evaluation.

Senate Bill 10 eliminates the requirement that psychologists who are already certified to perform evaluations by the Board of Psychological Examiners also be certified by the Bureau of Alcohol and Drug Abuse. In addition, the bill addresses concerns that some courts are not ordering the evaluations, which are used to determine if an offender is an abuser of alcohol or drugs and can be successfully treated.

Referred to Senate Committee on Judiciary
SENATE VOTE: 20-1-0
Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 41-0-1
Effective October 1, 1993

S.B. 191 (Chapter 69)

Senate Bill 191 amends provisions relating to driving without a license when a license was revoked, suspended or restricted for driving under the influence (DUI) of intoxicating liquor or a controlled substance. The measure provides that imprisonment for driving without a license is not mandatory if the period of revocation or suspension has expired.

Senate Bill 191 clarifies the legislative intent of the amended provisions. Currently, if a license was revoked for a DUI violation and the driver fails to reinstate the license, imprisonment is mandatory.

Referred to Senate Committee on Transportation
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 42-0-0
Effective October 1, 1993

S.B. 473 (Chapter 515)

Senate Bill 473 increases the maximum penalty that may be imposed on a person who is involved in and leaves the scene of an accident that has resulted in death or serious bodily injury. The bill changes the maximum term of imprisonment from 6 to 20 years. The bill also requires that the court impose a fine of at least $2,000. Existing statutes do not specify a minimum fine.

Under current law, the penalty for leaving the scene of an accident in which a person has been killed or seriously injured is substantially less than the penalty for causing substantial bodily harm while driving under the influence (DUI) of alcohol (see Subsection 1 of *Nevada Revised Statutes* 484.3795). Habitual DUI offenders who are aware of this anomaly in the law realize that they face a

lesser penalty if they flee the scene of the accident than if they remain at the scene and are apprehended for drunk driving. This bill makes the penalties consistent and reduces the incentive for hit-and-run accidents.

The Driver's License Division of the Department of Motor Vehicles and Public Safety reports that it revokes the licenses of about 50 persons each year for this offense.

Referred to Senate Committee on Transportation
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Transportation
ASSEMBLY VOTE: 41-1-0
Effective October 1, 1993

A.B. 57 (Chapter 72)

Assembly Bill 57 revises the provisions related to obtaining involuntary blood samples from a person suspected of driving under the influence of intoxicating liquor or a controlled substance in certain circumstances. The bill provides that three blood samples, rather than one only, may be taken over a period of 5 hours after the initial arrest.

Assembly Bill 57 brings state law into compliance with recent court rulings. Under current law, a person's blood alcohol content at the time of testing is presumed to be no less than at the time of arrest. However, a person's blood alcohol content may be either rising or falling at the time of arrest. Taking three samples over a period of time helps determine the blood alcohol content when the person was actually driving.

Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 28-14-0
Referred to Senate Committee on Transportation
SENATE VOTE: 19-1-1
Effective October 1, 1993

A.B. 144 (Chapter 140)

Assembly Bill 144 requires any person found guilty of driving under the influence of intoxicating liquor or a controlled substance to attend a meeting of a victim impact panel. Attendance is in addition to any other penalties and is mandatory if the meeting is at a location within 60 miles of the offender's place of residence. A judge may, at his discretion, require attendance even though the meeting is held more than 60 miles away.

The measure directs the judge or judges in each judicial district to maintain a list of persons injured, or whose close friends or family members were injured, by a drunk driver and who are willing to participate in victim impact panels. The bill also allows the judge to establish a reasonable fee, paid by the offender, for attending the meeting. The panels may not be operated for profit. The offender is required to provide satisfactory evidence of attendance to the court.

Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 41-1-0
Referred to Senate Committee on Transportation
SENATE VOTE: 20-1-0
Effective May 13, 1993

A.B. 229 (Chapter 669)

Assembly Bill 229 expands the mandatory suspension or delay in the issuance of a driver's license to a juvenile who commits certain crimes related to alcohol and controlled substances. For a juvenile who is within 2 years of being eligible to apply for a driver's license, the bill allows a judge to prohibit application for a driver's license for 6 months beyond the standard date of eligibility. If the juvenile commits subsequent related crimes, the court is required to suspend or delay the issuance of the license. The Department of Motor Vehicles and Public Safety (DMV&PS) must notify any juvenile who applies for a driver's license of these provisions and require the signing of an affidavit regarding this notification.

In addition, the department may issue a restricted driver's license for travel to work or school. Furthermore, the Commission on Substance Abuse Education, Prevention, Enforcement and Treatment is directed to disseminate information concerning these provisions with the assistance of the Department of Human Resources, the DMV&PS, and the Superintendent of Public Instruction.

Lowering the age limit in which the issuance of a license to a youth may be delayed is expected to deter juveniles who might commit alcohol- and drug-related crimes. In addition, requiring the courts to provide sanctions for repeat offenders will leave no discretion in the imposition of penalties and ensure that the courts are consistent in applying the suspension or delay of a license. This measure also eases the burden on the families of these juveniles who must drive to work or school by allowing the issuance of restrictive licenses in "hardship" cases.

Referred to Assembly Committee on Transportation
ASSEMBLY VOTE: 38-0-4
Referred to Senate Committee on Transportation
SENATE VOTE: 21-0-0
Effective October 1, 1993

A.B. 327 (Chapter 589)

Assembly Bill 327 amends certain provisions relating to the laboratory analysis used to determine violations of the Uniform Controlled Substances Act or the statutes concerning driving under the influence of alcohol or drugs. The measure requires a court to collect from a person convicted of such violations, for whom a laboratory analysis was conducted to determine intoxication or use of a controlled substance, a $60 fee for the analysis. The fee is in addition to, and collected at the same time as, any other penalty imposed.

The bill further provides that fees are deposited in the county or city treasury, as appropriate. Any money in excess of the amount owed for forensic services is credited to the county or city general fund.

Assembly Bill 327 was requested to ensure the collection of fees for chemical analysis. Currently, courts impose the fee but are not required to collect it.

Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 42-0-0
Referred to Senate Committee on Transportation
SENATE VOTE: 21-0-0
Effective July 1, 1993

A.B. 389 (Chapter 505)

Assembly Bill 389 makes technical revisions to the statutes concerning the tests used to determine whether a person is under the influence of intoxicating liquor or a controlled substance. These changes reflect the 1989 Nevada Legislature's authorization of breath testing to establish a person's blood alcohol content. The bill also authorizes regulation of the calibration and operation of devices used to measure the amount of alcohol present in blood or urine.

Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 40-0-2
Referred to Senate Committee on Transportation
SENATE VOTE: 21-0-0
Effective October 1, 1993

A.B. 463 (Chapter 395)

Assembly Bill 463 revises the provisions governing participation of criminal defendants in programs for the treatment of alcohol and drug abuse.

The measure adds a new section that permits a court to establish a treatment program to which it may assign a substance abuser. The bill stipulates that regular progress reports must be made to the court and establishes the elements of the program. Before the court assigns a person to the program, the person must agree to pay the costs of the program to the extent of his financial resources.

The bill also expands the circumstances under which an alcoholic or drug abuser convicted of a crime may elect treatment before sentencing. The measure provides that a person found guilty of selling, possessing for sale, or conspiring to sell, traffic, or possess a controlled substance may be assigned by the court to treatment before sentencing if otherwise eligible according to existing restrictions.

Finally, the bill expands the circumstances under which a court may suspend proceedings for certain offenses to include the unlawful use of controlled substances or offenses involving drugs which may not be introduced into interstate commerce.

Assembly Bill 463 responds to findings that treatment programs for first-time offenders have been successful in reducing dependency among drug and alcohol abusers.

Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 42-0-0
Referred to Senate Committee on Human Resources and Facilities
SENATE VOTE: 21-0-0
Effective January 1, 1994. The bill's amendatory provisions do not apply to criminal conduct which occurs before this date.

A.B. 490 (Chapter 249)

Assembly Bill 490 amends certain provisions governing driving under the influence. The measure repeals the section establishing presumptions concerning intoxication and, instead, provides that it is unlawful *per se* to drive with a blood alcohol content of .10 or more. The bill also eliminates the "last gulp" defense by clarifying that a blood alcohol content of .10 found by measurement within 2 hours after driving constitutes an offense. In the event alcohol was consumed after driving but before testing, the measure allows a person to offer this defense provided advance notification is given to the prosecuting attorney.

These changes also apply to operation of a boat while under the influence of intoxicating liquor.

Assembly Bill 490 addresses recent court challenges to Nevada's DUI statutes. Under existing law, a person may argue that a significant amount of alcohol was consumed just prior to driving and, thus, at the time the person was in control of the vehicle, the blood alcohol content was actually lower than that shown by a subsequent test. In addition, a 1992 Nevada Supreme Court decision found the presumption statute to be unconstitutional as applied.

Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 36-5-1
Referred to Senate Committee on Transportation
SENATE VOTE: 20-1-0
Effective October 1, 1993

A.B. 499 (Chapter 668)

Assembly Bill 499 amends the statutes relating to driving under the influence of intoxicating liquor or a controlled substance. The measure applies to persons found guilty of a first offense whose blood alcohol content was .18 percent or more and to persons guilty of a second DUI conviction within 7 years. In these cases, the bill requires the court to order an evaluation to determine if the offender is an abuser of alcohol or drugs. The results of the evaluation and a recommendation for the length and type of any treatment must be submitted to the court. An assessment fee of $100 is authorized to offset the costs of the evaluation, including staffing and maintenance of an evaluation center.

The measure further provides that, if a person is found guilty of a second offense within 7 years, the court has the option of imposing a sentence of residential confinement or confinement in jail. In addition, the court may place the offender under the supervision of a treatment facility for not less

than 30 days nor more than 6 months. The court has the discretion either to confine the offender to the facility or release him for treatment in the community.

The offender, to the extent of his financial resources, is required to pay for the treatment. An offender who willfully fails to complete a term of residential confinement or a treatment program is guilty of a misdemeanor.

The measure stipulates that an evaluation center, a person conducting an evaluation, and a treatment center must be approved by Nevada's Bureau of Alcohol and Drug Abuse. The court may order evaluations and treatment programs which are administered by private companies.

Assembly Bill 499 is a revision of Assembly Bill 491 of the 1991 Legislative Session, which was vetoed by the Governor. Unlike the vetoed bill, this measure leaves to judicial discretion the decision to confine an offender in a treatment center. In addition, evaluation centers and treatment centers are approved by the Bureau of Alcohol and Drug Abuse rather than the Department of Motor Vehicles and Public Safety.

Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 41-0-1
Referred to Senate Committee on Transportation
SENATE VOTE: 21-0-0
Effective October 1, 1993

Transportation Fees and Taxes

S.B. 371 (Chapter 433)

Senate Bill 371 makes various changes in the laws relating to motor vehicles.

Certain sections concern long-term leases of vehicles. For new vehicles, the bill requires that long-term lessors complete and execute a manufacturer's certificate or statement of origin and a long-term lessor's report of lease. One copy of the report must be given to the long-term lessee and another affixed to the windshield of the vehicle. This report enables the vehicle to be driven for 10 days before it must be registered.

Similar provisions apply to long-term leases of used or rebuilt vehicles, except that the lessor is required to submit a properly endorsed certificate of title or

certificate of ownership in place of the manufacturer's certificate or statement of origin.

Other sections amend the laws relating to parking for the handicapped. These changes conform Nevada statutes with Federal guidelines concerning handicapped parking. The bill defines those persons who may be eligible for handicapped parking stickers or license plates, revises the procedure for issuing handicapped plates and placards, and replaces current provisions regarding temporary permits.

In addition, the bill:

- Clarifies that the department will not refund registration fees or privilege taxes when the registration on a vehicle is cancelled or suspended;

- Allows the department to issue a special use permit for older vehicles;

- Clarifies the law relating to the time within which a motor vehicle dealer must file a dealer's report of sale; and

- Amends the law regarding verification of insurance.

Referred to Senate Committee on Transportation
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Transportation
ASSEMBLY VOTE: 41-0-1
Effective October 1, 1993

S.B. 454 (Chapter 482)

Senate Bill 454 clarifies the appeal procedure regarding assessments on special fuel dealers and users and motor carriers. After the Department of Motor Vehicles and Public Safety (DMV&PS) has reconsidered an assessment upon petition, the department must then send the petitioner a notice, by certified mail, of its decision and the reasons for the decision. The petitioner has 30 days to submit a written request to DMV&PS for a hearing to appeal the decision. The department is required to schedule an administrative hearing and provide the petitioner with 10 days' notice of the time and location of the hearing.

The bill also revises the method used to calculate the amount of the bond required of a licensed special fuel dealer. The DMV&PS must not establish the total amount of the bond at less than three times the estimated maximum monthly tax, but not less than $1,000. If the department determines that a

person is habitually delinquent, it may increase the amount of security to not more than five times the estimated maximum monthly tax. The DMV&PS is authorized to determine the method of estimating the tax. Further, the bond amount required must be rounded off to the next larger multiple of $100 if cash, a savings certificate, certificate of deposit or investment certificate is used.

In addition, the bill states that any motor carrier fees, penalties, or interest that are refundable must not be refunded until a credit of at least $5 is accrued. Finally, the measure clarifies provisions regarding temporary licenses for certain motor carriers.

Referred to Senate Committee on Taxation
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Taxation
ASSEMBLY VOTE: 41-0-1
Effective October 1, 1993

S.B. 503 (Chapter 297)

Senate Bill 503 authorizes common motor carriers to transport property for food banks for free or at reduced rates. Currently, the law requires these charitable organizations to pay the charges specified in the tariff filed by the motor carrier.

Referred to Senate Committee on Transportation
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Transportation
ASSEMBLY VOTE: 41-0-1
Effective October 1, 1993

A.B. 323 (Chapter 510)

Assembly Bill 323 imposes a 6 percent fee on passenger car rentals. One-third of the collected fees must be paid to the Department of Motor Vehicles and Public Safety annually and deposited in the General Fund.

The remaining two-thirds is retained by the rental agencies to offset the cost of vehicle licensing fees and taxes. If the amount retained by an agency exceeds the amount paid in licensing fees and taxes, the excess must also be remitted to the department and deposited in the General Fund.

Referred to Assembly Committee on Taxation
ASSEMBLY VOTE: 30-12-0
Referred to Senate Committee on Transportation
SENATE VOTE: 14-7-0
Effective July 9, 1993

A.B. 680 (Chapter 568)

Assembly Bill 680 allows the sales tax on the purchase of a motor vehicle, sold by a person who is not required to be registered with Nevada's Department of Taxation, to be computed based on an appraisal conducted by an independent appraiser authorized by the Department of Motor Vehicles and Public Safety (DMV&PS). The bill allows an authorized appraisal to be submitted by such a seller to DMV&PS instead of a copy of the bill of sale. Additionally, the measure directs the DMV&PS to establish by regulation a procedure and a form for appraising vehicles.

Referred to Assembly Committee on Transportation
ASSEMBLY VOTE: 42-0-0
Referred to Senate Committee on Taxation
SENATE VOTE: 21-0-0
Effective October 1, 1993

VARIOUS OTHER BILLS

S.B. 87 (Chapter 659)

Senate Bill 87 includes adults as eligible participants in the program of nutrition in which food is served by schools or other institutions on a nonprofit basis. The measure also expands the definition of "program of nutrition" to include programs that provide nutritional education and assistance.

Although school food and nutrition programs primarily serve youth, funding for some programs extends to the adult population. Several agencies with handicapped persons up to age 21 participate in the National School Lunch and Breakfast Programs. In addition, Public Law 100-175, the Older American's Amendments of 1987, resulted in Federal regulatory changes that permit licensed adult day care facilities, serving functionally impaired adults, to participate in the Child and Adult Food Care Program, which is administered by the State Department of Education and operated by local school districts.

Referred to Senate Committee on Finance
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Education
ASSEMBLY VOTE: 40-0-2
Effective July 1, 1993

S.B. 195 (Chapter 340)

Senate Bill 195 addresses the ownership and numbering of motorboats. The bill increases the base fee for a certificate of ownership from $5 to $15. The fee is increased for the issuance of a number for a motorboat operated by a manufacturer or dealer from $7.50 to $15.

In addition, the measure provides that a certificate of number may be renewed annually through the purchase of a validation decal, and it establishes a fee of $10 for issuing a duplicate decal.

Referred to Senate Committee on Finance
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Natural Resources, Agriculture and Mining
ASSEMBLY VOTE: 41-1-0
Effective January 1, 1994

S.B. 376 (Chapter 432)

Senate Bill 376 requires that, for the 5 percent "better bidder" preference to apply to a joint venture, one or more contractors in the joint venture must meet the requirements for the preference. However, the preference is not available to a joint venture that is formed for the sole purpose of circumventing the requirements. The measure also clarifies the determination of responsibility for the performance of a contract.

This measure refines the definition of a responsible contractor and provides that the "best bidder" may not always be the contractor who submits the lowest bid. By considering the concept that a "good" contractor obeys laws and pays taxes, bids may be more fairly evaluated.

Referred to Senate Committee on Government Affairs
SENATE VOTE: 20-1-0
Referred to Assembly Committee on Government Affairs
ASSEMBLY VOTE: 42-0-0
Effective July 9, 1993

S.B. 382 (Chapter 264)

Senate Bill 382 exempts drivers of postal service vehicles being operated on official business for the United States Postal Service from the prohibition against stopping, standing, or parking within 5 feet of a public or private driveway.

Referred to Senate Committee on Transportation
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Transportation
ASSEMBLY VOTE: 38-2-2
Effective October 1, 1993

S.B. 396 (Chapter 378)

Senate Bill 396 amends the laws relating to professional land surveyors. The bill specifies the contents of a certificate prepared by the surveyor to be included in a record of survey. It also specifies the use of Nevada state plane

coordinates for the setting of final monuments, the corner of a subdivision, or any other point required by local government ordinance.

Referred to Senate Committee on Commerce and Labor
SENATE VOTE: 20-0-1
Referred to Assembly Committee on Commerce
ASSEMBLY VOTE: 41-0-1
Effective October 1, 1993

S.B. 402 (Chapter 519)

Senate Bill 402 imposes restrictions and requirements on the housing, care, and sale of cats and dogs in the State.

The measure requires an operator of a cattery, kennel, shelter, or retail establishment to ensure that each cat or dog is kept in a clean and dry housing facility at an appropriate temperature, has sufficient space in which to move, and is maintained in a safe and healthy environment.

The bill stipulates that a person who purchases a cat or dog is entitled to information regarding the source of the animal and immunizations or veterinary treatment received by the dog or cat. The bill provides a remedy for the purchaser of a cat or dog that, within 10 days of purchase, is found to have any illness, disease, or other condition which requires immediate hospitalization or surgical intervention.

Referred to Senate Committee on Natural Resources
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Natural Resources, Agriculture and Mining
ASSEMBLY VOTE: 42-0-0
Effective January 1, 1994

S.B. 447 (Chapter 517)

Senate Bill 447 prohibits the surreptitious electronic surveillance of persons, without their knowledge, on public school property, on the grounds of any state facility, or on a campus of the University and Community College System of Nevada.

The measure specifies that these restrictions do not apply to:

- Court-ordered criminal investigations;
- Law enforcement agencies pursuant to a criminal investigation; or

- Security systems.

In addition, electronic surveillance is permitted in a public school, university, or community college classroom or laboratory when authorized by the teacher of that class or laboratory.

Referred to Senate Committee on Human Resources and Facilities
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Education
ASSEMBLY VOTE: 38-2-2
Effective October 1, 1993

S.B. 474 (Chapter 514)

Senate Bill 474 makes various changes relating to public works projects.

First, the bill requires the submission, with a bid for a public works project, of a list of each subcontractor who will be paid at least 5 percent of the prime contractor's total bid. Within 2 hours after the opening of the bids has been completed, the general contractors who submitted the three lowest bids must provide a list of each subcontractor who will be paid at least 1 percent of the total bid or $50,000, whichever is greater, and the number of each subcontractor's license. Any bid from a general contractor who does not provide such a list within the specified time frame will be deemed not responsive. No subcontractor named in a successful bid may be replaced unless certain conditions are met.

Additionally, S.B. 474 includes in the definition of "public work" the construction, repair, or reconstruction of public convention facilities which are financed at least in part with public funds.

This measure also creates an informal bidding process for projects with estimated costs between $25,000 and $100,000. The process allows a public body to maintain a list of qualified contractors and to choose from that list when requesting bids for projects whose costs are within this range. The bill specifies that the public body must select contractors from the list in such a manner as to afford each contractor an equal opportunity to bid on a project.

Finally, S.B. 474 clarifies the provisions governing the award of bidder preference to Nevada contractors. A contractor seeking such preference may submit proof of payment of a combination of sales and use taxes and motor vehicle privilege taxes, rather than each tax individually. The provision that would replace these taxes with the business tax effective on October 1, 1996, is

repealed. The contractor, after submitting proof of these payments once, may update the public body quarterly, rather than with each bid.

Referred to Senate Committee on Government Affairs
SENATE VOTE: 20-1-0
Referred to Assembly Committee on Commerce and re-referred to Committee on Government Affairs
ASSEMBLY VOTE: 42-0-0
Effective October 1, 1993

S.B. 482 (Chapter 647)

Senate Bill 482 regulates the establishment and operation of pet cemeteries. The measure provides for the dedication of real property for use as a pet cemetery; establishes the priority of the dedication over subsequent liens or other encumbrances; and specifies the mechanism for removal of such a dedication.

In addition, the bill requires deposits for the endowment care of the cemetery and sets minimum deposit fees for the trust fund based upon the form of disposition of the pet. Specific guidelines are provided for the administration of endowment trust funds, including limits upon choice of investments and other use of these funds. In addition, a cap of 5 percent of the fund income is imposed for compensation to trust fund administrators. Further, the Insurance Commissioner is authorized to audit these funds.

The measure also authorizes receipt of real and personal property for contribution to an endowment fund. A minimum balance of $25,000 is established for the endowment care trust fund of a pet cemetery. Finally, the bill specifies that the remains of a pet may be disposed of by the cemetery authority after 7 days, if arrangements have not been made.

Pet cemeteries are relatively recent businesses that have not been previously regulated. This measure is designed to protect the consumer from unscrupulous operators, especially with regard to the operation and use of endowment trust funds. Current statute provides for the strict regulation and auditing of endowment funds for human cemeteries. Senate Bill 482 establishes parallel requirements for such funds for pet cemeteries.

Referred to Senate Committee on Human Resources and Facilities
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Health and Human Services
ASSEMBLY VOTE: 22-18-2
Effective October 1, 1993

S.B. 562 (Chapter 448)

Senate Bill 562 delays the effective and expiration dates of Assembly Bill 407 of the 1993 Session. The latter measure authorizes the use of alternative financing for the retrofitting of buildings occupied by state or local governmental entities to allow more efficient use of energy.

The effective date is changed from October 1, 1993, to March 1, 1995. The expiration date is delayed from May 1, 2013, to March 1, 2015.

Referred to Senate Committee on (N/A)
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Ways and Means
ASSEMBLY VOTE: 41-0-1
Effective July 9, 1993

A.B. 80 (Chapter 243)

Assembly Bill 80 amends the provisions relating to eminent domain. The measure provides that any increase or decrease in the fair market value of a property condemned for a public work or public improvement, which is caused by the project or its likelihood, must be disregarded in determining the fair market value to be awarded the property owner. However, any decrease or increase in the fair market value of the property resulting from physical deterioration within the reasonable control of the owner is not required to be disregarded. These provisions are intended to codify the rule generally held to apply under current jurisprudence.

The bill also defines "value" to have the same meaning as "market value" in that section of the *Code of Federal Regulations* concerning certain appraisals. Rather than adopting the code by reference, the bill restates the factors utilized in the code for determining market value. This provision applies only to complaints filed after the bill's effective date.

Assembly Bill 80 addresses situations in which the value of a property is affected, either favorably or adversely, by the announcement of a public work. It also clarifies the Nevada Supreme Court decision in the *Wheeler* case regarding the definition of market value in eminent domain cases.

Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 30-12-0
Referred to Senate Committee on Judiciary
SENATE VOTE: 21-0-0
Effective June 18, 1993

A.B. 295 (Chapter 592)

Assembly Bill 295 revises the provisions regarding the sale of cigarettes by wholesale dealers. Among other provisions, the measure prohibits a retail dealer from engaging in predatory pricing and repeals the requirement of the Executive Director of the Department of Taxation to conduct a survey of costs to the wholesale dealer.

Referred to Assembly Committee on Taxation and re-referred to Committee on Ways and Means
ASSEMBLY VOTE: 41-0-1
Referred to Senate Committee on Taxation
SENATE VOTE: 21-0-0
Effective October 1, 1993

A.B. 362 (Chapter 115)

Assembly Bill 362 adopts the Uniform Law on Notarial Acts. The Uniform Law provides uniform procedures for notarial acts from one state to another. The bill establishes that a notarial act in this State may be performed by a notary public, judge or court clerk, justice of the peace, or other person authorized by law. The measure further clarifies that a notarial act performed in another state by an authorized person has the same effect as if it had been performed in this State. The bill also addresses notarial acts performed in other jurisdictions by persons authorized by Federal law and acts performed in foreign nations by certain designated persons.

The bill establishes requirements for certificates of notarial acts and makes technical revisions to certain affected statutes. Provisions of existing law governing notarial acts are repealed.

The act establishes uniform procedures for notarial acts and thus facilitates the recognition in one state of a procedure performed in another.

Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 40-1-1
Referred to Senate Committee on Judiciary
SENATE VOTE: 21-0-0
Effective October 1, 1993

A.B. 383 (Chapter 299)

Assembly Bill 383 revises the definition of a child care facility to include arrangements in which at least one child is receiving care for compensation. In addition, the measure specifies that the child care statutes do not apply to the occasional care of the children of a neighbor or a friend for a limited period.

Referred to Assembly Committee on Health and Human Services
ASSEMBLY VOTE: 32-10-0
Referred to Senate Committee on Human Resources and Facilities
SENATE VOTE: 20-1-0
Effective October 1, 1993

A.B. 407 (Chapter 314)

Assembly Bill 407 requires the Governor, the Legislature, and the Supreme Court to designate one or more energy retrofit coordinators for the buildings occupied by their respective branches of government. The Governor must appoint a person trained in facility management to assist, upon request, the energy retrofit coordinators of the legislative and judicial branches.

This measure provides a procedure for the State Board of Examiners, upon the appropriate energy retrofit coordinator's request for approval, to award contracts to retrofit one or more State buildings, or any portion thereof, if the amount of energy to be saved will likely justify the cost of the retrofit. The request for approval must include the proposed method of financing the energy retrofit project, and the method of financing may include an installment contract, a shared savings contract or any other contract for a reasonable financing arrangement. Such a contract may commit the State to make payments beyond the biennium in which the contract is executed, but the interest must be paid at least semiannually, payments on the principal must be made at least annually, and the debt must be paid in full on or before May 1, 2013.

The bill provides that the total amount of money committed beyond the biennium for all such energy retrofit contracts must not exceed $5 million at any one time. The Legislature pledges to levy a tax to pay the costs of the debt resulting from such contracts if the required payments will not be made

from the budgeted accounts of the State agencies which executed the energy retrofit contracts.

This measure also authorizes the governing body of each local government to designate one or more energy retrofit coordinators and contains procedures for the governing body to award contracts to retrofit its buildings to improve energy efficiency. Such contracts may use alternative methods of financing and may allow the local government to make payments beyond the fiscal year in which the contract is executed or beyond the terms of office of the governing body.

Referred to Assembly Committee on Ways and Means
ASSEMBLY VOTE: 40-0-2
Referred to Senate Committee on Finance
SENATE VOTE: 21-0-0
Effective October 1, 1993. Expires by limitation on May 1, 2013.
(See also S.B. 562.)

A.B. 556 (Chapter 500)

Assembly Bill 556 authorizes protective services agencies to form multidisciplinary teams to review and investigate the death of a child. A protective services agency is required to organize a review team upon receipt of a written request from an adult related to the child within the third degree of consanguinity. The request must be received by the agency within 1 year of the child's death. Before establishing any review team, an agency is required to adopt a written protocol describing its objectives and the structure of the team.

Members of the team serve at the invitation of the agency and must include representatives of other organizations concerned with education, law enforcement or physical or mental health. Each organization participating on the review team may share information in its possession concerning the child who is the subject of the review, siblings of the child, any person who was responsible for the welfare of the child, and any other information pertinent to the review.

Referred to Assembly Committee on Health and Human Services
ASSEMBLY VOTE: 41-0-1
Referred to Senate Committee on Human Resources and Facilities
SENATE VOTE: 21-0-0
Effective October 1, 1993m

A.B. 647 (Chapter 494)

Assembly Bill 647 authorizes statutory liens on recreational vehicles and trailers under certain circumstances. The bill incorporates recreational vehicles and trailers into several provisions related to the lien process, such as the existence of a lien, notice, other legal remedies of lienholders, liability of insurance companies, and the satisfaction of a lien. The measure also specifies that the landlord of a recreational vehicle park has a lien upon each recreational vehicle for the amount of rent due for furnishing facilities and services and for all costs incurred in enforcing such a lien.

The definition of "registered owner" is modified to include a person whose name appears in the files of the Registration Division of the Department of Motor Vehicles and Public Safety as the person to whom the vehicle is registered. In addition, the definition of "landlord" is revised to include the owner or lessor of a recreational vehicle park.

Referred to Assembly Committee on Transportation
ASSEMBLY VOTE: 41-0-1
Referred to Senate Committee on Judiciary
SENATE VOTE: 21-0-0
Effective October 1, 1993

A.B. 661 (Chapter 457)

Assembly Bill 661 makes various changes to certain provisions concerning unarmed combat and the Nevada Athletic Commission. The bill authorizes the Executive Director of the commission to pursue other business ventures or occupations that are not in conflict with the duties of the director. Existing law prohibits such conduct.

Further, the bill removes the requirement that sparring partners and booking agents for unarmed combat matches be licensed. The measure also clarifies that the licensing provisions only apply to professional contests.

With respect to fees for permits to conduct contests of unarmed combat, the fee for promoters with places of business in Nevada is increased from $25 to $100. In addition to the existing authority of the commission to suspend a

license or discipline a licensee, the bill authorizes the revocation of the license or any combination of the three enforcement actions.

The minimum amount of insurance the commission may require a contestant to carry is increased from $5,000 to $50,000. The bill also increases the maximum penalty that may be imposed for violations of the law from $100,000 to $250,000. Investigative costs and attorneys' fees related to a penalty proceeding are also authorized.

Finally, the bill decreases from 15 to 12 rounds the maximum length for boxing matches, sparring matches, or exhibitions.

Referred to Assembly Committee on Ways and Means
ASSEMBLY VOTE: 42-0-0
Referred to Senate Committee on Finance
SENATE VOTE: 16-5-0
Effective July 1, 1993

A.B. 745 (Chapter 560)

Assembly Bill 745 revises the schedule of fees paid annually by fraternal benefit societies for a certificate of authority to issue fraternal benefit plans. The fees are set at $250 for a society with fewer than 600 benefit contracts in Nevada, $500 for a society with 600 to 1,200 contracts, and $2,450 for a society with 1,200 or more contracts. Currently, all fraternal benefit societies pay a flat fee of $2,450.

Referred to Assembly Committee on Commerce
ASSEMBLY VOTE: 42-0-0
Referred to Senate Committee on Commerce and Labor
SENATE VOTE: 19-1-1
Effective July 1, 1993

VETOED BILLS

Each vetoed bill is returned to the Secretary of State by the Governor accompanied by a letter outlining his rationale for rejecting the bill. These measures will be returned to the 1995 Nevada Legislature for reconsideration and determination of whether to override or sustain the veto. An override requires a two-thirds majority of the elected members in each house. The veto messages are available in the Research Library of the Legislative Counsel Bureau.

S.B. 52 (Vetoed)

Senate Bill 52 authorizes the Lieutenant Governor, Secretary of State, Attorney General, State Controller, and State Treasurer to submit their budgets directly to the Legislature. Currently, the budgets of these constitutional officers in the Executive Branch of government are required to be submitted to the Budget Division which is under the control of the Governor.

Referred to Senate Committee on Government Affairs
SENATE VOTE: 12-9-0
Referred to Assembly Committee on Ways and Means
ASSEMBLY VOTE: 40-2-0
Effective: VETOED

S.B. 370 (Vetoed)

Senate Bill 370 makes various changes to Nevada's Administrative Procedure Act. The Act specifies additional requirements for noticing and filing proposed regulations. The measure requires the statement that is filed with the Secretary of State with each adopted regulation to include the number of persons whose input on the proposed regulation was solicited; who attended, testified, or submitted written statements at hearings; estimated cost to businesses or individuals; estimated revenue from fees; and who supported or opposed the adoption of the regulation. The Act also requires notification of the Legislative Counsel Bureau concerning the adoption of regulations, if required by Federal law, that exceed the agency's authority or are more stringent than is specified by state statute.

Additionally, S.B. 370 places the regulatory process of the State Welfare Board under public scrutiny. The bill requires the board to provide written notice before adopting, amending, or repealing regulations. A notice of intent to act upon a regulation must include a statement concerning the need for or purpose

of the proposed regulation, indicate where a copy of the proposal may be reviewed or copied, and be mailed to any person on written request. An open hearing must be held, and testimony must be taken from all interested persons. These provisions are consistent with Assembly Bill 247 which was approved by the Legislature earlier this session.

Referred to Senate Committee on Government Affairs
SENATE VOTE: 20-1-0
Referred to Assembly Committee on Government Affairs
ASSEMBLY VOTE: 41-0-1
Effective: VETOED

S.B. 391 (Vetoed)

Senate Bill 391 establishes the account for tuition indemnification for students who have suffered damages from the closure of, or legal violations by, a private postsecondary education institution. The fund is managed by the Administrator of the Commission on Postsecondary Education. Further, the bill provides that the Administrator also may use these funds to pay expenses for investigating indemnity claims and for costs incurred in closing an institution.

The Act requires that all regulated postsecondary institutions pay into the indemnity fund. Beginning July 1, 1993, existing postsecondary schools must pay a fee of $5 per student for a period of 2 years. After this period, if the account balance is $300,000 or more, institutions are not required to pay further unless new programs are added or the balance falls below $300,000. Regardless of the account balance, an institution adding a new program or degree must pay the fee for students in the new program for at least 2 years. In addition, any new postsecondary institution must pay the fee for a minimum of 2 years. The bill provides for the replenishment of the fund should the balance fall below $300,000, and specifies that the fund balance may never go below $10,000.

The measure also requires that students of such institutions be informed about the account and revises the amount of tuition a school may keep if a student stops attending the school. Finally, the priority of payment for refunds is established. The first priority is the student's lending agency; second is to any grant program that granted money to the student; third is to any state or Federal agency that provided money for tuition; and the fourth is to the student.

The measure was requested to protect students enrolled in postsecondary schools when those institutions close or violate statutory requirements. Under

current law, institutions must post a surety bond of up to $10,000 to protect students in this manner. The indemnity fund is considered a preferable approach to this issue.

Referred to Senate Committee on Human Resources and Facilities
SENATE VOTE: 21-0-0
Referred to Assembly Committee on Education
ASSEMBLY VOTE: 42-0-0
Effective: VETOED

A.B. 359 (Vetoed)

Assembly Bill 359 clarifies the membership and duties of the Committee on Deferred Compensation for State Employees. The bill outlines the sources from which the Governor may appoint the members, requires that they be participants in the program, and specifies 4-year, staggered terms of office. Further, the measure states the conditions under which money may be withdrawn from the program.

Existing law requires the Governor to appoint a committee to administer the program, but does not provide much direction concerning those appointments. This bill ensures that the people affected by the committee's decisions will be represented on the committee.

Referred to Assembly Committee on Government Affairs and re-referred to Committee on Ways and Means
ASSEMBLY VOTE: 40-0-2
Referred to Senate Committee on Government Affairs
SENATE VOTE: 21-0-0
Effective: VETOED

A.B. 687 (Vetoed)

Assembly Bill 687 lessens the length of time for a notice to quit for certain short-term tenancies. Existing law concerning summary eviction requires a 5-day notice to quit on all rental properties. This measure provides that if the rent is reserved by 1 week or less, and the tenancy has not continued for more than 120 days, the notice to quit may require the payment of rent or the surrender of the premises before noon of the second full day after serving the notice.

The landlord must attempt to serve the notice to quit on the tenant personally. If the landlord is unsuccessful at personal service, then the landlord may utilize other forms of service that are available in existing law.

The provisions concerning a tenant's right to file an affidavit affirming payment are revised to clarify that the affidavit must be filed within the appropriate 2- or 5-day limit, depending upon the type of tenancy.

Assembly Bill 687 addresses situations in which tenants are delinquent in payment for housing units rented for 1 or 2 weeks. Given the shorter rental periods, the existing 5-day notice to quit represents a significant loss of income to the industry.

Referred to Assembly Committee on Judiciary
ASSEMBLY VOTE: 42-0-0
Referred to Senate Committee on Judiciary
SENATE VOTE: 12-8-1
Effective: VETOED

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SENATE STANDING COMMITTEES

Sixty-seventh Session, 1993

(The Chairman is named first on each committee; the Vice Chairman is named second on each committee.)

COMMERCE AND LABOR—
Townsend, Lowden, O'Connell, McGinness, Shaffer, Nevin, Brown.

FINANCE—
Raggio, Rawson, Jacobsen, O'Donnell, Coffin, Glomb, Callister.

GOVERNMENT AFFAIRS—
O'Connell, Lowden, Raggio, Rhoads, Hickey, Nevin, Callister.

HUMAN RESOURCES AND FACILITIES—
Rawson, O'Donnell, Townsend, Neal, Coffin, Glomb, Brown.

JUDICIARY—
James, Smith, Jacobsen, McGinness, Titus, Shaffer, Adler.

LEGISLATIVE AFFAIRS AND OPERATIONS—
McGinness, Raggio, Rawson, Smith, Titus, Glomb, Callister.

NATURAL RESOURCES—
Smith, Rhoads, James, Neal, Hickey, Titus, Adler.

TAXATION—
Rhoads, O'Connell, Townsend, Lowden, Coffin, Shaffer, Adler.

TRANSPORTATION—
O'Donnell, Jacobsen, James, Nevin, Neal, Hickey, Brown.

PRESIDENT PRO TEMPORE—
Lawrence E. Jacobsen.

MAJORITY FLOOR LEADER—
William J. Raggio.

ASSISTANT MAJORITY FLOOR LEADER—
Raymond D. Rawson.

MAJORITY WHIP—
Sue Lowden.

MINORITY FLOOR LEADER—
Dina Titus.

ASSISTANT MINORITY FLOOR LEADER—
Ernest E. Adler.

MINORITY WHIP—
Leonard V. Nevin.

ASSEMBLY STANDING COMMITTEES

Sixty-seventh Session, 1993

(The Chairman is named first on each committee; the Vice Chairman is named second on each committee.)

COMMERCE—
Porter, Arberry, Bennett, Bonaventura, Garner, Giunchigliani, Kenny, Perkins, Myrna Williams, Augustine, Heller, Humke, Scherer.

EDUCATION—
Wendell Williams, Haller, Chowning, Collins, de Braga, Neighbors, Schneider, Segerblom, Gregory, McGaughey, Tiffany.

ELECTIONS AND PROCEDURES—
Myrna Williams, Price, Dini, Evans, Garner, Petrak, Porter, Sader, Humke, Lambert, Scherer.

GOVERNMENT AFFAIRS—
Garner, Bennett, Bache, de Braga, Freeman, Kenny, Neighbors, Segerblom, Wendell Williams, Augustine, Ernaut, Hettrick, Lambert, McGaughey.

HEALTH AND HUMAN SERVICES—
Evans, Freeman, de Braga, Petrak, Segerblom, Smith, Toomin, Wendell Williams, Augustine, Gibbons, Heller.

JUDICIARY—
Sader, Porter, Anderson, Bonaventura, Collins, Haller, Petrak, Regan, Smith, Toomin, Carpenter, Gibbons, Gregory, Scherer, Schneider.

LABOR AND MANAGEMENT—
Giunchigliani, Anderson, Bache, Bonaventura, Collins, Kenny, Regan, Schneider, Carpenter, Ernaut, Hettrick.

NATURAL RESOURCES, AGRICULTURE AND MINING—
Freeman, Regan, Bache, de Braga, Neighbors, Sader, Schneider, Smith, Carpenter, Ernaut, Gibbons.

TAXATION—
Price, Myrna Williams, Bennett, Haller, Neighbors, Regan, Schneider, Spitler, Ernaut, Lambert, Marvel.

TRANSPORTATION—
Spitler, Garner, Anderson, Chowning, Collins, Toomin, Gregory, Hettrick, McGaughey.

WAYS AND MEANS—
Arberry, Spitler, Chowning, Dini, Evans, Giunchigliani, Perkins, Price, Myrna Williams, Heller, Humke, Marvel, Tiffany.

SPEAKER—
Joseph E. Dini, Jr.

SPEAKER PRO TEMPORE—
Myrna T. Williams.

MAJORITY FLOOR LEADER—
Gene T. Porter.

ASSISTANT MAJORITY FLOOR LEADER—
Rick C. Bennett.

MAJORITY WHIP—
Robert M. Sader.

MINORITY FLOOR LEADER—
John W. Marvel.

ASSISTANT MINORITY FLOOR LEADER—
William D. Gregory.

MINORITY WHIP—
James A. Gibbons.