NEVADA LEGISLATURE

SEVENTY-SIXTH SESSION
2011

ALSO INCLUDED

TWENTY-SIXTH SPECIAL SESSION
FEBRUARY 23, 2010–MARCH 1, 2010

SUMMARY OF LEGISLATION

PREPARED BY
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INTRODUCTION

The 2011 Regular Session of the Nevada Legislature considered 1,089 new bills—582 from the Assembly, 506 from the Senate, and 1 initiative petition. Additionally, 8 vetoed bills, 4 from each house, were returned from previous sessions for the 2011 Regular Session to consider. Of the 1,089 new bills that were considered, 560 bills were approved. The Governor vetoed 28 bills, none of which were overridden. The Governor signed 531 bills, and he allowed 1 bill to become law without his signature. Therefore, 532 bills became law. The 76th Legislative Session adjourned sine die at 1:20 a.m. on June 7.

Prior to the 2011 Regular Legislative Session, there was one special session in 2010 to address shortfalls in General Fund revenue. During the 26th Special Session, 11 bills were considered by the Legislature, and 10 were passed and signed into law.

The *Summary of Legislation* reviews each of the bills and joint and concurrent resolutions passed by the 2011 Regular and 26th Special Sessions. These summaries do not constitute legal analyses and are not intended for use by the legal community in place of the actual statutes. The chapter or file number following each bill or resolution in the *Summary of Legislation* refers to the location of the bill or resolution in the *Statutes of Nevada 2011*. The *Statutes of Nevada* are a compilation of all legislation passed by the Nevada Legislature during a particular legislative session.

Unless otherwise noted, the measures passed during the 2011 Regular Session are effective on October 1, 2011.

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. Furthermore, numerous measures are included in more than one chapter of this document.

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

Please see the "Numeric Index" for a complete list of legislation or consult the "Table of Contents" and "Subject Index" for reference to legislation enacted within selected major or specific topic areas. For a comprehensive index to all legislative measures considered during the 2011 Session, please consult the *Index and Tables* for the 76th Legislative Session.

Research Division
Legislative Counsel Bureau
October 2011

APPROPRIATIONS AND AUTHORIZATIONS

Education Budget Bills

A.B. 483 (Chapter 117)

Assembly Bill 483 appropriates the sum of $96,983,227 from the State General Fund to the State Distributive School Account for Fiscal Year 2011 to cover unanticipated shortfalls in the revenue from the Local School Support Tax and ad valorem property taxes for the support of public schools.

This measure is effective on May 26, 2011.

A.B. 579 (Chapter 370)

Assembly Bill 579 apportions the Distributive School Account (DSA) in the State General Fund and authorizes certain expenditures for support of public education in the State of Nevada for the 2011-2013 Biennium.

This measure appropriates from the State General Fund to the DSA $2.2 billion over the 2011-2013 Biennium ($1.088 billion in Fiscal Year (FY) 2011-2012 and $1.111 billion in FY 2012-2013). The measure also temporarily transfers estimated funding of $111.3 million in FY 2011-2012 and $115.1 million in FY 2012-2013 from the State Supplemental School Support Fund to the DSA. In addition, $512.6 million of other revenues are authorized to be received and expended for State support of public education over the biennium ($252.6 million in FY 2011-2012 and $260 million in FY 2012-2013). These other revenues include an annual tax on slot machines, sales tax collected on out-of-state sales, interest earned on the Permanent School Fund, revenue from mineral leases on federal land, and room tax revenues from the legislatively approved 2009 Initiative Petition. Finally, $20 million in each fiscal year of the biennium is made available from the school districts fund for capital projects to be used for operating purposes.

With these funds, the statewide average basic support per pupil increases over the upcoming biennium from the current FY 2010-2011 amount of $5,192 to $5,263 in FY 2011-2012, and $5,374 in FY 2012-2013. Enrollment in kindergarten through grade 12 (K-12) is projected to decline by 0.14 percent FY 2011-2012 and grow by 0.36 percent in FY 2012-2013.

State funding for special education continues to be allocated on the basis of special education units. For each fiscal year of the 2011-2013 Biennium, 3,049 units are funded at a cost of $39,768 per unit, totaling $121.3 million in each fiscal year. Each year, 40 discretionary units are reserved for allocation by the State Board of Education to address school district shortfalls and requests from charter schools for the units. In addition, the measure authorizes the State Board of Education to spend up to $158,414 in FY 2011-2012 and $162,163 in FY 2012-2013 for gifted and talented pupils to participate in programs incorporating educational technology.

The State's Class-Size Reduction (CSR) Program receives $140.8 million in FY 2011-2012 and $144.2 million in FY 2012-2013 to pay for the salaries and benefits of at least 2,127 teachers hired to reduce pupil-to-teacher ratios in the first year and 2,144 in the second year of the biennium. Funds are allocated based upon the number of teachers needed in each school district to achieve pupil-to-teacher ratios of 16 to 1 in first and second grades and 19 to 1 in third grade, the same ratios as in the current biennium.

To assist school districts in addressing budget shortfalls for the 2011-2013 Biennium, this measure authorizes a school district to increase class sizes in grades 1, 2, and 3 by no more than two pupils per teacher in each grade, to achieve pupil-teacher ratios of 18 to 1 in grades 1 and 2 and 21 to 1 in grade 3. If a school district elects to increase class sizes in this manner, all money that would have otherwise been expended by the school district to achieve the lower class sizes in grades 1 through 3 must be used to minimize the impact of budget reductions on class sizes in grades 4 through 12. For reporting purposes, school districts that elect to increase class sizes in grades 1 through 3 will be required to report the pupil-teacher ratios achieved for each grade level from grade 1 through grade 12.

The measure continues the flexibility for school districts to carry out alternative programs for reducing the pupil-to-teacher ratios or to implement remedial programs that have been found to be effective in improving pupil achievement. To use the funds in this manner, a school district must receive approval of its written plan from the Superintendent of Public Instruction, evaluate the effectiveness of its program, and ensure that the combined pupil-to-teacher ratio in the aggregate of kindergarten through grade 3 does not exceed the combined ratio in those grades in School Year 2004-2005.

The measure's school funding provisions also allocate:

- $34.8 million over the biennium ($17 million in FY 2011-2012 and $17.8 million in FY 2012-2013) for adult education programs, including those in prison facilities;

- $48.8 million over the biennium in State General Fund support ($24.2 million in FY 2011-2012 and $24.6 million in FY 2012-2013) to continue the full-day kindergarten program for at-risk schools;

- $14.9 million over the biennium (approximately $7.5 million in each year of the biennium) for regional training programs to train teachers and administrators and for the Nevada Early Literacy Intervention Program as established and operated by each regional program's governing body;

- $200,000 ($100,000 in each year of the biennium) for the Statewide Council for the Coordination of Regional Training Programs to provide additional training opportunities for educational administrators in Nevada;

- $6.7 million over the biennium (approximately $3.3 million in each year of the biennium) for competitive grants to school districts and community-based organizations for early childhood education programs. The measure continues the requirement for an evaluation of the effectiveness of the early childhood education programs;

- $13.4 million in FY 2011-2012 to fund the cost of retirement credits and teacher incentives earned in FY 2010-2011 and $15.9 million in FY 2012-2013 to fund the cost of retirement credits and teacher incentives earned in FY 2011-2012; and

- $15.5 million over the biennium (approximately $8 million in FY 2011-2012 and $7.6 million in FY 2012-2013) for the Other State Education Programs Account for various projects and programs, including: educational technology, peer mediation, career and technical education programs, library books, public broadcasting, National Board Certification programs for teachers and counselors, and other miscellaneous programs.

The provisions of the measure relating to the transfer of funds to support the CSR Program during FY 2012-2013 are effective on July 1, 2012. All other provisions are effective on July 1, 2011.

The provisions relating to the use of the fund for capital projects for school operating purposes are restricted to the 2011-2013 Biennium.

NOTE: See also Senate Bill 197 (Chapter 380).

State Budget Bills

A.B. 580 (Chapter 371)

Assembly Bill 580 is the General Appropriations Act to support Nevada State Government during the 2011-2013 Biennium. This measure makes appropriations from the State General Fund and the State Highway Fund for all State agencies and the Nevada System of Higher Education. The bill appropriates from the State General Fund over $3.84 billion during the biennium, including approximately $1.93 billion for Fiscal Year (FY) 2012 and $1.91 billion for FY 2013. The State Highway Fund appropriations total nearly $282.1 million, including $140.1 million in FY 2012 and $142 million in FY 2013. The line of credit established previously through the Local Pooled Government Investment Fund and the authorized debt service for the Fund is continued until 2017.

This measure, along with the General Authorizations Act (S.B. 503), the State employee salary bill (S.B. 505), the school funding bill (A.B. 579), and the capital improvements program bill (S.B. 504), are the final result of deliberations by the Assembly Committee on Ways and Means and the Senate Committee on Finance. The total State General Fund appropriation of $3.84 billion represents a reduction of approximately $42.2 million when compared to State General Fund appropriations approved by the 2009 Legislature for the 2009-2011 Biennium. The General Appropriations Act and other appropriations bills

considered throughout the 2011 Session delineate the amount of the State General Fund support approved by the Legislature for the operation of Nevada State Government for the 2011-2013 Biennium. A summary of the major program decisions linked to these appropriations follows.

ELECTED OFFICIALS

Governor—The Legislature approved approximately $5.8 million in State General Fund support for the Office of the Governor for the 2011-2013 Biennium. Of this amount, $694,368 supports the Governor's Mansion and $1.3 million supports the High Level Nuclear Waste program. The Legislature also approved the elimination of three temporary positions and associated operating costs that were added to the Governor's Office during the 2009-2011 Biennium in support of administering the 2009 American Recovery and Reinvestment Act (ARRA), resulting in State General Fund reductions of $637,588 over the 2011-2013 Biennium.

Lieutenant Governor—The Legislature approved $956,867 in State General Fund support for the Office of the Lieutenant Governor for the 2011-2013 Biennium.

Attorney General—The Legislature approved nearly $27.5 million in State General Fund support for the Office of the Attorney General for the biennium. Of this amount, $2.3 million continues the support of the Bureau of Consumer Protection, $1.2 million supports the Extradition Coordinator account, approximately $426,000 supports the Missing Children/Crime Prevention account, and approximately $462,000 supports the Special Fund to continue legal activities in opposing the location of a federal nuclear waste repository at Yucca Mountain and unanticipated litigation.

Secretary of State—The Legislature approved the Governor's recommendation to establish a new State Business Portal budget account independent from the Office's main operating account to separately track all costs related to the Portal, including State General Fund support in the amount of $250,000 per year for contract services to build out the Portal to allow interfaces with other agencies.

Office of the State Treasurer—The Legislature approved $1.3 million in State General Fund support for the Office of the State Treasurer for the 2011-2013 Biennium.

Office of the State Controller—The Legislature approved $8.1 million in State General Fund support over the biennium for the Office of the State Controller, including $50,000 in FY 2012 to implement an eXtensible Business Reporting Language (XBRL) technology solution for Single Audit Reporting.

Judicial Branch—The Legislature approved State General Fund support totaling $59.5 million for the 2011-2013 Biennium for Nevada's Supreme Court, the Supreme Court Law Library, and various other judicial entities and programs. Also approved was the equivalent of a 2.5 percent salary reduction, six unpaid furlough days a year, and suspended merit and longevity pay for all Judicial Branch employees except District Court Judges and Supreme Court Justices.

ADMINISTRATION

Department of Administration—The Legislature approved the budget changes needed to implement the Governor's initiative to centralize and streamline certain services including the reorganization and consolidation of several State agencies under the Department of Administration. The reorganization and consolidation of the Department of Personnel, the Department of Information Technology (DoIT), Nevada State Library and Archives, and the State Public Works Board under the Department of Administration (S.B. 427) results in State General Fund savings of $471,000 over the 2011-2013 Biennium.

Department of Taxation—The bill also provides for $51.3 million in State General Fund support for the Department of Taxation for the biennium. Additional positions were approved to reduce the number of delinquent and noncompliant taxpayer accounts and to maintain the Department's ability to reconcile and post electronic payments to taxpayers' accounts.

EDUCATION

K-12 Education—The majority of funding for Nevada's public schools is considered in a separate education funding bill (A.B. 579), which contains funding for basic support, class-size reduction, teacher and administrator training, early childhood education, teacher incentives, educational technology, and other programs. This measure, A.B. 580, contains State General Fund support for the Department of Education in the amount of $19.7 million for the biennium, including $11.6 million for the continuation of the statewide testing program.

Nevada System of Higher Education (NSHE)—The Legislature approved revenue from all sources totaling $1.4 billion for the biennium. Of the total revenues approved, $944.8 million or 67.4 percent are State General Fund appropriations. Non-State General Fund revenue sources total $456.6 million and include student registration fees, nonresident tuition, student application fees, federal revenues, and operating capital investment income. Additionally, the Legislature supported NSHE's plan to annually generate an additional $43.3 million in non-State General Fund revenues of which $21.3 million could be generated through a potential 13 percent registration fee surcharge and $22.2 million generated through NSHE-identified sources. These additional revenues are not included in the totals above and would be added to NSHE's State-supported operating budgets through the Interim Finance Committee's (IFC) work program revision process. Preliminary actual enrollments for FY 2011 of 69,023 full-time equivalent students will be used as the basis for projecting FY 2012 and FY 2013 enrollments, and the use of the funding formula for the calculation and

distribution of available State General Fund appropriations to NSHE operating budgets is suspended. Also approved was the consolidation and elimination of 10 of NSHE's 25 operating budgets.

Under the Governor's *Executive Budget*, State General Fund appropriations to the University of Nevada, Reno and the University of Nevada, Las Vegas were to be reduced by a combined $60.4 million in FY 2012 and $60.8 million in FY 2013 and substituted an equal amount of Clark and Washoe County property tax revenues. The Legislature rejected this approach and restored the State General Fund appropriations in lieu of the property tax revenues in each fiscal year. As a result of this action and other budget decisions, State General Fund appropriations increased by $66.4 million in FY 2012 and $137.7 million in FY 2013 when compared to the appropriations included in the *Executive Budget*.

The Legislature did not approve the creation of a new Carlin Armory budget to reflect the transfer of operations and maintenance costs for the Fire Science Academy facility from NSHE to the Office of the Military. The Legislature contingently approved the transfer of operations and maintenance funding, pending congressional approval for the relocation of the armory site and subject to IFC approval.

Department of Cultural Affairs—In S.B. 427, the Legislature approved the elimination of the Director's Office and the dissolution of the Department of Cultural Affairs, which includes the transfer of its four divisions to other State agencies. The Nevada State Library and Archives will transfer to the Department of Administration; the Division of Museums and History and the Nevada Arts Council to the Commission on Tourism; and the State Historic Preservation Office to the State Department of Conservation and Natural Resources. The Legislature approved a total of $15 million in State General Fund revenue over the 2011-2013 Biennium to support the former Department's operations in these agencies, which represents a 30 percent decrease from the $21.5 million approved for the 2009-2011 Biennium.

COMMERCE AND INDUSTRY

State Department of Agriculture—The Legislature approved a total of $3.1 million in State General Fund revenue over the 2011-2013 Biennium to support the State Department of Agriculture, which represents a decrease of 41 percent from the $5.2 million approved for the 2009-2011 Biennium.

Department of Business and Industry—The Legislature approved total funding of nearly $244 million in the 2011-2013 Biennium. Of that amount, just $2.9 million in FY 2012 and $2.8 million in FY 2013 represent State General Fund appropriations. Also provided was $2.5 million in State Highway Fund revenue for each year of the biennium to support the Nevada Transportation Authority. The Legislature approved the Governor's recommendation to eliminate the Consumer Affairs Division and the Governor's amendment to restore the position of Ombudsman for Minority Affairs in the Director's Office.

Commission on Economic Development—The Legislature also approved State General Fund support of approximately $2.4 million in FY 2012 and $2.3 million in FY 2013 for the purpose of implementing economic business development programs for Nevada. The Legislature approved allocating the funding to the IFC's Contingency Fund, as well as 18 months of pass-through funding for development authorities. The funding will be allocated contingent upon the IFC's approval of a plan for utilizing the funding, including an analysis of the effectiveness of the State's economic development programs, the State's economic strengths and weaknesses, and a State Plan for Economic Development. The measure includes State General Fund support of $10 million in FY 2012 to establish the Nevada Catalyst Fund that is intended to provide a development resource, a grant, or a loan of money to promote the economic development of this State and aid the implementation of the State Plan for Economic Development.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Director's Office—In approving the budgets administered by the Director's Office within the Department of Health and Human Services, the Legislature agreed with the Governor's recommendation to merge the Office of Minority Health with the Office of Consumer Health Assistance and transfer the combined accounts to the Director's Office. The Legislature also approved State General Fund revenue for the operation of the Nevada 2-1-1 System, which is a single point of access to existing community health and human services information, and transferred the program from the Director's Office to the Office of Consumer Health Assistance. The Legislature approved the Governor's recommendation to eliminate the Family-to-Family Program, redirecting a portion of the savings to the Family Resource Centers and the Differential Response Program.

Aging and Disability Services Division—The Legislature approved approximately $108.9 million over the biennium to support the Division, including State General Fund appropriations totaling $29.9 million. The Legislature approved eliminating the Senior Citizens' Property Tax Assistance Program. The Program provided 16,609 seniors with an average property tax refund of $267 in FY 2011. The budget contains sufficient funding to establish the Autism Treatment Assistance Program as an ongoing program within the Division, with funding totaling $4.2 million over the biennium for the Program, including $3 million in State General Fund appropriations. The funding would provide services to approximately 135 children per month during the upcoming biennium. The budget includes an additional $1.8 million over the biennium in State General Fund support for the Elder Protective Services Program in order to maintain the average caseload.

Division of Health Care Financing and Policy—The Legislature approved approximately $1.06 billion in State General Fund support in addition to the $2.9 billion in authorized revenue contained in the General Authorizations Act (S.B. 503) for the Division of Health Care Financing and Policy over the biennium. The budget includes the addition of positions dedicated to various requirements of the federal Patient Protection and Affordable Care Act (Public Law 111–148) and positions to expand fraud, waste, and abuse prevention activities

within the Division. The measure also includes approval of the Federal Medical Assistance Percentage (FMAP) rate for the biennium at 1.6 percent higher than the rate used in the *Executive Budget*, resulting in State General Fund savings of $25.8 million.

The measure continues the budget reduction measures imposed during the 2009-2011 Biennium, including:

- Requiring a therapy clinical assessment prior to authorization of personal care services, lowering monthly limits for certain supplies, and revising behavioral health rates from a three-tier structure based on provider qualifications to a single rate;

- Reducing the rates paid for anesthesia services;

- Maintaining the expanded Preferred Drug List (PDL); and

- Reducing reimbursement rates for certain devices to align the rates with Medicare rates.

Most proposed provider rate reductions were not approved and State General Fund appropriations totaling $28.7 million in FY 2012 and $27.4 million in FY 2013 were restored. Additional budget proposals that were not approved include recommendations to eliminate nonmedical vision services for adults; transfer financial responsibility for a portion of the Medical Aid for the Aged, Blind, and Disabled (MAABD) institutional population; and the waiver population to the County Match Program. However, the following budget reductions were approved:

- A rate reduction for Skilled Nursing Facilities totaling $5 per bed day and a corresponding reduction in the rates paid for hospice beds;

- A 0.7 percent rate reduction for dental services, durable medical equipment, and disposable medical supplies;

- A 15 percent rate reduction for ambulatory surgical centers, ambulance services, and end stage renal disease services; and

- An increase in the counties' financial responsibility for MAABD and institutional waiver populations.

In addition, the legislation takes into account the elimination of the Health Insurance Flexibility and Accountability (HIFA) waiver program that expires on November 30, 2011.

Health Division—The Legislature approved total funding of $351.7 million over the biennium for the Health Division, which includes $54.6 million in State General Fund support. State General Fund support was increased by $1.4 million each year of the biennium to replace expired funding from the federal ARRA to maintain the base budget caseload for the Early Intervention Services Program.

Division of Welfare and Supportive Services—The Legislature approved State General Fund support in the amount of $141.8 million over the biennium for the Division of Welfare and Supportive Services. State General Fund revenue totaling $50.4 million over the biennium was approved for the Temporary Assistance for Needy Families (TANF) budget, primarily to support TANF caseloads projected at 30,170 cases in FY 2012 and 29,688 in FY 2013. Included in the TANF budget are State General Fund revenues in the amount of $5.1 million over the biennium to be used in lieu of TANF funds to fund the kinship care and the TANF Loan Programs at 75 percent of their current levels. The proposed Silver State Works Program was not approved. The budget also reduces State General Fund appropriations in the Child Assistance and Development account to the minimum maintenance of effort level.

Division of Mental Health and Developmental Services—A total of $418.3 million in State General Fund support was approved for the Division of Mental Health and Developmental Services over the 2011-2013 Biennium, a decrease of 10.2 percent when compared to 2009-2011 State General Fund appropriations. For mental health services, the State's one-third funding support of $2.5 million was restored over the 2011-2013 Biennium for the community triage centers in Clark and Washoe Counties. Staffing was eliminated for the Psychosocial Rehabilitation Services Program statewide, except for a Vocational Rehabilitation Trainer to maintain the operation of the campus canteen at Northern Nevada Adult Mental Health Services. Partial staffing for Outpatient Counseling services statewide was approved. The Legislature did not approve the Governor's recommendation to charge the counties for the costs of service coordination and supported living arrangements services for individuals participating in the Mental Health Court Program. Funding totaling approximately $2.1 million each year was approved for supported living arrangements statewide.

Two inpatient hospital units at Southern Nevada Adult Mental Health Services were closed, leaving the 190-bed Rawson-Neal Hospital as the sole inpatient facility on the agency's campus. At Northern Nevada Adult Mental Health Services, the Mobile Outreach Safety Team in Washoe County was continued. The Legislature approved the transfer of funding, operating costs, and positions that support rural clinic offices in Caliente, Laughlin, Mesquite, Moapa, and Pahrump to Southern Nevada Adult Mental Health Services to allow for better management efficiencies and staff training and supervision in the southern portion of Nevada.

For developmental services, State General Fund revenues were reduced by $11.5 million over the biennium by assessing the counties for the State's cost of providing services to approximately 1,550 children under the age of 18 statewide. The proposal to discontinue the Self-Directed Family Support Program for 230 families to purchase speech and behavioral therapy services was not approved.

Division of Child and Family Services—The Legislature approved $220.7 million in State General Fund appropriations and an additional $221.7 million in authorized revenues for the Division over the biennium. Funding was approved to support projected caseload increases in foster care, higher levels of care or specialized foster care, and adoption subsidies. Funding

for child welfare services was approved to be provided to Clark and Washoe Counties in the form of block grants with performance improvement plans. Funding for mental health room and board placements was set at approximately $2.8 million in each year of the biennium. The cost of child protective services is allocated to the rural counties that receive the services. County reimbursement revenue totaling $2.4 million each year is included with offsetting State General Fund reductions. The budget anticipates the closure of three residential units, based on the Division's experience and projection of reduced numbers of youth being committed to the State facilities. The Governor's recommendation to replace the entire cost of providing youth parole services with county funds through an assessment to the counties was not approved; instead, the counties will be assessed about half of the cost to offset State General Fund revenue with the other half, $2.7 million coming from State General Fund revenue for each year.

Department of Employment, Training and Rehabilitation—The budget for the Department of Employment, Training and Rehabilitation includes approved total General Fund appropriations of $7.4 million for the 2011-2013 Biennium, which is a decrease of 24.9 percent when compared to the legislatively approved amounts for the 2009-2011 Biennium. For Vocational Rehabilitation, the budget includes State General Fund reductions totaling $1.39 million over the 2011-2013 Biennium. Because State funding is used as a match, the reductions will trigger losses of federal funding totaling $5.04 million for the biennium.

PUBLIC SAFETY

Department of Corrections—The bill also includes $496.3 in State General Fund support for the Department of Corrections in the biennium. The funding approved will provide for housing an average of 12,568 inmates in FY 2012 and 12,575 inmates in FY 2013. The Legislature approved the closure of the Nevada State Prison in Carson City effective April 2012. In addition, the Legislature approved State General Fund appropriations of $9.8 million over the biennium to reopen two housing units at the High Desert State Prison in FY 2012 in order to house the Nevada State Prison's existing inmate population. The Legislature did not approve the proposal to close the Wells Conservation Camp.

Department of Public Safety—The Legislature approved approximately $87.7 million in State General Fund revenue and $135.4 million in State Highway Fund revenue for the Department of Public Safety over the biennium. The Legislature approved billing the counties for 70 percent of the costs associated with producing presentence investigation reports prepared by the Division of Parole and Probation, for a State General Fund savings of $7.5 million over the biennium. The budget also takes into account closing the Las Vegas office of the Investigation Division, for savings totaling $2.5 million over the biennium. The Legislature also approved continuing the operational consolidation of the Investigation Division with Narcotics Control.

Department of Motor Vehicles—The Legislature approved State Highway Fund appropriations in the amount of $147 million to support the operations of the Department of Motor Vehicles. This includes replacing approximately $25.6 million in Governmental Services Tax (GST) Commissions and Penalties revenue with direct State Highway Fund appropriations each year, and redirecting the GST Commissions and Penalties revenue to the State General Fund for unrestricted use. The Legislature directed the Department to monitor the planned expansion of its kiosk program, as well as the ongoing trend in average monthly wait times, and approach the IFC to request approval for additional technician positions as needed over the biennium.

INFRASTRUCTURE

State Department of Conservation and Natural Resources—For the State Department of Conservation and Natural Resources, including the Tahoe Regional Planning Agency, the Legislature approved State General Fund appropriations totaling $44.5 million over the biennium. The Legislature did not approve the Governor's recommendation to eliminate the Division of Conservation Districts and the State Conservation Commission. Instead, minimal funding is provided to restore a reduced budget to maintain the Division of Conservation Districts and the State Conservation Commission, and to provide annual grants of $2,500 each year to the Districts.

SPECIAL PURPOSE AGENCIES

Office of Veterans' Services—The budget for the Office of Veterans' Services is reduced by approximately 61 percent, due primarily to the elimination of all State General Fund support for the Veterans' Home, which was approximately $1.1 million in the 2009-2011 Biennium.

MISCELLANEOUS

The measure also specifies that if actual State revenues fall below projections resulting in an ending fund balance of less than $80 million in either year of the biennium, the Governor may direct that each agency of State government is required to set aside a 15 percent reserve if approved by the IFC. Agencies may also seek IFC approval to transfer unexpended deferred maintenance appropriations to the next fiscal year.

The extension to carry forward the remaining balance of funds to create the State business portal, budget reversion requirements, and the appropriation to fund the 2011 Legislative Session are effective on June 14, 2011. The remaining provisions of the bill, including most of the appropriations, and the extensions of authority for the State Treasurer to establish a line of credit with the Local Government Pooled Investment Fund, are effective on July 1, 2011. Provisions governing the Local Government Pooled Investment Fund expire by limitation in 2017.

S.B. 503 (Chapter 372)

Senate Bill 503, known as the General Authorizations Act, represents authority for agencies to collect and expend monies other than State General Funds and includes federal funds, gifts, grants, interagency transfers, service fees, and other funds. The total authorized funding recommended for approval by the Legislature for ongoing operations is approximately $11.07 billion for the 2011-2013 Biennium, which includes approximately $659 million in State Highway Fund appropriations. The measure includes separate authorizations for certain tobacco settlement funds and for appropriations to the State Gaming Control Board and the Nevada Gaming Commission. The bill also repeals statutes with regard to guardianship of estates by the Executive Director of the Office of Veterans' Services.

This measure along with the General Appropriations Act (A.B. 580), the State employee salary bill (S.B. 505), the school funding bill (A.B. 579), and the Capital Improvements Program (CIP) bill (S.B. 504) are the final result of the deliberations by the Assembly Committee on Ways and Means and the Senate Committee on Finance. The General Authorizations Act allows State agencies to collect and expend federal funds, gifts, grants, interagency transfers, service fees, and other funds. In essence, the measure authorizes expenditures other than from the State General Fund or the State Highway Fund. The Legislature made numerous changes to the Governor's recommended budget to mitigate the impact of budget reductions and to ensure essential services provided by the State remain intact. A summary of the major program decisions linked to these appropriations follows.

ELECTED OFFICIALS

Governor's Office—The Legislature approved combined expenditures of $871,186 in each year of the biennium in support of the High Level Nuclear Waste Program and the Washington Office, as well as $30.1 million in Fiscal Year (FY) 2011-2012 for the State Fiscal Stabilization Account.

Secretary of State—The Legislature approved the Governor's recommendation to balance forward settlement receipts and securities fines revenues and to use those revenues as funding sources in the Secretary of State's main operating account. The additional settlement reserves will fund a new Business Portal Administrator position and other positions.

Office of Energy—The Renewable Energy and Energy Efficiency Authority is consolidated with the Office of Energy, and authority is provided to utilize property tax abatement program revenue to support the Office of Energy.

Judicial Branch—The Legislature approved a 7 percent decrease in administrative assessment revenue in FY 2011-2012 and FY 2012-2013 when compared to actual FY 2009-2010 receipts. A transfer of $600,000 over the biennium from excess reserves in the Foreclosure Mediation Program to the Supreme Court account was approved to offset revenue decreases caused by the decline in administrative assessment revenue.

FINANCE AND ADMINISTRATION

State Public Works Board—Approximately $44.1 million in authorized revenue for the State Public Works Board was approved for the 2011-2013 Biennium, which is an increase of approximately $28.4 million from the amount authorized for the 2009-2011 Biennium. The majority of the increase is the result of the decision to create a new Public Works Division within the Department of Administration. Twenty-seven project-related positions were eliminated due to the reduced amount of work estimated to be included in the State's Capital Improvement Program.

Department of Information Technology—The Legislature approved $56.8 million in authorized revenues for the Department of Information Technology (DoIT) for the 2011-2013 Biennium. As part of the Executive Branch agency restructuring, DoIT will be merged with the Department of Administration and renamed the Division of Enterprise Information Technology Services, eliminating the Department of Administration's Information Technology Division. No funding was authorized for information technology projects in the Department of Administration's budget account specified for projects.

EDUCATION

Department of Education—The majority of funding for Nevada's public schools is considered in a separate education funding bill (A.B. 579), which contains funding for basic support, class-size reduction, teacher and administrator training, early childhood education, teacher incentives, educational technology, and other programs. This measure provides for a total of $706.8 million in federal revenue authority over the 2011-2013 Biennium. Of this amount, $247.9 million continues the provisions of the federal No Child Left Behind Act. The federal funds will be utilized to continue the Title I basic program, school nutrition programs, to enhance teacher quality and State assessments, career and technical education programs, and for the support of teaching students with disabilities. Also included in this federal revenue authority is $30.1 million authorized pursuant to the federal American Recovery and Reinvestment Act of 2009 (ARRA) for distribution by the Department of Education to school districts over the 2011-2013 Biennium to help school districts hire, rehire, and retain educational personnel through FY 2012.

Nevada System of Higher Education—In closing the budgets of the Nevada System of Higher Education (NSHE), revenue from all sources was approved totaling $1.4 billion for the 2011-2013 Biennium. Of that total, non-State General Fund revenues total $456.6 million or 32.6 percent, and sources include student registration fees, nonresident tuition, student application fees, and federal revenues. Additionally, NSHE plans to annually generate an additional $43.3 million in non-State General Fund revenues of which $21.3 million could be generated through a 13 percent registration fee increase and $22.2 million generated through NSHE-identified sources. These additional revenues are not included in the totals above and would be added to NSHE's State-supported operating budgets through the Interim Finance Committee's work program revision process. The System's FY 2010-2011 preliminary actual

enrollments of 69,023 student full-time equivalents will be used as the basis for projecting FY 2011-2012 and FY 2012-2013 enrollments, and the use of the funding formula for the calculation and distribution of available State General Fund appropriations to NSHE operating budgets is suspended. Also approved was the consolidation and elimination of 10 of NSHE's 25 operating budgets.

COMMERCE AND INDUSTRY

Department of Business and Industry—For the Department of Business and Industry, the total authorized funding was $247.5 million in the 2011-2013 Biennium, a decrease of 8.5 percent when compared to the previous biennium. The Legislature did not approve the recommendation to merge the Manufactured Housing Division with the Housing Division. The proposal to consolidate related accounts was also rejected. The Legislature also authorized $1.32 million over the 2011-2013 Biennium for 13 new positions for Nevada's occupational safety and health enforcement agency. The positions are needed to address increased workload related to growth and inspection backlogs and to address recommendations for improvement included in a special study of Nevada's occupational safety and health program conducted by the Occupational Safety and Health Administration, United States Department of Labor, in July 2009. The new positions will be funded through a combination of federal grant and workers' compensation funding.

Commission on Tourism—The Legislature approved room tax revenue of $15.3 million in FY 2011-2012 and $15.8 million in FY 2012-2013 for the Commission on Tourism. In addition, the merger of the Commission on Tourism with the Department of Cultural Affairs and the Nevada Indian Commission was approved. As part of this merger, room tax revenue of $4.6 million over the 2011-2013 Biennium will be transferred to the various State museums, the Nevada Arts Council, and the Nevada Indian Commission to support approximately 50 percent of the State General Fund costs of these agencies. Finally, the Legislature approved room tax transfers of $100,000 in each year of the biennium to fund the Tourism Development account, which provides matching grants to rural communities to improve tourism infrastructure.

HUMAN SERVICES

Director's Office, Department of Health and Human Services—The Legislature approved the transfer of $38.3 million from the Indigent Supplemental Account to the State General Fund to offset the State General Fund shortfall during the 2011-2013 Biennium. Funds from this account have been used for the past three fiscal years to offset State General Fund shortfalls. Additionally, approximately $1.5 million over the 2011-2013 Biennium is redirected from revenue to support problem gambling programs to offset State General Fund shortfalls. The Legislature approved sufficient tobacco settlement revenues in the Fund for a Healthy Nevada budget to continue children and family health grants, independent living grants for seniors and persons with disabilities, and the Senior and Disability RX Programs. The Trust Fund for Public Health was eliminated, and the use of tobacco settlement funds of

approximately $7.3 million was authorized to offset State General Fund revenues in other health and human services-related programs. Approximately $3.3 million over the 2011-2013 Biennium was authorized to continue the federal Health Information Technology grant awarded through the ARRA. Approximately $28.9 million in federal Title XX funds over the biennium was authorized to provide grants to State agencies and nonprofit organizations to support health and social services programs.

Aging and Disability Services Division—Approximately $79 million in non-State General Fund revenue was authorized to support the budgets of the Aging and Disability Services Division. The Division will be reorganized, including consolidating fiscal and administrative positions and associated accounts eliminated or consolidated. The Governor's Council on Developmental Disabilities will be transferred to the Department of Health and Human Services Director's Office. Continued tobacco settlement support was approved for the Independent Living Grants and the waiver programs and to replace $2.7 million in State General Fund revenue for the Traumatic Brain Injury and Autism Treatment Assistance Program in FY 2012-2013.

Division of Health Care Financing and Policy—The Legislature approved positions dedicated to various requirements of the federal Patient Protection and Affordable Care Act of 2010 and to expand efforts to reduce fraud, waste, and abuse activities. Increases in the transfer from the Intergovernmental Transfer account to the Medicaid account by $14.6 million in FY 2011-2012 also were approved, resulting in a State General Fund offset in the Medicaid account. The Federal Medical Assistance Percentage rate also was approved for the 2011-2013 Biennium, which increased by 1.60 percent compared to the rate used in the *Executive Budget*. Certain budget reduction measures imposed during the 2009-2011 Biennium will be continued. Additional cost-cutting steps that were approved include:

- A rate reduction for skilled nursing facilities;
- A rate reduction for dental services, durable medical equipment, and disposable medical supplies;
- A 15 percent rate reduction for ambulatory surgical centers, ambulance services, and end-stage renal disease services; and
- An increase in the counties' financial responsibility for the Medical Assistance for the Aged, Blind and Disabled and institutional waiver populations.

Health Division—Of the total funding approved for the Health Division, $297.1 million in non-State General Fund revenues was authorized for the 2011-2013 Biennium. These revenues include federal grants, licensure, screening and other types of fees, transfers from Medicaid and Nevada Check-Up, and cost allocation revenue. The Legislature also approved the removal of all State General Fund appropriations from the Health Statistics and Planning account and chose to support the operation of the Office of Vital Records with fee revenue.

Counties will now be billed for environmental health inspection services; however, State General Fund support will be maintained for the Emergency Medical Services Program.

Division of Welfare and Supportive Services—Overall, the Legislature approved authorized revenues of $415.6 million over the 2011-2013 Biennium for the Division of Welfare and Supportive Services. Although combined Temporary Assistance to Needy Families caseloads are projected to decrease, the number of higher-cost cases is projected to increase. In addition, approximately $14.9 million was authorized for the biennium for the development and implementation of an Eligibility Engine system that will determine individual eligibility for publicly subsidized health care programs. This system will work in conjunction with the Health Insurance Exchange as mandated by the federal Patient Protection and Affordable Care Act. Funding is composed of federal funds, with the exception of State General Fund revenue of $494,838 in FY 2012-2013. Also, federal funding of $19.3 million and Universal Energy Charge revenues of $17.3 million was approved for the biennium in support of the Energy Assistance Program.

Division of Mental Health and Developmental Services—The bill authorizes approximately $219 million in non-State General Fund revenues for the Division of Mental Health and Developmental Services over the 2011-2013 Biennium. The Legislature approved restoring the State's one-third funding support of $2.5 million over the 2011-2013 Biennium for the community triage centers in Clark and Washoe Counties. The proposal to charge counties for the costs of service coordination and supported living arrangements services for individuals participating in the Mental Health Court Program was not approved.

Two inpatient hospital units at Southern Nevada Adult Mental Health Services were closed, leaving the 190-bed Rawson-Neal Hospital as the sole inpatient facility on the agency's campus. At Northern Nevada Adult Mental Health Services, the Mobile Outreach Safety Team in Washoe County was continued. The Legislature approved the transfer of funding, operating costs, and positions that support rural clinic offices in Caliente, Laughlin, Mesquite, Moapa, and Pahrump to Southern Nevada Adult Mental Health Services to allow for better management efficiencies and staff training and supervision in the southern portion of Nevada.

For developmental services, State General Fund revenues were reduced by $11.5 million over the 2011-2013 Biennium by assessing the counties for the State's cost of providing services to approximately 1,550 children under the age of 18 statewide. The proposal to discontinue the Self-Directed Family Support program for 230 families to purchase speech and behavioral therapy services was not approved.

Division of Child and Family Services—The Legislature approved $221.7 million in authorized revenues for the Division over the 2011-2013 Biennium. Funding was approved to support projected caseload increases in foster care, higher levels of care, and adoption subsidies. The Legislature also approved the Governor's original recommendation to allocate the cost of child protective services to the rural counties that receive the services. County reimbursement revenue totaling $2.4 million in each year is included with offsetting

State General Fund reductions in the same amount. The Legislature did not approve the Governor's recommendation to replace the entire cost of providing youth parole services with county funds through an assessment to the counties; instead, the counties will be assessed about half of the cost to offset State General Funds with the other half, $2.7 million coming from State General Fund revenues for each year.

Department of Employment, Training and Rehabilitation—The Legislature approved non-State General Fund revenues totaling $326.3 million for the agency over the 2011-2013 Biennium—an increase of 8.7 percent when compared to the legislatively approved amounts for the previous biennium. In the Employment Security Division (ESD), the State's Apprenticeship Program is transferred from the Department of Education to the ESD, changing the program funding source from the State General Fund to federal revenues. Work continues to replace the 30-year-old unemployment insurance tax and benefit system used to process wage, contribution, and benefit information. For the upcoming biennium, federal funds of $6.69 million in FY 2011-2012 and $2.9 million in FY 2012-2013 were approved for this purpose.

PUBLIC SAFETY

Department of Motor Vehicles—The Legislature chose to replace approximately $25.6 million in Governmental Services Tax Commissions and Penalties revenue with direct Highway Fund appropriations in each year of the biennium. This action authorized $25.6 million in Governmental Services Tax Commissions and Penalties revenue to be redirected to the State General Fund in each year of the biennium for unrestricted State General Fund use. Due to the increase in State Highway Fund appropriations for the Department of Motor Vehicles (DMV), the 22 percent cap on administration expenses was increased to 33 percent for the 2011-2013 Biennium only. The Legislature also authorized approximately $3.3 million over the biennium to implement a new convenience fee in order to pass-through transaction fees associated with self-service kiosk terminals. With the passage of S.B. 441, the new convenience fee establishes the kiosk program as a self-funded program and allows the expansion of DMV services.

Department of Public Safety—Total funding of approximately $391.3 million was approved for the Department, of which $175.5 million was authorized in non-State General Fund and non-State Highway Fund revenue sources. The Legislature also approved consolidating the Administrative Services Division within the Director's Office in order to centralize the majority of the Department's fiscal and human resource services to create efficiencies and reduce costs. In addition, $400,000 in federal Justice Assistance Grant transfer authority in FY 2011-2012 was approved for the Central Repository for Nevada Records of Criminal History to complete a study of the Department's software applications.

INFRASTRUCTURE

State Department of Conservation and Natural Resources—Funding of $175.1 million over the 2011-2013 Biennium was approved for the State Department of Conservation and Natural Resources, including the Tahoe Regional Planning Agency. The Governor's recommendation to merge the Office of Historic Preservation and the Comstock Historic District Commission with the Department also was approved; however, the money committees did not approve the Governor's recommendation to merge the Commission on Mineral Resources with the Department. In the Division of Forestry, the Legislature agreed to maintain the State's agreement with Clark, Elko, and Eureka Counties to provide all-risk emergency response services. As part of the new agreement, the Division of Forestry will receive additional transfers from the counties in the amount of $1.6 million over the 2011-2013 Biennium to fund certain positions, as well as to cover all-risk incident costs in the Forest Fire Suppression account. In the Division of Environmental Protection, the Legislature approved a five-year, $2 million per year grant from the federal Department of Energy for State environmental management activities at the Nevada National Security Site and surrounding locations.

Department of Transportation—The Legislature authorized funding of approximately $573.6 million in FY 2011-2012 and $565.2 million in FY 2012-2013, including $354 million in FY 2011-2012 and $343 million in FY 2012-2013 to support highway and other capital construction.

SPECIAL PURPOSE AGENCIES

Public Employees' Benefits Program—The Legislature authorized a total budget of $711.9 million for FY 2011-2012 and $750.9 million for FY 2012-2013 for the Public Employees' Benefits Program (PEBP). Also approved was the Governor's recommendation regarding plan design changes as well as subsidy reductions for participants. These decisions will save an estimated $85.2 million in State subsidies over the upcoming biennium, of which approximately $54.5 million (64 percent) is State General Fund appropriations. The plan design changes eliminate the Preferred Provider Organization (PPO) and replace it with a Consumer-Driven Health Plan. In addition, active employee participants will receive a Health Savings Account, and retirees will receive a Health Reimbursement Arrangement. Medicare-eligible retirees will move out of the PEBP plan and into the individual Medicare market. In addition, spouses or domestic partners who are eligible for other employer-based health coverage will be removed from PEBP. Finally, the health maintenance organization (HMO) option will continue to be available, but will be subsidized at a lower rate than the Consumer-Driven Health Plan, and the rates for northern Nevada and southern Nevada will be blended into one rate table.

Office of Veterans' Services—Approximately $26.8 million in authorized revenues were approved for the Office of Veterans' Services for the 2011-2013 Biennium, an increase of approximately 24.5 percent from the $21.5 million authorized for the 2009-2011 Biennium.

The increases are primarily due to a projected increase in client charges revenue collected from or on behalf of Veterans' Home residents, and additional reimbursements received from the federal Veterans Administration for care of the Home's veteran residents. The Legislature approved eliminating all State General Fund support for the Veterans' Home and established reserves for the account in the 2011-2013 Biennium.

Provisions dealing with transfers of unexpended money in certain funds are effective on June 14, 2011. The remaining provisions are effective on July 1, 2011.

NOTE: See also Assembly Bill 3 (Chapter 3) of the 26th Special Session.

Other Appropriations and Authorizations

A.B. 222 (Chapter 487)

Assembly Bill 222 creates the Teachers and Leaders Council of Nevada, consisting of 15 members. The Council is authorized to accept gifts, grants, donations, and contributions from any source to carry out the provisions of this measure.

The measure requires the Council to make recommendations to the State Board of Education concerning the adoption of regulations for establishing a statewide performance evaluation system for teachers and administrators employed by school districts. Based upon the recommendations of the Council, the State Board of Education is required to adopt regulations establishing an evaluation system that incorporates multiple measures of an employee's performance.

Effective July 1, 2013, the evaluation system will require that at least 50 percent of the evaluation of an individual teacher or administrator be based upon the academic achievement of pupils. In addition, the measure provides that an evaluation of a probationary or postprobationary teacher must include an evaluation of whether the teacher employs practices and strategies to involve and engage the parents and families of pupils in the classroom. If a teacher receives a negative evaluation on the first or second evaluation, or both, the teacher may then request the third evaluation be conducted by another evaluator selected from a list of three candidates submitted by the superintendent of the school district. The bill amends A.B. 229 to make the bills conform in this regard. Finally, the evaluation system shall require that an employee's overall performance be determined to be "highly effective," "effective," "minimally effective," or "ineffective." Charter schools are not required to participate in the evaluation system created by the Council.

Until implementation of the new performance evaluation system on July 1, 2013, the measure requires each school district to develop a policy for the evaluation of teachers and administrators that requires student achievement to account for a significant portion of the evaluation.

Finally, the measure appropriates from the State General Fund to the Department of Education $32,000 over the biennium to fund the costs of the Teachers and Leaders Council.

The portions of the bill relating to the creation of the Council and the school district policies relating to the evaluation of teachers and administrators prior to implementation of the new performance evaluation system are effective on July 1, 2011. All other sections of the measure are effective on July 1, 2013.

A.B. 224 (Chapter 351)

Assembly Bill 224 creates the Office of Parental Involvement and Family Engagement within the Department of Education. In so doing, the measure requires the Superintendent of Public Instruction to appoint an employee of the Department to serve as the Director of the Office and ensure that the Office has a sufficient number of personnel to carry out its duties. The duties of the Office include:

- Reviewing and evaluating programs to increase parental involvement and family engagement in the public schools;
- Developing a list of effective practices to reengage parents and families and provide them with the skills and resources necessary to support the academic achievement of their children;
- Working with multiple groups to increase parental involvement and family engagement; and
- Providing information to schools and districts on the availability of competitive grants for programs designed to increase parental involvement and family engagement, including professional development for educational personnel and training for parents.

The measure changes the name of the State's Advisory Council on Parental Involvement to the Advisory Council on Parental Involvement and Family Engagement and requires the new Office to work in partnership with the Advisory Council to review and evaluate the annual accountability reports and plans for improvements relating to parental involvement and family engagement. The contents of the annual accountability reports and plans for improvement are revised to include a description of the efforts made by schools and school districts to increase the involvement of parents and the engagement of families of pupils and the effectiveness of those efforts.

The Commission on Professional Standards in Education is required to work in cooperation with the Office to adopt regulations on or before December 31, 2011, prescribing course work on parental involvement and family engagement. In addition, the measure requires the Director of the Office to serve as an ex officio member of the Statewide Council for the Coordination of the Regional Training Programs. In so doing, the measure requires the Statewide Council, in cooperation with the Office, to establish a statewide training program for teachers, paraprofessionals, and administrators concerning effective parental involvement and family engagement.

The measure includes an appropriation from the State General Fund of $67,126 in Fiscal Year (FY) 2011–2012 and $91,594 in FY 2012–2013 to support the costs of the Director of the Office of Parental Involvement and Family Engagement. In addition, the measure includes an appropriation from the State General Fund of $10,000 in each fiscal year of the 2011-2013 Biennium to support the costs of the Advisory Council on Parental Involvement and Family Engagement.

This bill is effective on July 1, 2011.

A.B. 405 (Chapter 527)

Assembly Bill 405 directs the Interim Retirement and Benefits Committee to conduct a study of the retirement and disability benefits for public employees of this State. The study must include thorough analyses of alternatives to the existing retirement plan and an analysis of measures implemented by the Public Employees' Retirement Board to monitor losses caused by fraud or misrepresentation in the financial markets.

The Board is directed to provide assistance to the Committee as needed, including the assistance of the independent actuary employed by the Board. A General Fund appropriation of $250,000 is made to conduct the study. The appropriated money may be distributed only if matching funds are received through other sources including, without limitation, gifts, grants, and donations. The Interim Retirement and Benefits Committee must report the results of the study to the Legislative Commission on or before October 1, 2012.

This bill is effective on June 17, 2011.

A.B. 432 (Chapter 348)

Assembly Bill 432 repeals the program for evaluating energy consumption in residential property established by the Nevada Energy Commissioner and the requirement of a seller to provide a copy of this evaluation to a purchaser of his or her property. Instead, this measure provides for the licensure of energy auditors by the Real Estate Division of the Department of Business and Industry and establishes the training and qualifications an energy auditor must have to be licensed to conduct energy audits in Nevada. The bill establishes the requirements for conducting an energy audit, limited energy audit, or energy assessment, including the elements of the home that must be evaluated, the software and tools the energy auditor must use, and the report the energy auditor must provide to the homeowner and the United States Department of Energy. Also, A.B. 432 makes it a category E felony to attempt to obtain a license as an energy auditor through intentional misrepresentation, deceit, or fraud.

Finally, this bill appropriates from the State General Fund to the Real Estate Division $46,780 in Fiscal Year (FY) 2011–2012 and $58,214 for FY 2012–2013 for personnel and other costs associated with licensing energy auditors.

Provisions of this bill that repeal the program for evaluating energy consumption in residential property and related regulations adopted by the Nevada Energy Commissioner are effective on June 13, 2011. Provisions of this bill that require the Real Estate Division to adopt regulations

concerning licensure of energy auditors are also effective on June 13, 2011. The remainder of this bill is effective on July 1, 2011.

A.B. 476 (Chapter 463)

Assembly Bill 476 requires the Board of Regents of the University of Nevada to estimate the amount of money in the Trust Fund for the Education of Dependent Children that is available in each fiscal year to support expenses related to the Trust Fund. In the event of a projected shortfall, the Board is authorized to request an allocation from the Interim Finance Committee's Contingency Fund to cover the shortfall. The measure appropriates $25,000 from the State General Fund to the Trust Fund. Finally, the measure provides that the money in the Trust Fund does not revert to the State General Fund at the end of any fiscal year.

This bill is effective on July 1, 2011.

A.B. 480 (Chapter 197)

Assembly Bill 480 appropriates the sum of $175,710 from the State General Fund to the Division of Health Care Financing and Policy of the Department of Health and Human Services for the completion of the takeover phase of the Medicaid Management Information System. Any remaining balance of the appropriation must not be committed for expenditure after June 30, 2013. Any funds not expended by September 20, 2013, revert to the State General Fund.

This measure is effective on May 30, 2011.

A.B. 481 (Chapter 198)

Assembly Bill 481 appropriates the sum of $5,331,325 from the State Highway Fund to the Nevada Highway Patrol of the Department of Public Safety to replace fleet vehicles that have exceeded the 105,000-mile threshold for sedans and the 125,000-mile threshold for trucks and sports utility vehicles. Any remaining balance of the appropriation must not be committed for expenditure after June 30, 2013, and any unspent portion of the appropriation must be reverted to the State Highway Fund on or before September 20, 2013.

This measure is effective on May 30, 2011.

A.B. 484 (Chapter 493)

Assembly Bill 484 revises Nevada law to allow the Employment Security Division of the Department of Employment, Training and Rehabilitation to provide extended unemployment benefits for a longer period of time consistent with a recent amendment to federal law.

The measure makes an immediate appropriation of $23.9 million and a subsequent appropriation of $40.1 million to the Interim Finance Committee for interest payments to the federal government for a loan made to Nevada upon depletion of the State's Unemployment Compensation Fund. Finally, A.B. 484 provides that if the federal government does not require interest payments in the full amount of these appropriations, the remaining money may be allocated for different, qualifying purposes from the Contingency Fund.

This measure is effective on July 1, 2012, for the purpose of appropriating $40.1 million for interest payments, and on June 17, 2011, for all other purposes.

The provisions intended to extend unemployment benefits for a longer period of time expire by limitation on December 31, 2011, or the date of expiration of corresponding federal law, whichever is later.

A.B. 486 (Chapter 413)

Assembly Bill 486 appropriates $677,344 from the State General Fund to the Division of Forestry of the State Department of Conservation and Natural Resources for the replacement of critical equipment. Any remaining balance of the appropriation must be reverted to the State General Fund on or before September 20, 2013.

This bill is effective on June 15, 2011.

A.B. 487 (Chapter 464)

Assembly Bill 487 appropriates $3.3 million from the State General Fund and $134,000 from the State Highway Fund to the State Board of Examiners for the purposes of buying retirement credits and terminal leave payments for State employees laid off due to the elimination of their positions. Any remaining balance of the appropriation must be reverted to the State General Fund on or before September 20, 2013.

The bill is effective on June 16, 2011.

A.B. 490 (Chapter 414)

Assembly Bill 490 appropriates $734,000 from the State General Fund to the Legislative Fund for major computer projects for the Legislative Counsel Bureau. Any remaining balance of the appropriation must be reverted to the State General Fund on or before September 20, 2013.

This bill is effective on June 15, 2011.

A.B. 491 (Chapter 415)

Assembly Bill 491 appropriates $278,050 from the State General Fund to the Division of Forestry of the State Department of Conservation and Natural Resources for major repair and renovation of certain crew carriers. Any remaining balance of the appropriation must be reverted to the State General Fund on or before September 20, 2013.

This bill is effective on June 15, 2011.

A.B. 492 (Chapter 416)

Assembly Bill 492 appropriates $1,060,512 from the State General Fund to the Legislative Fund for the payment of dues to national organizations. The appropriation includes $349,446 for Fiscal Year (FY) 2010-2011 and $711,066 for the upcoming biennium. Any remaining balance of the FY 2010-2011 appropriation must be reverted to the State General

Fund on or before September 16, 2011. Any remaining balance of the 2011-2013 Biennium appropriation must be reverted to the State General Fund on or before September 20, 2013.

The bill is effective on June 15, 2011, for the dues for FY 2010-2011, and on July 1, 2011, for the dues for the upcoming biennium.

A.B. 494 (Chapter 465)

Assembly Bill 494 appropriates from the State General Fund certain sums to restore the balance of the following three accounts and the Contingency Fund:

- Stale Claims Account in the amount of $3.5 million;
- Emergency Account in the amount of $50,000;
- Reserve for Statutory Contingency Account in the amount of $2.2 million; and
- Contingency Fund in the amount of $5 million.

This bill is effective on June 16, 2011.

A.B. 495 (Chapter 418)

Assembly Bill 495 appropriates $162,267 from the State General Fund to the Division of Forestry of the State Department of Conservation and Natural Resources to fund services and equipment for the transition of the State's Very High Frequency radio system from wideband to narrowband in order to be in compliance with a mandate by the Federal Communications Commission. Any remaining balance of the appropriation must be reverted to the State General Fund on or before September 20, 2013.

This bill is effective on June 15, 2011.

A.B. 497 (Chapter 419)

Assembly Bill 497 appropriates $213,599 from the State General Fund to the Department of Business and Industry to cover an unanticipated shortfall in the Real Estate Division. The bill also appropriates $6,157 from the State General Fund to the Department for costs associated with the relocation of the Director's office.

This bill is effective on June 15, 2011.

A.B. 527 (Chapter 468)

Assembly Bill 527 appropriates $100,000 from the State General Fund to the Department of Administration to contract with the Clark County Public Education Foundation for the implementation and operation of a principal leadership training program. These funds may be released by the Department of Administration only after the Foundation has matched or exceeded the appropriation from other sources.

Funds appropriated for the leadership training program must be expended on the following:

- Personnel;
- Equipment and supplies;
- Research related to curriculum design;
- Marketing to licensed principals statewide; and
- Data systems for reporting participation and results.

The Foundation must report periodically on its expenditures and activities to the Interim Finance Committee and must make available to the Legislative Auditor upon the request of the Legislative Commission any records necessary for the auditor to conduct an audit of the use of the appropriation. Any remaining balance of the appropriation must be reverted to the State General Fund on or before September 20, 2013.

This bill is effective on June 16, 2011.

A.B. 581 (Chapter 511)

Assembly Bill 581 allows money in the Account for Foreclosure Mediation to be expended for any purpose authorized by the Legislature. The bill further authorizes the Court Administrator to transfer up to $300,000 in each year of the 2011-2013 Biennium from the Account for Foreclosure Mediation to the operating budget of Nevada's Supreme Court for expenditure by the Supreme Court.

This bill is effective on July 1, 2011. The provision allowing money from the Account for Foreclosure Mediation to be used for any purpose authorized by the Legislature expires by limitation on June 30, 2013.

S.B. 1 (Chapter 1)

Senate Bill 1 appropriates $15 million from the State General Fund to the Legislative Fund for the costs of conducting the 2011 Legislative Session.

This measure is effective on February 11, 2011.

S.B. 425 (Chapter 434)

Senate Bill 425 appropriates approximately $3.5 million from the State Highway Fund to the Department of Motor Vehicles (DMV) for certain equipment, including computer hardware and software, printers, a vehicle, a forklift, office equipment, and other items. The bill also appropriates $117,282 from the State Highway Fund to the Motor Pool Division of the Department of Administration for vehicles to be assigned to the DMV. Any remaining

balances of these appropriations must be reverted to the State Highway Fund on or before September 20, 2013.

This bill is effective on June 16, 2011.

S.B. 427 (Chapter 479)

Senate Bill 427 reorganizes certain State agencies as follows:

- The Department of Cultural Affairs is combined with the Commission on Tourism to create the Department of Tourism and Cultural Affairs which consists of the: (1) Division of Tourism; (2) Division of Museums and History; (3) Board of Museums and History; (4) Board of the Nevada Arts Council; (5) Nevada Arts Council; (6) Nevada Indian Commission; (7) Commission on Tourism; and (8) Commission for Cultural Affairs;

- The Office of Historic Preservation is relocated from the Department of Cultural Affairs to the State Department of Conservation and Natural Resources;

- The Division of State Library and Archives is relocated from the Department of Cultural Affairs to the Department of Administration (DOA);

- The Department of Personnel is eliminated and, in its stead, the Division of Human Resource Management is created in the DOA;

- The Department of Information Technology is eliminated and, in its place, the Division of Enterprise Information Technology Services is created in the DOA;

- The State Public Works Division is created in the DOA and the Buildings and Grounds Division becomes the Buildings and Grounds Section in the Division; and

- The duties of the State Public Works Board are changed to be primarily recommendatory in nature, the Board is placed in the State Public Works Division, and most of the Board's duties are transferred to the Division.

Other organizational changes include:

- Directing the Division of Tourism to be responsible for the publication of *Nevada Magazine* and eliminating the Division of Publications;

- Changing the process for making recommendations to the Governor for appointment of the Director of the Department of Tourism and Cultural Affairs;

- Eliminating the Committee for the Development of Projects Relating to Tourism and transferring its duties to the Commission on Tourism;

- Eliminating the member of the State Public Works Board required to be familiar with financing or managing construction projects and adding the Director of the DOA;

- Making the Deputy Administrator for compliance and code enforcement in the State Public Works Division the final authority in the interpretation and enforcement of building codes and in certain other matters;

- Transferring the State's Central Mailing Room responsibilities from the Buildings and Grounds Division to the Division of State Library and Archives;

- Changing the membership of the Board of Museums and History to eliminate one member representing the general public and adding a member qualified in historic preservation as defined by the standards of the United States Secretary of the Interior;

- Making appropriations from the State General Fund to the Department of Tourism and Cultural Affairs in the amount of $150,806 to offset lower admission revenue and in the amount of $36,848 for retirement payouts;

- Making provisions for classified positions that are being changed to unclassified positions to remain as classified positions until the current incumbents vacate those positions;

- Authorizing the Governor to appoint a Chief Information Officer who may be the Administrator of the Division of Enterprise Information Technology Services; and

- Making various other changes to the statutes consistent with the organizational changes and clarifying that the changes do not affect existing contracts or similar commitments.

Senate Bill 427 transfers responsibility for tracking the use of energy in buildings owned by the State or occupied by a State agency from the Buildings and Grounds Division to the Office of Energy and allows the Interim Finance Committee to approve the use of available federal funds by the Office to track energy use. However, if there is insufficient money for the tracking program, each State agency shall pay a proportionate share of the cost of the tracking program based on its energy consumption. The bill also limits leases of buildings by State agencies to owners who choose not to comply with the tracking program.

The bill is effective on June 16, 2011, for purposes of the appropriations and performing preparatory tasks, and on October 1, 2011, for all other purposes.

S.B. 428 (Chapter 435)

Senate Bill 428 appropriates $719,957 from the State General Fund to the State Gaming Control Board for the replacement of computer and technology hardware. Any remaining balance of the appropriation must be reverted to the State General Fund on or before September 20, 2013.

This bill is effective on June 16, 2011.

S.B. 450 (Chapter 248)
Senate Bill 450 appropriates $25,000 from the State Highway Fund to the Interim Finance Committee for allocation to the State Treasurer for a consultant to assist with the development of a request for proposals for the E-payment and Merchant Services contracts.

This measure is effective on June 3, 2011.

S.B. 470 (Chapter 208)
Senate Bill 470 makes a supplemental appropriation in the amount of $1,768,407 from the State General Fund to the Department of Corrections for an unanticipated shortfall in Fiscal Year 2010-2011 for outside medical costs.

This measure is effective on June 1, 2011.

S.B. 472 (Chapter 364)
Senate Bill 472 appropriates the sum of $9,579 from the State General Fund to the Department of Corrections to cover stale claims for personnel expenditures for prison medical care for Fiscal Year 2007-2008.

This measure is effective on June 13, 2011.

S.B. 474 (Chapter 211)
Senate Bill 474 makes a supplemental appropriation in the sum of $996,105 from the State General Fund to the Department of Corrections to offset a reduction in funds for the State Criminal Alien Assistance Program.

This measure is effective on June 1, 2011.

S.B. 478 (Chapter 209)
Senate Bill 478 makes a supplemental appropriation in the amount of $583,614 from the State Highway Fund to the Department of Motor Vehicles for an unanticipated shortfall in kiosk vendor payments.

This measure is effective on June 1, 2011.

S.B. 479 (Chapter 210)
Senate Bill 479 makes a supplemental appropriation in the amount of $878,997 from the State Highway Fund to the Department of Motor Vehicles for an unanticipated shortfall in the merchant services fees associated with electronic payments.

This measure is effective on June 1, 2011.

S.B. 481 (Chapter 249)
Senate Bill 481 appropriates $75,000 from the State General Fund to the Interim Finance Committee for allocation to the State Treasurer for a consultant to assist with the development of a request for proposals for the E-payment and Merchant Services contracts.

This measure is effective on June 3, 2011.

S.B. 482 (Chapter 206)
Senate Bill 482 makes a supplemental appropriation in the amount of $562,626 from the State General Fund to the Department of Corrections for an unanticipated shortfall in revenue at the Casa Grande Transitional Housing Center.

This measure is effective on June 1, 2011.

S.B. 486 (Chapter 447)
Senate Bill 486 appropriates $10 million from the State General Fund to the Millennium Scholarship Fund in the Office of the State Treasurer.

The bill is effective on June 16, 2011.

S.B. 504 (Chapter 373)
Senate Bill 504 provides for the implementation of the State's Capital Improvements Program (CIP) for the 2011-2013 Biennium. The measure contains funding for the program in the amount of approximately $53.2 million. During the biennium, the CIP will be funded primarily from the issuance of $27.1 million in general obligation bonds. The measure also authorizes the utilization of $2.6 million in federal funds for projects for the Office of the Military and provides for the utilization of $14.3 million in excess funding reallocated to the current CIP from the State's Capital Improvement Programs approved in 2007 and 2009. The measure also contains an appropriation of $2.4 million in State Highway Fund revenues for projects under the Departments of Motor Vehicles and Public Safety. The remaining approximately $6.8 million is approved in agency funds, including $5 million in Special Higher Education Capital Construction funding for deferred maintenance projects for the Nevada System of Higher Education.

Through the CIP, approximately $45.5 million will be utilized for various maintenance projects for existing State facilities. In addition, Phase III of the core expansion at the Southern Desert Correctional Center will be funded with approximately $5 million. Finally, approximately, $2.7 million will be utilized for advance planning and design projects for two new Department of Motor Vehicles offices in Reno and Las Vegas, a Nevada Army National Guard aviation support facility at the Elko airport, and planning for pipeline and water treatment infrastructure for the Department of Wildlife's Lake Mead Fish Hatchery.

The measure reserves 15.55 cents of the property tax levy for debt service in each year of the biennium for general obligation bonds issued to finance the CIP. The remaining 1.45-cent levy

must be used exclusively for the repayment of bonds issued as a result of the approval of Question No. 1 by voters on the November 2002 ballot, which requires the issuance of $200 million in bonds to protect, preserve, and obtain the benefits of the property and natural resources of the State. Thus, the total property tax levy of 17 cents remains unchanged from the levy approved for the 2009-2011 Biennium. The levies above the historic 15-cent levy (2 cents) are not subject to the $3.64 local government property tax cap.

The bill is effective on June 14, 2011.

S.B. 505 (Chapter 374)

Senate Bill 505 is known as the State Employee Salary Act. The measure establishes the maximum salaries for State employees in the unclassified service and certain State employees in the classified service. The bill requires that the salary of each employee in all departments of State government be reduced by 2.5 percent; further, full-time employees of all branches of State government must take 48 hours of unpaid furlough leave each year. Employees subject to furloughs are held harmless in the accumulation of retirement service credit for time taken as furlough leave. The Board of Regents of the University of Nevada is required to implement a method for professional employees of the Nevada System of Higher Education to participate in the furlough requirement.

The measure also provides an exception to the requirement of furlough leave for employees in identified areas of critical need that include the protection of public health, safety, and welfare. In lieu of furlough leave, these exempt employees will incur a 2.3 percent reduction in pay. Appropriations from the State General Fund and the State Highway Fund are provided to make up the difference in funding approved for departments, commissions, and agencies and the actual salaries net of requirements for unpaid furlough leave. The Department of Health and Human Services and the Department of Corrections may adopt a plan to authorize additional callback pay for unclassified medical positions and pharmacists to perform on-call responsibilities to ensure 24-hour coverage in psychiatric facilities.

Finally, the bill authorizes the State Gaming Control Board to continue its credential pay plan. The plan provides up to $5,000 annually for unclassified gaming employees who possess a current Nevada certified public accountant certificate, a license to practice law, or are in qualifying positions as electronic laboratory engineers and possess a bachelor of science or higher degree in engineering, electronic engineering, or computer science, and use the skills evidenced by these qualifications to enhance the performance of their job duties.

The bill is effective on July 1, 2011.

NOTE: See also Assembly Bill 6 (Chapter 10) of the 26th Special Session.

NOTE: See also Senate Bill 1 (Chapter 1) of the 26th Special Session.

NOTE: See also Senate Bill 5 (Chapter 8) of the 26th Special Session.

COMMERCE

A.B. 109 (Chapter 131)

Assembly Bill 109 amends the section of the Uniform Commercial Code addressing secured transactions, which typically occur between business borrowers and lenders who take secured positions in collateral. The bill enacts uniform amendments to definitions of terms and updates the provisions relating to perfection of a security interest when a person obtains control of electronic paper and when a new debtor is bound by an agreement entered into by another person.

Assembly Bill 109 also addresses the determination of the location of a business organized under the laws of the United States or a foreign country, enacts uniform amendments to the safe harbor rules for determining whether a financing statement sufficiently provides the name of the debtor, and makes numerous other amendments to this section of the Uniform Commercial Code.

This measure is effective on July 1, 2013.

A.B. 259 (Chapter 525)

Assembly Bill 259 requires that certain fees charged at the commencement and first filing of civil actions be used to support legal services for the indigent in counties whose population is less than 100,000. In a county with a population of 100,000 or more, the bill directs $10 from each stated fee to certain legal organizations for the operation of programs for the indigent.

The bill also reduces from $50 to $45 the Foreclosure Mediation Program support fee paid at the time a notice of default and election to sell is recorded, and it directs the $5 difference to certain legal organizations for the operation of programs for the indigent.

This measure is effective on July 1, 2011.

A.B. 352 (Chapter 60)

Assembly Bill 352 provides that it is a deceptive trade practice knowingly to take advantage of a person with an inability reasonably to protect his or her own rights due to illiteracy, mental or physical infirmity, or another similar condition that makes the person incapable of understanding the language or terms of any agreement. Additionally, the measure allows equitable relief for actions involving consumer fraud.

This measure is effective on July 1, 2011.

A.B. 538 (Chapter 63)

Assembly Bill 538 increases from 10 percent to 13 percent the maximum interest rate a pawnbroker may charge, and decreases from 120 days to 90 days after the date of pledge the required minimum period of time for which a pawnbroker must hold personal property received in pledge.

S.B. 99 (Chapter 519)

Senate Bill 99 sets forth the requirements applicable to contracts for grant writing services in this State. Contracts must be in writing and contain certain provisions including:

- The right of the buyer to cancel the contract within five days by giving written notice;
- A written description of the grant writing services to be performed;
- The total cost of the services that the customer is obligated to pay; and
- A statement of the right of the buyer to file a complaint concerning the grant writing service with the Bureau of Consumer Protection in the Office of the Attorney General.

The contract must either be signed by the buyer or, if the transaction is conducted electronically, otherwise acknowledged by the buyer.

Certain services performed by a consultant for an affordable housing or community development project and the provision of certain education and training related to grants are specifically exempted from the provisions of this bill.

Additionally, a person who has a license to operate an information service or a nonrestricted gaming license is exempted from certain provisions concerning telephone solicitations.

A violation of the provisions of this bill constitutes a deceptive trade practice.

S.B. 150 (Chapter 327)

Senate Bill 150 revises provisions related to liens of owners of storage facilities. The bill provides that the owner of a storage facility has a possessory lien on all personal property in the storage space from the date the rent is due and unpaid. The lien on personal property also covers protected property including alcoholic beverages, firearms, personal information, and pharmaceuticals.

The measure provides that a lien created by a document of title for a boat or motor vehicle has priority over the lien of the owner of a storage facility. If the owner of the storage facility claims a lien on a boat or motor vehicle and rent is unpaid for 60 days, the bill authorizes the owner to have the property towed and relieves the owner of liability for any damage after the tow car operator takes possession.

Senate Bill 150 requires a rental agreement for a storage space to require the occupant to disclose any protected property, to give written notice to the relevant professional licensing entity if the protected property is related to the practice of that profession, and to provide complete contact information for a secondary contact person.

If an occupant fails to pay the amount due after receiving notice, S.B. 150 authorizes an owner to dispose of, but not sell, any protected property by taking specific actions in priority order. The bill provides that the purchaser of personal property at a lien sale does not acquire ownership of any protected property found in the storage space and must return it to the occupant or the owner.

S.B. 267 (Chapter 354)

Senate Bill 267 modifies existing data security provisions to protect sensitive personal information stored on multifunctional devices including printers, copiers, scanners, fax machines, and e-mail terminals. The bill provides that a data collector doing business in Nevada who is not subject to the Payment Card Industry Data Security Standard is prohibited from moving any data storage device containing personal information beyond the logical or physical controls of a service provider that assumes the obligation of the data collector to protect the personal information if the data storage device is used by, or as a component of, a multifunctional device unless the data collector uses encryption to ensure the security of the information. Additionally, the Office of Information Security of the Department of Information Technology is authorized, upon receipt of a well-founded petition, to adopt regulations that identify alternative methods or technologies that may be used by a data collector to encrypt certain data.

S.B. 307 (Chapter 357)

Senate Bill 307 revises the form of the notice a trustee must serve on a borrower before exercising the power of sale in a deed of trust concerning owner-occupied housing. The bill adds to the notice a statement that the borrower may have a right to participate in Nevada's Foreclosure Mediation Program, if the time to request mediation has not expired, and contact information for the Foreclosure Mediation Program and the Division of Mortgage Lending, Department of Business and Industry.

The bill also prohibits the trustee from exercising the power of sale unless the trustee includes with the notice of default that is mailed to the borrower a notice provided by the Mediation Administrator indicating that the borrower has the right to seek mediation.

This measure is effective on July 1, 2011.

S.B. 331 (Chapter 192)

Senate Bill 331 provides that all persons are entitled to the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of any place of public accommodation, without discrimination or segregation on the ground of sex or gender identity or expression. Any person who believes he or she has been discriminated against in this regard may file a complaint with the Nevada Equal Rights Commission.

It is not unlawful and is not a ground for a civil action for a place of public accommodation to offer differential pricing, discounted pricing, or other special offers based on sex for purposes of promoting or marketing its business.

The bill authorizes the Commission to order its Administrator to investigate and hold hearings in respect to housing regarding tensions, practices of discrimination, and acts of prejudice against any person or group because of race, color, creed, sex, age, disability, sexual orientation, gender identity or expression, national origin, or ancestry.

Corporations, Partnerships, and Other Business Associations

A.B. 564 (Chapter 168)

Assembly Bill 564 authorizes the boards and stockholders of nonprofit and private corporations to meet by videoconference or other electronic communication formats, unless their bylaws or articles of incorporation otherwise restrict such meetings. The bill also allows the operating agreement of a limited-liability company to include any electronic or tangible format, and it authorizes the Secretary of State to make available a model operating agreement.

This measure is effective on May 31, 2011, for purposes of adopting regulations, and on October 1, 2011, for all other purposes.

S.B. 405 (Chapter 455)

Senate Bill 405 makes various changes to the laws relating to private corporations. The bill authorizes a stockholder to designate a proxy to express written consent or dissent to a corporate action, provides that a proxy may be limited to action on designated matters, and deletes the requirement that a corporate officer or other person designated by the directors or the bylaws must sign a notice of a meeting of stockholders.

Regarding the dissolution of private corporations, S.B. 405 authorizes the board of directors to condition its proposal for dissolution on any lawful basis and requires the corporation to notify each stockholder of the proposal, whether or not they are entitled to vote on dissolution. The bill also provides that the trustees in a dissolution have the same duties and presumptions applicable to corporate directors in the ordinary course of business.

Senate Bill 405 changes the period in which a resident domestic corporation is prohibited from engaging in a combination with an interested stockholder from three years to two years after the date the person becomes an interested stockholder, and it provides that this prohibition does not apply if the board of directors and stockholders representing at least 60 percent of the outstanding votes not owned by the interested stockholder approve the combination. With respect to suits against corporations and their officers, the bill prohibits the retroactive elimination or impairment of the right of corporate officers to indemnification.

This measure also makes changes to the laws regarding business associations generally. It provides that nonprofit tax-exempt organizations are not required to obtain State business licenses, authorizes directors or stockholders to give their written consent in the form of electronic or paper records, and allows a business entity to designate an effective time, in addition to an effective date, for filings.

If a court charges a person who owns stock or interest in a private corporation, limited-liability company, or limited partnership with payment of an unsatisfied amount of a judgment, S.B. 405 provides that this is the exclusive remedy by which a judgment creditor may satisfy a judgment out of the stock or interest or the judgment debtor, and no other remedy may be ordered by a court.

The bill also provides that a business trust organized after October 1, 2011, is deemed to be an entity separate from its trustee and beneficial owner and may hold or take title to property in its own name, except as provided in the governing documents, and makes various other changes to the laws on business associations and entities.

Financial Institutions and Procedures

S.B. 136 (Chapter 425)

Senate Bill 136 prohibits a bank that acquires real property through the collection of debts from holding the property for longer than five years. A bank may request, and the Commissioner of Financial Institutions, Department of Business and Industry, may grant, an extension of not more than five additional years. The Commissioner shall not grant more than one extension. The bill also removes the requirement that a bank annually charge off a certain percentage of the value of such real property. It reduces from three years to two years the period after which unclaimed property held by certain business associations and financial organizations is presumed to be abandoned property.

The bill requires the Commissioner to consider certain criteria related to the potential long-term success of a trust company before approving the company's application for licensure to operate as a retail trust company, and it revises provisions governing stockholders' equity and minimum capital requirements for a retail trust company.

The Commissioner may approve locating a branch of a retail trust company in another state if the company provides written documentation from an appropriate State agency that the company is authorized to do business in that state.

Additionally, the measure makes certain changes to the procedure for denying an application for licensure as a retail trust company and for removal of an official or employee of such a company. The measure requires the State Controller to develop and operate a system for matching data to collect outstanding debts owed to the State. Financial institutions in this State must provide to the State Controller information on persons who maintain accounts at the financial institution and are identified by the State Controller as owing outstanding debts to the State. Financial institutions are then required to encumber a portion of the assets held in the financial institution by the debtors sufficient to pay their debts.

This bill is effective on June 16, 2011.

S.B. 259 (Chapter 324)

Senate Bill 259 revises provisions governing the management of a trust by a family trust company or a licensed family trust company. The bill specifies the applicability of the Uniform Prudent Investor Act to a trust managed by such companies.

Senate Bill 259 makes specific provisions regarding aspects of trust management including:

- Liability for an act or decision made in good faith and in reasonable reliance on the terms of a trust instrument, consent agreement, or court order;
- Investment in certain securities;
- Entry into and compliance with a nonjudicial settlement agreement;
- Provision of annual reports to an interested person; and
- Transactions with a family affiliate.

This bill is effective on June 13, 2011.

S.B. 414 (Chapter 361)

Senate Bill 414 prohibits a financial institution from unreasonably delaying a response to an offer of a sale in lieu of foreclosure sale on real property secured by a residential mortgage. Failure to respond within 90 days after receipt of an offer is deemed unreasonable unless the parties have agreed in writing to a delay of more than 90 days.

The bill also limits the circumstances in which a court may award a deficiency judgment after a sale in lieu of a foreclosure sale on real property consisting of a single-family dwelling.

This bill is effective on June 13, 2011.

Professions and Occupations (see also Health Care and Human Services)

A.B. 25 (Chapter 50)

Assembly Bill 25 provides that a person who violates the laws or regulations governing court reporters is subject to a civil penalty of not more than $5,000 for each violation. The measure requires that a person must complete course work in academic fields related to court reporting from a school for court reporters or through a distance education program, prior to sitting for the certification exam. Additionally, the bill broadens the authority of the Certified Court Reporters' Board of Nevada to investigate conduct by a current or former certificate holder or licensee, including a firm, that may violate the provisions governing court reporters.

This measure is effective on May 18, 2011.

A.B. 32 (Chapter 48)

Assembly Bill 32 requires a licensed contractor, who intends to bid on a single project that would require an increase in the monetary limit of the license, to request such an increase from the State Contractors' Board at least five working days before bidding on such a project. A contractor must obtain the Board's approval before submitting a bid on the project.

A.B. 62 (Chapter 90)

Assembly Bill 62 authorizes the Attorney General to provide certain services to a county or to certain occupational and professional licensing entities and to charge for providing such services.

The bill authorizes the Attorney General to charge a county costs for assisting in the prosecution of a category A or B felony. The costs must be agreed upon by the Attorney General and the district attorney for the county receiving assistance.

The measure authorizes the Attorney General to charge a fee to a regulatory body for providing training to a new member of a regulatory body.

The Board of Homeopathic Medical Examiners, the State Board of Oriental Medicine, and the Board of Psychological Examiners are authorized to retain the Attorney General to investigate a complaint against a homeopathic physician, a doctor of Oriental medicine, or a psychologist, respectively. The Attorney General may charge the Boards for all services related to the investigation.

Assembly Bill 62 repeals the requirement of the Board of Dispensing Opticians to submit a biennial report to the Attorney General.

This bill is effective on July 1, 2011.

A.B. 63 (Chapter 91)

Assembly Bill 63 permits the appointment of a special deputy to represent a regulatory body in cases where the Attorney General has determined that it is impractical or a conflict of interest for the Attorney General to continue representation. The cost of the special deputy will be paid by the regulatory body. If a district attorney requests the assistance of the Attorney General in a criminal case and the Attorney General determines that handling the case would be impractical or a conflict of interest, a special prosecutor may be appointed with the concurrence of the district attorney and the board of county commissioners. Compensation for a special prosecutor for category A or B felonies will be paid by the county under the terms of an agreement between the district attorney and the Attorney General.

Local governments are no longer required to submit interlocal agreements to the Attorney General for review but, if they choose to do so and the review is completed within 30 days, the local governments that submitted the agreement will be charged the cost of the review.

The bill also permits a district or city attorney to accept a designation by the Attorney General to file a claim or to intervene in a case brought under Chapter 357 ("Submission of False Claims to State or Local Government") of the *Nevada Revised Statutes*. If there is a recovery in the case, 33 percent of the recovery must be paid into the general fund of the county or city that employs the attorney.

The bill is effective on July 1, 2011.

A.B. 77 (Chapter 522)

Assembly Bill 77 revises provisions relating to the licensing of escrow agents and escrow agencies and establishes penalties for a person who offers services as an escrow agent or escrow agency but is not licensed. The measure requires that an applicant for a license as an escrow agent or escrow agency submit a complete set of fingerprints with his or her application. The bill revises provisions relating to the fees and costs relating to escrow agents and escrow agencies that the Commissioner of Mortgage Lending is authorized to collect. The measure authorizes the Commissioner to place conditions upon any escrow agent or agency's license and take disciplinary action by imposing a fine on any person of not more than $25,000 for each violation.

The bill establishes provisions governing the arranging or servicing of loans by a mortgage broker in which an investor has an interest. The measure also revises the exemptions from the statutes governing mortgage agents, mortgage brokers, and mortgage bankers to exempt:

- Any one person, or husband and wife, who provides money for investment in commercial loans secured by a lien on real property on his or her account;
- Any natural person who only offers or negotiates terms of a residential mortgage loan on behalf of family members; and
- Certain nonprofit agencies or organizations.

The Commissioner is authorized to disclose certain confidential documents or information relating to an investigation. Additionally, the measure requires a mortgage broker to review an impound trust account annually.

Assembly Bill 77 prohibits an employee of an attorney from requesting or receiving any compensation for providing services as a foreclosure consultant or in connection with obtaining a mortgage loan modification until a homeowner has executed a written agreement with the lender that incorporates the offer of mortgage assistance obtained on behalf of the homeowner by the employee of the attorney.

Finally, the measure enacts or revises provisions to implement the federal Secure and Fair Enforcement for Mortgage Licensing Act of 2008.

This measure is effective on June 17, 2011, for the purpose of adopting regulations, and on July 1, 2011, for all other purposes.

A.B. 102 (Chapter 52)

Assembly Bill 102 authorizes applicants for licensure as professional engineers who, before July 1, 2010, received approval from the State Board of Professional Engineers and Land Surveyors to take the licensing examination on the principles and practices of engineering to obtain a license if they, before August 1, 2014, pass the examination and complete the work experience requirement by obtaining a record of ten or more years of active work experience in engineering. Also, the Board may waive educational requirements for certain applicants for licensure as professional land surveyors who, before July 1, 2010, received approval by the Board to take the examination on the principles and practices of land surveying and who pass the examination before August 1, 2014.

This measure is effective on July 1, 2011.

A.B. 156 (Chapter 30)

Assembly Bill 156 prohibits a person from engaging in the business of a process server if the person is not licensed as a process server and has, because of certain violations in law, received a citation and order to cease and desist conduct. A cease and desist conduct order issued to a business must state that the order applies to any person acting in the name of the business. Additionally, the measure requires that a proof of service of process filed with a court must include:

- The name, residential or business address, and telephone number of the person who performed the service of process;
- The date and time the legal process was served;
- The manner in which the legal process was served;
- If practicable, the name of the person who was personally served or the physical description of the person; and
- A notation of the license number of the process server or the registration number of the employee of a licensed process server who performed the service of process.

A court may construe a proof of service of process that does not include this information as legally insufficient.

This measure is effective on May 12, 2011.

A.B. 203 (Chapter 111)

Assembly Bill 203 requires the State Contractors' Board to issue a written administrative citation if the Board, based upon a preponderance of evidence, has reason to believe that a person has acted as a contractor without an active license of the proper classification.

A.B. 214 (Chapter 93)

Assembly Bill 214 requires that certain disbursements of money from escrow accounts be payable in United States currency. The bill also requires that money in an escrow account, which is accorded next-day availability, be disbursed in accordance with all applicable federal laws or regulations.

A.B. 283 (Chapter 266)

Assembly Bill 283 makes various changes concerning persons who process mortgage loans. The bill revises provisions governing continuing education requirements for persons who are exempt from registering with the Nationwide Mortgage Licensing System and Registry. The bill exempts investors who deposit money with a mortgage broker from criminal and civil liability for the act or omissions of the mortgage broker. Additionally, a person licensed as a mortgage agent may not be associated with or employed by more than one licensed or registered mortgage broker or mortgage banker or person who holds a certificate of exemption at the same time. The measure repeals provisions governing the duties of a mortgage banker upon termination of a mortgage agent.

The measure provides that a mortgage agent, mortgage banker, mortgage broker, or an employee of a mortgage banker or mortgage broker is not required to register or renew with the Registry, or provide reports of financial condition to the Registry, if the person is not a residential mortgage loan originator or the supervisor of a residential mortgage loan originator, and the person is not required to register pursuant to the federal Secure and Fair Enforcement for Mortgage Licensing Act. A person who voluntarily registers or renews with the Registry must comply with all requirements of the federal Act. Additionally, regulations adopted by the Commissioner of Mortgage Lending must not require registration of certain persons who are exempt from registering with the Registry.

Assembly Bill 283 clarifies that the scope of protection offered to an investor under the existing provisions of Chapter 645B ("Mortgage Brokers and Mortgage Agents") of the *Nevada Revised Statutes* exempts an investor from liability for the actions of a mortgage broker if all the investor does is provide money to a broker to lend to borrowers.

This measure is effective on June 4, 2011.

A.B. 308 (Chapter 278)

Assembly Bill 308 revises Nevada law to provide protections for homeowners who may be facing foreclosure that are consistent with the protections provided pursuant to the regulations adopted by the Federal Trade Commission. The bill prohibits a person who performs any covered services for compensation, a foreclosure consultant, or a loan modification consultant from engaging in certain practices, including:

- Requesting or receiving compensation before a homeowner executes a written agreement that incorporates an offer of mortgage assistance;

- Failing to maintain certain information, such as a contract or other agreement, a copy of each written communication that occurred before the date the homeowner entered into a contract for covered services, and a file of each homeowner that includes the name, telephone number, and a description of the covered service. Such records are subject to inspection and audit by the Commissioner of Mortgage Lending;

- Failing to take reasonable steps to ensure that any of his or her employees or independent contractors comply with the laws and regulations governing such persons; and

- Failing to provide a notice to a homeowner at the time the homeowner is presented with a written agreement incorporating an offer of mortgage assistance obtained from the homeowner's lender or servicer.

Finally, a person who performs any covered services for compensation, a foreclosure consultant, or a loan modification consultant is prohibited from making certain express or implied representations relating to the provisions of covered services. Obtaining or attempting to obtain from a homeowner a waiver of any provision of this bill or existing law is void and unenforceable, and it constitutes mortgage lending fraud punishable as a category C felony.

This measure is effective on July 1, 2011.

A.B. 441 (Chapter 78)

Assembly Bill 441 requires the State Contractors' Board to establish an advisory committee to make recommendations concerning persons who install or maintain building shell insulation or thermal system insulation.

A.B. 524 (Chapter 466)

Assembly Bill 524 requires real estate appraisers and interns, as a condition of license renewal, to complete a continuing education course, including education in ethics and issues relating to appraisal of real property, with emphasis on trends and market conditions in Nevada and changes in law which affect appraisals. The Commission of Appraisers of Real Estate must establish a reasonable fee for the course and the Real Estate Division of the Department of Business and Industry must develop the curriculum and submit it to the Commission for approval.

This bill creates the Account for Real Estate Appraisal Audit and Education within the State General Fund, and it provides that the fees collected by the Division for the cost of the continuing education course be deposited in the Account and used to defray the costs of the Commission and Division in carrying out the continuing education program, and it may be used to defray any other costs incurred by the Division in regulating real estate appraisers.

The Division must conduct examinations and investigations of appraisers to determine whether any person has violated any provision of law relating to the appraisal of real estate. The bill makes an appropriation to the Division for the employment of an administrative assistant and

an investigator to conduct these examinations. The Division may also contract for the services of private examiners to conduct these examinations. An appraiser who is subject to examination must pay the reasonable costs relating to the examination.

The bill also increases certain fees for the issuance or renewal of a certificate or license as a residential or general appraiser.

This bill is effective on January 1, 2012.

S.B. 18 (Chapter 337)

Senate Bill 18 authorizes the State Contractors' Board to discipline licensed contractors for failure or refusal to comply with an order of the Board. The Board must impose an administrative fine of $1,000 against a licensee who fails or refuses to comply with an order of the Board in addition to other disciplinary actions that may be taken by the Board against the licensee.

S.B. 19 (Chapter 336)

Senate Bill 19 requires an applicant for a contractor's license or a licensed contractor to notify the State Contractors' Board in writing not later than December 31, 2011, if, before July 1, 2011, the individual was convicted of or pled guilty, guilty but mentally ill, or nolo contendere to: (1) a crime against a child; (2) a sexual offense; (3) murder; (4) voluntary manslaughter; or (5) a felony or crime involving moral turpitude if the conviction or the plea was entered in the immediately preceding 15 years. An individual who is convicted of or pleads guilty, guilty but mentally ill, or nolo contendere to any of these crimes on or after July 1, 2011, must give notification to the Board not more than 30 days after the conviction occurs or the plea is entered.

Failure to provide notification is grounds for refusing issuance of a license or for disciplinary action by the Board.

This bill is effective on July 1, 2011.

S.B. 193 (Chapter 482)

Senate Bill 193 addresses multiple aspects of the practice of cosmetology, including:

- Prohibiting a school of cosmetology from collecting the entire amount of the cost of the program from a student when the student enters into a contract with the school;

- Establishing a new license as a hair braider and setting forth the requirements that must be met before the State Board of Cosmetology may issue such a license to a person;

- Establishing a new license for persons who wish to operate an establishment for hair braiding and setting forth the requirements that must be met before the Board may issue such a license;

- Authorizing the Board to adopt regulations governing sanitary conditions in the practice of threading;

- Requiring an applicant for licensure to be a citizen of the United States or lawfully entitled to remain and work in the United States;

- Providing that the license of every cosmetological establishment expires two years after its issuance or renewal; and

- Revising the requirement that a school of cosmetology post a surety bond with the Board as part of the licensure process and including the option for the school to instead provide for payment plans in accordance with regulations adopted by the Board.

This bill is effective on June 16, 2011, for the purposes of adopting regulations and performing any other preparatory administrative tasks, and on July 1, 2011, for all other purposes.

S.B. 314 (Chapter 456)

Senate Bill 314 establishes a process for the registration of an asset management company by the Real Estate Division, Department of Business and Industry, including requirements for qualification and for renewal of registration. The bill includes procedures for regulating the operation and conduct of an asset management company and imposing sanctions for violations of the governing statutes and regulations.

Senate Bill 314 requires a person who is employed by or is an independent contractor for a registered asset management company to apply to the Division for a permit to engage in asset management. A permit expires one year after the date unless it is renewed on or before the date of expiration. The bill exempts a person or broker from the requirements of registration or the requirement to obtain a separate permit if that person or broker holds a current permit to engage in property management, but requires the person or broker to comply with the other provisions in this measure as well as those regulating the practice of property management. Senate Bill 314 prescribes the services an asset management company may provide in connection with real property in foreclosure, including:

- Securing the real property;

- Providing maintenance, repair, and cleaning;

- Removing trash and debris; and

- Disposing of abandoned personal property under specified conditions.

It is unlawful for an asset management company or an employee or agent to:

- Evict a real property owner except in accordance with a court order;

- Seize real property for a client unless the property is in foreclosure; and
- Perform any repair, renovation, or maintenance without the proper license.

A seller of residential property may not require a buyer to waive certain rights concerning disclosure of defects in the property as a condition of sale. In addition, a seller is required to provide the purchaser with the contact information of any asset management company that repaired or replaced or attempted to repair or replace any defects in the property. An asset management company must provide the purchaser with a service report on the property upon request.

Senate Bill 314 imposes an application fee for registration as an asset management company, as well as an annual fee and a renewal fee for a certificate of registration. The measure also sets forth the causes for disciplinary action for asset management companies and asset managers.

This bill is effective on June 16, 2011, for the purpose of adopting regulations and performing preliminary administrative tasks, and on October 1, 2011, for all other purposes.

S.B. 353 (Chapter 190)

Senate Bill 353 exempts from the definition of "secondhand dealer" a person who engages in the business of buying and selling coins and collectibles.

This bill is effective on July 1, 2011.

CONSTITUTIONAL AMENDMENTS

A.J.R. 1 (File No. 31)

Assembly Joint Resolution No. 1 proposes to amend the *Nevada Constitution* by adding a new provision that would grant the Legislature the ability to determine in statute the value of improvements to real property for the purposes of taxation upon the transfer, sale, or other conveyance of the property as the Legislature determines to be appropriate.

If approved in identical form by the 2013 Legislature, this measure will be submitted to the voters for final approval or disapproval at the 2014 General Election.

A.J.R. 5—75th Session (File No. 33)

Assembly Joint Resolution No. 5 proposes to amend the *Nevada Constitution* to provide that the Legislature may call itself into a special session on extraordinary occasions by a petition signed by two-thirds of the members of both houses. Such occasions include:

- Impeachment or removal proceedings against the Governor, Supreme Court Justices, or certain other State and judicial officers who have committed misconduct in office;
- Expulsion procedures against legislators who have committed misconduct in office;
- Unexpected conditions and financial emergencies; or
- Reconsideration of vetoed measures after the adjournment of a legislative session.

The measure stipulates that the Legislature may only address those issues named in the petition calling for the special session and limits most such sessions to 20 days. An exception is provided to the 20-day limit if a special session is called for the purpose of impeachment, removal, and expulsion procedures in order to allow for sufficient time for due process considerations. Finally, the resolution clarifies that a special session convened by the Legislature must be adjourned prior to "midnight on the clock," of the 20th day, linked to the actual measure of time being used and observed by the general population of Nevada during that special session.

This measure was approved in identical form during the 2009 and 2011 Sessions of the Legislature. The proposal will be submitted to the voters for final approval or disapproval at the 2012 General Election.

S.J.R. 14 (File No. 26)

Senate Joint Resolution No. 14 proposes an amendment to the *Nevada Constitution* to create an intermediate appellate court, known as the Court of Appeals, composed of three judges initially appointed to two-year terms by the Governor from nominees chosen by the Commission on Judicial Selection. Following initial appointment, the judges will be elected at the general election to serve a term of six years.

The Court of Appeals will have appellate jurisdiction in civil cases arising from the district courts and in criminal cases within the original jurisdiction of the district courts. The Nevada Supreme Court will fix the appellate court's jurisdiction and provide for the review of appeals decided by the Court of Appeals. Finally, Nevada's Supreme Court must provide for the assignment of one or more judges of the Court of Appeals to devote part of their time to serve as supplemental district judges where needed.

If approved in identical form during the 2013 Session of the Legislature, the proposal will be submitted to the voters for final approval or disapproval at the 2014 General Election.

S.J.R. 15 (File No. 44)

Senate Joint Resolution No. 15 proposes to amend the *Nevada Constitution* by repealing Section 5 of Article 10, which imposes a separate tax on the net proceeds of minerals.

If approved in identical form during the 2013 Session of the Legislature, the proposal will be submitted to the voters for final approval or disapproval at the 2014 General Election.

COURTS AND JUDICIAL PROCEDURES

A.B. 6 (Chapter 65)
Assembly Bill 6 authorizes a trial court to vacate a judgment of conviction for prostitution or soliciting a prostitute if the defendant was not alleged to be a customer of a prostitute, was a victim of trafficking in persons or involuntary servitude, and made a motion with due diligence after ceasing to be a victim or seeking services for a victim. In deciding whether to grant a motion, the bill requires the court to take into consideration any reasonable concerns for the safety of the defendant, the defendant's family, or other victims who may be jeopardized by the bringing of the motion.

A.B. 7 (Chapter 9)
Assembly Bill 7 changes from two days to five judicial days the time within which a judge, against whom an affidavit alleging bias or prejudice has been filed, must file a written answer with the clerk of the court, unless the judge immediately transfers the case or requests another judge to hear the case. This measure applies to all judges except justices of Nevada's Supreme Court.

This bill is effective on March 30, 2011.

A.B. 11 (Chapter 13)
Assembly Bill 11 adds the escape of an offender in the custody of the Department of Corrections to the list of crimes for which the Attorney General or a district attorney may apply for an order authorizing the interception of wire or oral communications.

The bill also revises the definition of "peace officer" to include the Department of Corrections' Inspector General and criminal investigators for the purpose of submitting affidavits in support of applications for orders authorizing the use of certain devices to capture the telephone numbers of incoming and outgoing communications.

This bill is effective on July 1, 2011.

A.B. 87 (Chapter 10)
Assembly Bill 87 repeals the Uniform Foreign Depositions Act and replaces it with the Uniform Interstate Depositions and Discovery Act. When a party in another state seeks discovery from a person in Nevada, the measure requires the party to submit a subpoena from that state to the clerk of the court in the county where discovery is sought. The clerk must then promptly issue a subpoena, the service and enforcement of which must comply with Nevada's laws and rules of civil procedure.

The bill is effective on October 1, 2011, and the Uniform Foreign Depositions Act applies to discovery in cases pending or initiated on or after that date.

A.B. 88 (Chapter 11)

Assembly Bill 88 enacts the Uniform Unsworn Foreign Declarations Act. This measure applies to a declaration by a person who, at the time, is physically outside the boundaries of the United States. If Nevada law requires or permits a sworn declaration, this measure provides that an unsworn declaration that meets the requirements of the Act has the same effect. However, this measure does not apply to a deposition, an oath of office, an oath required to be given before a specific official, or the filing of certain documents related to estates and wills.

A.B. 91 (Chapter 43)

Assembly Bill 91 enacts the Uniform Collaborative Law Act. This measure establishes the requirements relating to an agreement to resolve a matter through a collaborative process and prohibits a court from ordering a party to participate over the party's objection. It provides that the filing of an agreement operates as an application for a stay of pending court proceedings, but authorizes the court to issue an emergency order during a collaborative process to protect a family member or a party to the proceedings.

Assembly Bill 91 requires the parties in a collaborative process to make candid, complete, informal, and timely disclosure of relevant information without formal discovery. With certain exceptions, the bill provides that a collaborative lawyer is disqualified from appearing before a tribunal to represent a party in a proceeding related to the matter.

This measure is effective on January 1, 2013, and applies to collaborative agreements signed on or after that date.

A.B. 121 (Chapter 26)

Assembly Bill 121 authorizes Nevada's Supreme Court to appoint and employ persons to provide for the safety and security of the justices and employees and to carry out necessary police duties at the direction of the Chief Justice. The bill grants a person the Court employs as a police officer the powers of a peace officer when he or she is carrying out duties prescribed by the Chief Justice.

Assembly Bill 121 also authorizes the Capitol Police assigned to protect Nevada's Supreme Court to provide security services at the request of the Court Administrator to the justices when they are performing work duties elsewhere. The bill prohibits money from the Buildings and Grounds Operating Fund from being used for such services, unless specifically appropriated for that purpose.

The bill also authorizes Nevada's Supreme Court to contract for security services for any facility owned, leased, or occupied by the Court or its employees, if the Chief Justice determines additional security is needed. Any such contractor must be licensed and is subject to the oversight of a peace officer providing services for the Court who is designated and directed by the Chief Justice.

This measure is effective on July 1, 2011.

A.B. 194 (Chapter 55)
Assembly Bill 194 provides that a person with a communications disability, for whom the court appoints an interpreter in a civil proceeding, may not be charged a fee or be required to pay any part of the interpreter's compensation.

This bill is effective on May 18, 2011.

A.B. 195 (Chapter 382)
Assembly Bill 195 provides that certain court records may only be destroyed under a schedule for disposition and retention approved by Nevada's Supreme Court. A clerk for the Supreme Court, a county clerk, or a clerk of the district court may destroy a court record only in accordance with the retention and disposition schedule and only if an image of the record has been placed on microfilm or saved in an electronic recordkeeping system that permits retrieval and reproduction. However, unless otherwise prohibited by law, records of a justice court or municipal court may be destroyed without imaging, microfilming, or electronic storage. The bill specifies that the microfilmed or electronic image must be durable, accurate, complete, and clear, and saved in a manner that reasonably protects it from damage or loss.

The bill is effective on July 1, 2011.

A.B. 196 (Chapter 203)
Assembly Bill 196 establishes procedures for collecting administrative assessments, fees, and fines from criminal defendants who plead guilty or are found guilty of a felony or a gross misdemeanor. The bill requires the district court entering a judgment of conviction to forward the information necessary to collect any assessment, fee, or fine to the county treasurer or other designated county office. If the county is successful in collecting, the defendant must also pay the county's actual costs and fees, and a fee of 2 percent of the amount owed. The bill establishes similar procedures for collecting from a defendant who was ordered to pay for expenses incurred in providing a defense attorney.

If the county treasurer or other designated office is unable to collect after 60 days, the bill authorizes the county to assign responsibility for collection to the Office of the State Controller, if the Controller agrees. If the Office of the State Controller succeeds in collecting, it must return the money collected to the originating county, after subtracting costs and fees.

The measure also requires a district court judge imposing an assessment, fee, or fine on a criminal defendant who pleads guilty or is found guilty of a felony or a gross misdemeanor to advise the defendant that the judgment constitutes a lien, and that collection efforts may be undertaken.

Finally, A.B. 196 authorizes the Office of the State Controller to act as the collection agency for any governmental entity, pursuant to a cooperative agreement, and authorizes the

Controller or his or her designee to enter into a reciprocal agreement with the federal government for the collection and offset of indebtedness.

This measure is effective on July 1, 2011.

A.B. 223 (Chapter 338)

Assembly Bill 223 makes various changes relating to the enforcement of civil judgments. If a writ is levied on the personal bank account of a debtor, and if money has been deposited electronically in the account within the last 45 days that is reasonably identifiable as exempt from execution, the bill makes $2,000 or the balance in the account, whichever is less, not subject to execution.

If a writ is levied on a personal bank account of a debtor, and money has not been deposited electronically within the last 45 days that is reasonably identifiable as exempt from execution, the bill provides that $400 or the balance in the account, whichever is less, is not subject to execution unless recovery of the money is for the support of a person. If a debtor has more than one bank account with the bank to which the writ is issued, the amounts not subject to execution apply in the aggregate.

Assembly Bill 223 also changes the deadline for serving a claim of exemption from eight to ten days after the notice of a writ is served on a debtor and, if the levy is on earnings, requires the claim to be filed within ten days of each withholding.

A.B. 244 (Chapter 76)

Assembly Bill 244 enacts the Uniform Partition of Heirs Property Act. The bill supplements existing statutes related to partitioning of real property with tenants in common, for situations where family members inherit property in the absence of a will or other controlling document. The bill defines "heirs property" and requires property that meets the definition to be partitioned under the Act, unless all the cotenants agree otherwise. The bill requires the court to determine the value of the property and establishes procedures for partition by sale and partition in kind. If the court orders a sale of heirs property, the sale must be made on the open market, unless the court finds that sale by sealed bid or auction would be in the best interests of the cotenants.

A.B. 249 (Chapter 138)

Assembly Bill 249 requires a business appointed as the official court reporter in a district court to be licensed by the Certified Court Reporters' Board of Nevada, and it provides that a court reporter is appointed by, rather than employed by, the court. The bill requires a person who operates sound recording equipment in a district court to subscribe to an oath, to report any errors or malfunctions to the court, and to provide a copy of a sound recording with a transcript, if both are requested. Compensation for a transcript must be paid to the reporter, rather than to the clerk or deputy clerk, before a transcript is furnished.

In the justice courts, A.B. 249 requires a sound recording to be preserved for eight years after the time for filing an appeal expires if the proceeding involves a misdemeanor for which enhanced penalties may be imposed, a gross misdemeanor, or a felony. In other proceedings in justice courts, the bill requires a sound recording to be preserved for one year after the time for filing an appeal expires.

This measure is effective on May 29, 2011.

A.B. 250 (Chapter 33)
Assembly Bill 250 repeals a statutory sunset provision concerning the exemption of police officers from service as grand jurors or trial jurors, thus making the exemption permanent.

This measure is effective on July 1, 2011.

A.B. 259 (Chapter 525)
Assembly Bill 259 requires that certain fees charged at the commencement and first filing of civil actions be used to support legal services for the indigent in counties whose population is less than 100,000. In a county with a population of 100,000 or more, the bill directs $10 from each stated fee to certain legal organizations for the operation of programs for the indigent.

The bill also reduces from $50 to $45 the Foreclosure Mediation Program support fee paid at the time a notice of default and election to sell is recorded, and it directs the $5 difference to certain legal organizations for the operation of programs for the indigent.

This measure is effective on July 1, 2011.

A.B. 261 (Chapter 34)
Assembly Bill 261 changes the upper limit on small claims actions in the justice courts from $5,000 to $7,500. For the preparation and filing of an affidavit and order in a small claims action in which the sum claimed exceeds $5,000, the bill requires the justice of the peace to charge a fee of $125.

The measure is effective on July 1, 2011.

A.B. 269 (Chapter 67)
Assembly Bill 269 provides that a criminal defendant is entitled to submit a statement to a grand jury regarding whether a preliminary hearing was held concerning the matter involving the defendant and, if so, that the evidence presented at the preliminary hearing was considered insufficient to warrant holding the defendant for trial.

S.B. 5 (Chapter 8)
Senate Bill 5 revises the process for selecting and seating grand juries in Clark and Washoe Counties by enlarging the pool of potential jurors to 50 or more, increasing from 12 to 14 the number of alternate jurors, and allowing flexibility in the number of proposed jurors

who fail to appear before others must be summoned. The measure also requires the court, rather than the county sheriff, to summon proposed grand jurors.

This measure is effective on March 25, 2011.

S.B. 6 (Chapter 152)

Senate Bill 6 authorizes the electronic reproduction of the seal of a court on appropriate court documents in accordance with electronic filing rules established by Nevada's Supreme Court and any local rules of practice for implementation that are adopted by the court. The measure also provides that an electronic seal has the same legal effect as a seal that is impressed.

This measure is effective on May 29, 2011.

S.B. 24 (Chapter 499)

Senate Bill 24 revises the procedure for issuing a writ of execution in justice court. The bill authorizes the clerk of the court, under the direction and supervision of the justice of the peace, to issue and renew writs of execution. It also requires a writ to bear the court seal and adds several items to the information a writ must contain.

This measure is effective on June 17, 2011.

S.B. 25 (Chapter 158)

Senate Bill 25 revises the number of justices of the peace in Clark County. For townships with populations under 1.1 million, one justice of the peace is required for each 100,000 residents or fraction thereof, until the township has four justices of the peace. Thereafter, another justice is added for each 125,000 residents or fraction thereof, over a population of 300,000.

In a township with a population of 1.1 million or more, one justice of the peace is required for each 100,000 residents or fraction thereof, up to a population of 1.1 million. Thereafter, another justice of the peace is added for each 125,000 population of the township or fraction thereof.

This measure is effective on January 1, 2012.

S.B. 94 (Chapter 316)

Senate Bill 94 increases from nine to ten the number of judicial districts in this State by removing Churchill County from the Third Judicial District and providing that Churchill County constitutes the Tenth Judicial District. The bill also decreases from three to two the number of district judges in the Third Judicial District and provides that the Tenth Judicial District will be served by one district judge.

This measure is effective on January 1, 2012.

S.B. 186 (Chapter 388)

Senate Bill 186 revises the information that a judgment creditor must include in the affidavit recorded in a civil judgment or decree. The required information must be based on personal knowledge and include: (1) certain personal identification numbers; (2) parcel information and proof of ownership of the judgment debtor's real property; and (3) the location, serial number, and proof of ownership of a manufactured home or mobile home if one is included in the lien.

The document number of a recorded judgment is also added to the information required in an affidavit that is filed to renew a lien on real property, which is to be titled "Affidavit of Renewal of Judgment."

The bill requires certain letters concerning the estate of a decedent to be recorded in the county recorder's office for each county in which real property of the estate is located.

Finally, S.B. 186 requires a cover sheet containing the guardian's name, address, and telephone number, along with certain property information, to be attached to the letters of guardianship recorded by the guardian in each county where the ward has real property.

S.B. 194 (Chapter 322)

Senate Bill 194 cites the importance of full disclosure to potential members of class action lawsuits in order for the members to make an informed decision whether to remain members of the class and participate in the suit or to opt out of the lawsuit.

The measure urges Nevada's Supreme Court to amend the *Nevada Rules of Civil Procedure* to require an attorney in class actions to make all of the disclosures required under the *Federal Rules of Civil Procedure* to each member of the class.

S.B. 221 (Chapter 270)

Senate Bill 221 revises laws relating to estates and trusts. The bill defines "nonprobate transfer" and provides that a provision in a contract for nonprobate transfer on death is not testamentary and is exempt from the statutes relating to wills. A designated beneficiary has no rights in the property covered by a nonprobate transfer before the death of the owner, and an owner may revoke or change a beneficiary designation, unless the designation is expressly made irrevocable. The bill provides that recipients of nonprobate transfers are liable for creditors' claims not paid in full from the decedent's estate, but are not liable for more than they received.

Senate Bill 221 also enacts the Independent Administration of Estates Act. The bill authorizes a court to grant a personal representative full or limited authority to administer an estate, after a hearing on a petition for authority, and also authorizes the court to revoke such authority. A personal representative who has been granted authority must still obtain court approval for certain actions, including allowance of compensation, settlement of accounts, and any transaction that would directly or indirectly benefit the personal representative or the

representative's family or attorney. The bill provides that a personal representative with limited authority must also obtain court supervision for any sale or exchange of, or encumbrance on, real property.

Senate Bill 221 also makes other changes to the laws on estates and trusts, including the laws on the allocation of expenses to income beneficiaries, the duties of fiduciaries' attorneys and trustees, the effect of divorce on trusts and wills, spendthrift trusts, transfer-on-death accounts, vexatious litigants, void transfers, and other subjects.

S.B. 348 (Chapter 516)

Senate Bill 348 eliminates the $15,000 premium limit for an exemption from execution of money, benefits, privileges, or immunities arising out of a policy of life insurance, thereby allowing for a complete exemption.

The measure also eliminates the $350 monthly benefit exemption limit for execution of any annuity benefits due and payable to an annuitant on a scheduled or periodic basis, thereby allowing for a complete exemption from the execution of annuity benefits.

S.B. 436 (Chapter 263)

Senate Bill 436 transfers from the Department of Administration to the Court Administrator the responsibility to deposit money to cover pension benefits for district court judges and justices of Nevada's Supreme Court. The bill requires the State of Nevada to make an appropriation to the Court Administrator for this purpose.

This measure is effective on June 4, 2011.

CRIMINAL JUSTICE

(See also Courts and Judicial Procedures)

A.B. 107 (Chapter 80)

Assembly Bill 107 requires each law enforcement agency to adopt policies and procedures applicable to identification procedures, including live lineups, photo lineups, and show-ups.

The bill also directs the Advisory Commission on the Administration of Justice to place a discussion of the progress of the law enforcement agencies on the agendas of two meetings prior to the 77th Session of the Nevada Legislature, and it directs a representative of the Nevada Sheriffs' and Chiefs' Association to attend the meetings and present the reports.

A.B. 181 (Chapter 54)

Assembly Bill 181 expands the duties of the Advisory Commission on the Administration of Justice to include an evaluation of the policies and practices relating to involuntary civil commitment of sexually dangerous persons.

A.B. 196 (Chapter 203)

Assembly Bill 196 establishes procedures for collecting administrative assessments, fees, and fines from criminal defendants who plead guilty or are found guilty of a felony or a gross misdemeanor. The bill requires the district court entering a judgment of conviction to forward the information necessary to collect any assessment, fee, or fine to the county treasurer or other designated county office. If the county is successful in collecting, the defendant must also pay the county's actual costs and fees, and a fee of 2 percent of the amount owed. The bill establishes similar procedures for collecting from a defendant who was ordered to pay for expenses incurred in providing a defense attorney.

If the county treasurer or other designated office is unable to collect after 60 days, the bill authorizes the county to assign responsibility for collection to the Office of the State Controller, if the Controller agrees. If the Office of the State Controller succeeds in collecting, it must return the money collected to the originating county, after subtracting costs and fees.

The measure also requires a district court judge imposing an assessment, fee, or fine on a criminal defendant who pleads guilty or is found guilty of a felony or a gross misdemeanor to advise the defendant that the judgment constitutes a lien, and that collection efforts may be undertaken.

Finally, A.B. 196 authorizes the Office of the State Controller to act as the collection agency for any governmental entity, pursuant to a cooperative agreement, and authorizes the Controller or his or her designee to enter into a reciprocal agreement with the federal government for the collection and offset of indebtedness.

This measure is effective on July 1, 2011.

A.B. 408 (Chapter 75)

Assembly Bill 408 applies to jails, juvenile detention facilities, and State prisons, and provides that no restraints of any kind may be used on an offender who is in labor, delivering her baby, or recuperating from delivery unless there are compelling reasons to believe the offender presents a serious and immediate threat to herself or others or a substantial flight risk, and cannot be reasonably confined by other means. If the offender is restrained, only the least restrictive restraints necessary may be used.

S.B. 159 (Chapter 427)

Senate Bill 159 requires the Department of Corrections (DOC) to provide information to inmates, upon their release, relating to obtaining employment and including information about programs that provide workplace bonds. The DOC must also provide information and reasonable assistance, upon request, relating to acquiring a driver's license or identification card.

The measure also extends a waiver of certain fees for the issuance of certified copies of birth certificates and duplicate drivers' licenses or identification cards to inmates released from prison within the immediately preceding 90 days. Vendors that produce photographs by agreement with the Department of Motor Vehicles (DMV) for drivers' licenses and identification cards must similarly be encouraged by the DMV to waive the cost of photographs for such inmates.

Provisions requiring the DOC to provide information to inmates upon their release are effective on October 1, 2011. The remaining provisions of the bill are effective on February 1, 2012.

S.B. 201 (Chapter 251)

Senate Bill 201 authorizes the Attorney General to establish a program to mediate certain complaints from offenders. Such complaints are limited to those regarding an administrative act alleged to be contrary to law or policy of the Department of Corrections or significant issues concerning the health and safety of offenders and other matters for which there is no effective administrative remedy.

If a mediation program is established, the Attorney General must create necessary regulations and procedures and prepare an annual report to the Board of State Prison Commissioners describing the complaints, the dollar amount of the claims, the number of complaints resolved through the program, the amount paid to offenders to resolve those claims, and the savings realized by the program.

Crime and Punishment

A.B. 57 (Chapter 51)

Assembly Bill 57 specifies the items that must be included in a record of registration of a sex offender or an offender convicted of a crime against a child. The record must identify the offender and include information on the offender's criminal history, employment or

occupation, enrollment as a student, level of registration, residence, vehicles, volunteer service, and other information required by federal law.

The bill requires an offender who initially reported a shorter stay to give notice to the local law enforcement agency after remaining in a jurisdiction longer than 30 days. If the offender has no fixed residence, in addition to the other requirements, the bill requires the offender to notify the law enforcement agency at least every 30 days if there are any changes in the address of a dwelling that is providing temporary shelter or the location where the offender habitually sleeps. The measure authorizes the court to dismiss any criminal charges for failure to comply if the offender immediately updates his or her record of registration.

Assembly Bill 57 also adds a member who is a mental health professional, appointed by the Attorney General, to the Advisory Committee to Study Laws Concerning Sex Offender Registration.

This measure is effective on May 18, 2011.

A.B. 142 (Chapter 41)

Assembly Bill 142 changes the threshold, expressed in terms of the amount of money or value misappropriated, stolen, or taken, between lesser and greater property crimes. The bill amends the penalty provisions for various property crimes, including:

- Accepting a kickback;
- Fraud against an innkeeper;
- Fraud in the course of an enterprise or occupation;
- Issuance of a bad check;
- Medicaid fraud;
- Misappropriation by a public officer;
- Participation in an organized retail theft ring;
- Receiving stolen property;
- Theft;
- Theft of scrap metal;
- Unauthorized use of food stamps;

- Unemployment insurance fraud;
- Workers' compensation fraud; and
- Others.

In general, the bill changes the threshold between a misdemeanor and a gross misdemeanor, or between a misdemeanor and a category C or D felony, from $250 to $650. It also changes certain thresholds between a category B felony and a lesser felony from $2,500 to $3,500.

A.B. 161 (Chapter 74)

Assembly Bill 161 revises the laws concerning the crime of trespassing. The bill provides that a person who commits unlawful trespass at a licensed gaming establishment and who has three prior convictions for engaging in or soliciting prostitution in the last five years is guilty of a misdemeanor. With the consent of the accused and without entering a judgment of conviction, A.B. 161 authorizes the court to suspend further proceedings and place the accused on probation, with the condition that the accused must complete a program of counseling, drug treatment and rehabilitation, or education and agree to pay the cost of the program to the extent of his or her financial resources.

Under this measure, the dismissal of the trespassing charge is not a conviction, except for the purpose of setting bail or imposing additional penalties for a subsequent conviction. However, dismissal may occur only once for any offender, and a professional licensing board may consider a proceeding on the trespassing charge when determining suitability for a license.

This measure is effective on October 1, 2011, and applies to offenses committed before that date for the purpose of determining whether a court may suspend further proceedings and place the accused person on probation with conditions.

A.B. 321 (Chapter 59)

Assembly Bill 321 amends the definition of "justifiable homicide" by providing that a person is not required to retreat before using deadly force if he or she is not the original aggressor, has a right to be at the location where deadly force is used, and is not actively engaged in conduct in furtherance of criminal activity at the time.

A.B. 571 (Chapter 515)

Assembly Bill 571 revises the Nevada Clean Indoor Air Act to permit smoking tobacco in completely enclosed areas within stand-alone bars, taverns, and saloons that patrons under 21 years of age are prohibited from entering, as well as age-restricted stand-alone bars, taverns, and saloons. Age-restricted stand-alone establishments must be housed in a physically independent building that has no common entryway or indoor area with a restaurant, public space or other indoor workplace, or a completely enclosed area of a larger structure.

Any stand-alone bar, tavern, or saloon that allows a person under 21 years of age to loiter in an area in which smoking is permitted is liable for a civil penalty, and any supervisor on duty or other person who allows such loitering is guilty of a misdemeanor. Also, this bill reenacts provisions that allow smoking in the area of a convention facility in which a meeting or trade show is being held that is not open to the public and is being produced by a business relating to tobacco and involves the display of tobacco products.

This bill appropriates $15,000 from the State General Fund to the Interim Finance Committee to award a competitively bid contract to conduct a study regarding the implementation of the Nevada Clean Indoor Air Act.

With the exception of the provisions relating to trade shows, this bill is effective on June 17, 2011. Reenactment provisions relating to trade shows is effective one minute after the balance of the bill is effective.

S.B. 55 (Chapter 332)

Senate Bill 55 provides that a person who is convicted of embezzlement of money or property of a value of $250 or more, obtaining money or property of a value of $250 or more by false pretenses, or taking money or property from the person of another is subject to an additional civil penalty if the crime was committed against a person 60 years of age or older. The bill allows the Attorney General to use any money collected from the civil penalties to provide compensation to older persons who are victims of these crimes.

S.B. 257 (Chapter 282)

Senate Bill 257 reduces from $5,000 to $500 the aggregate value of damage used to determine the penalty imposed for committing multiple graffiti offenses. The bill also provides that a person who places graffiti on any protected site is guilty of a category C felony and must serve at least ten days in jail as a condition of probation, if granted. It also requires a person convicted of a third graffiti offense to perform up to 300 hours of community service for up to a year and authorizes the court to order the person to maintain a specific property free of graffiti.

Senate Bill 257 authorizes the court to order an offender to pay restitution or participate in counseling and, if the offender is under the age of 18, to order the offender's parent or guardian to participate in counseling. The bill also allows a property owner to commence a civil action against a graffiti offender and to recover triple damages, plus attorney's fees and costs from the offender or, if the offender is under the age of 18, the offender's parent or guardian.

S.B. 282 (Chapter 429)

Senate Bill 282 prohibits a person from intentionally and willfully posting or displaying in public the Social Security number of another person unless authorized by law to do so. A violation of this prohibition is a misdemeanor. The bill does not prohibit the use of

Social Security numbers for purposes of internal administration or verification, nor does it apply to documents required by law to be open to the public or to recorded documents.

Senate Bill 282 authorizes a victim to bring a civil cause of action against a violator, and it authorizes a court to award actual damages, attorney's fees, and related costs.

S.B. 376 (Chapter 524)
Senate Bill 376 provides that a person who knowingly, maliciously, willfully, and without authorization interferes with the use of a computer, system, or network, or gains access to a computer, information service, network, telecommunications device, telecommunications service, or system is guilty of a gross misdemeanor.

This measure is effective on June 17, 2011.

Juvenile Crime and Delinquency

A.B. 13 (Chapter 129)
Assembly Bill 13 authorizes a court to order certain punishments when a juvenile is adjudicated delinquent for an unlawful act involving killing or possessing big game. The bill authorizes a court to:

- Order the juvenile to pay a fine;
- Order the child, parent, or guardian to pay a civil penalty;
- Order revocation of any license issued to the child by the Department of Wildlife;
- Prohibit the child from receiving a license from the Department for two years or until he or she reaches the age of 18; or
- Order the child to be placed on probation.

Assembly Bill 13 also removes the requirement for a peace officer or probation officer to take a child into custody if the officer believes the child has committed an unlawful act involving the possession, threatened use, or use of a firearm.

This measure is effective on March 1, 2012.

A.B. 134 (Chapter 12)
Assembly Bill 134 clarifies and revises the maximum punishment a court may impose for a crime by a person who was under 18 years old when the crime was committed. For such a person convicted of a crime otherwise punishable by death, the maximum punishment is life imprisonment without the possibility of parole. For a nonhomicide crime, the maximum punishment is life imprisonment with the possibility of parole.

This measure is effective on March 30, 2011, and applies retroactively to a sentence of life imprisonment without the possibility of parole that has been imposed upon a person for a nonhomicide crime that was committed by the person when the person was less than 18 years of age.

S.B. 112 (Chapter 230)

Senate Bill 112 authorizes a juvenile court to review records relating to child custody or the involvement of a child with a child welfare agency to assist the court in determining the appropriate placement or treatment plan for a child. The bill prohibits the court from using the records to prove that the child committed a delinquent act or for any other purpose, unless the records would otherwise be admissible as evidence, and prohibits the court from disclosing such records except to the parties and their attorneys.

This measure is effective on July 1, 2011.

S.B. 277 (Chapter 245)

Senate Bill 277 prohibits a minor from knowingly and willfully using an electronic communication device to possess, transmit, or distribute a sexual image of himself, herself, or another minor. If the images transmitted are of himself or herself, the minor is considered a minor in need of supervision for the first offense and a delinquent for a second or subsequent offense. If the images are of another minor, the minor in willful possession of the images is a child in need of supervision, but if the image is transmitted or distributed, the minor commits a delinquent act.

The measure provides an affirmative defense if the minor who possesses the image did not knowingly purchase or solicit it and promptly destroys the image or reports it to a school official or law enforcement.

Finally, S.B. 277 revises the definition of "cyber-bullying" to clarify that the term includes the use of electronic communication to transmit or distribute a sexual image of a minor.

This measure is effective on July 1, 2011.

S.B. 476 (Chapter 401)

Senate Bill 476 requires that, unless an exemption is approved, each county must pay an assessment for the services of the Youth Parole Bureau of the Division of Child and Family Services, Department of Health and Human Services. The assessment will be determined by the Division based on the number of pupils enrolled in the public schools in each county. A request for an exemption must be submitted first to the Governor and then, if approved by the Governor, to the Interim Finance Committee (IFC). If the IFC approves the exemption, the county must carry out the services otherwise provided by the Youth Parole Bureau.

The measure further removes authority of a juvenile court to order the return of a child to a State juvenile detention facility under certain circumstances and authorizes, rather than requires, the Youth Parole Bureau to pay the costs of confining a child in a local regional detention facility to the extent money is available.

This measure is effective on July 1, 2011.

Pardons, Parole, and Probation

A.B. 12 (Chapter 22)
Assembly Bill 12 abolishes the Parolees' Revolving Loan Account by directing the Chief Parole and Probation Officer to revert to the State General Fund the remaining balance in the account. Any further money received in the account from repayment of outstanding loans must be similarly reverted as soon as practicable after the money is received.

This measure is effective on May 10, 2011.

A.B. 18 (Chapter 23)
Assembly Bill 18 reenacts statutes related to meetings of the State Board of Parole Commissioners. The bill prohibits the Board from denying parole unless a prisoner has been given notice of the Board meeting and an opportunity to be present, and it requires the Board to allow prisoners or their representatives to speak. The measure also requires the Board to provide written notice of its final decisions concerning parole within ten working days after a hearing and, if parole is denied, specific recommendations to improve the possibility of being granted parole, if any.

This measure reenacts provisions of the *Nevada Revised Statutes* that the United States District Court of Nevada permanently enjoined the State from enforcing in the matter of *ACLU of Nevada v. Masto* in 2008. Testimony indicated that these particular provisions are not directly related to the issues in that case. This bill is intended to express the intent of the Legislature that these provisions continue to apply.

This measure is effective on May 10, 2011.

A.B. 66 (Chapter 14)
Assembly Bill 66 requires a court to give persons whose records have been sealed a written notice that their right to bear arms has not been restored, unless they received a pardon and the pardon does not restrict that right. The bill provides that a person who receives an unconditional pardon has the right to bear arms, and if a pardon restores that right to a person, the pardon document must explicitly say so.

This measure also authorizes the State Board of Pardons Commissioners and its agents to inspect sealed records if the person who is the subject of the records has applied for a pardon.

A.B. 93 (Chapter 433)

Assembly Bill 93 directs the Department of Corrections to establish a pilot diversion program as an alternative to revocation of probation and to provide suitable facilities for up to 50 persons at one time. The bill authorizes a district court to:

- Remand felony probation violators to the pilot program for supervision;
- Require the probation violators to receive treatment for alcohol or drug abuse or mental illness during their participation in the pilot program; and
- Release them from supervision when they have satisfied the terms and conditions the court established.

The bill requires persons placed in the pilot program to pay the cost of their treatment and supervision to the extent of their financial resources.

This measure requires the Departments of Corrections and Public Safety to submit a joint report on the program to the Interim Finance Committee at least twice annually.

This measure is effective on June 16, 2011, and expires by limitation on July 1, 2015.

S.B. 187 (Chapter 368)

Senate Bill 187 replaces the requirement that a prisoner convicted of certain sexual offenses may only be released on parole by the State Board of Parole Commissioners with certification by a panel that the prisoner does not represent a high risk to reoffend. Instead, the bill requires that before being granted or continued on parole, the prisoner must be evaluated by a panel within 120 days before a parole hearing. The panel must adopt regulations to ensure that the evaluations are based on currently accepted standards of assessment, contain a statement about other relevant information known about the prisoner, and rate the prisoner's risk to reoffend.

The measure also authorizes the Board to require an evaluation of a sex offender to assist in determining parole and clarifies that a prisoner does not have a right to an evaluation or reevaluation more frequently than the prisoner's regularly scheduled parole hearings.

Finally, S.B. 187 requires that certain meetings of the panel are subject to the Open Meeting Law.

S.B. 443 (Chapter 394)

Senate Bill 443 requires a county to pay 70 percent of the expense of a presentence or general investigation and report related to an indictment or information that was filed in that county. The county must pay the partial reimbursement to the Division of Parole and Probation of the Department of Public Safety. The Division shall establish a schedule for payment that will require payments at least quarterly. A county is not responsible for the cost of a psychosexual evaluation.

The bill is effective on June 15, 2011, for purposes of adopting regulations, and on July 1, 2011, for all other purposes.

Victims of Crime

A.B. 83 (Chapter 31)
Assembly Bill 83 extends the statute of limitations for an identity theft felony against a victim who was under 18 years of age at the time the offense was committed to four years after the victim discovers, or reasonably should have discovered, the offense.

This measure is effective on October 1, 2011, and applies retroactively to a person who committed an identity theft crime before that date, if the applicable statute of limitations has commenced but not yet expired on that date.

A.B. 125 (Chapter 27)
Assembly Bill 125 revises provisions governing the Repository for Information Concerning Crimes Against Older Persons. The bill provides that the Repository must contain a record of all reports of abuse, exploitation, isolation, or neglect of older persons, rather than crimes against older persons in general. It also makes mandatory the items of information that must be included in a record of a report.

Assembly Bill 125 provides that the data acquired from records submitted to the Repository must not contain information that may reveal the identity of a person accused of abuse, neglect, exploitation, or isolation of older persons.

S.B. 55 (Chapter 332)
Senate Bill 55 provides that a person who is convicted of embezzlement of money or property of a value of $250 or more, obtaining money or property of a value of $250 or more by false pretenses, or taking money or property from the person of another is subject to an additional civil penalty if the crime was committed against a person 60 years of age or older. The bill allows the Attorney General to use any money collected from the civil penalties to provide compensation to older persons who are victims of these crimes.

S.B. 67 (Chapter 212)
Senate Bill 67 provides that the money in the Fund for the Compensation of Victims of Crime must be disbursed in accordance with rules and regulations adopted by the State Board of Examiners. The rules and regulations must prioritize claims and pay the higher priority claims, in whole or in part, before paying lower priority claims.

The measure is effective on June 1, 2011.

ECONOMIC DEVELOPMENT

A.B. 144 (Chapter 20)

Assembly Bill 144 adds five criteria that must be met to qualify for the 5 percent bidding preference on State and local public works projects. The applicant must submit a signed affidavit certifying that the criteria will be met for the duration of the project. The additional criteria are:

- At least 50 percent of the workers must have a Nevada driver's license or identification card;
- Vehicles must be registered in Nevada or be partially apportioned to Nevada;
- At least 50 percent of the design professionals working on the project must have a Nevada driver's license or identification card;
- At least 25 percent of the suppliers of the materials used must be located in Nevada; and
- Certain payroll records must be maintained and available in Nevada.

The bill also requires the contractor to maintain, for all workers on the project, a list of the driver's license and identification card numbers.

The public works contract must contain the five criteria and provide that failure to comply with the criteria constitutes a material breach entitling the public body to liquidated damages equal to 10 percent of the contract's cost. The contract must also contain a provision to apportion the liability for damages for a material breach between the contractor and subcontractor in proportion to each party's liability for the breach. A contract not in compliance with this bill shall be void. A contractor who receives a preference and breaches the contract shall be penalized as follows: (1) if the cost of the contract exceeds $5 million, the contractor shall lose the preference certification for five years; or (2) if the contract exceeds $25 million, the contractor shall be barred from bidding on public works projects for one year.

A person may file a written objection with the public body to a proposed or awarded contract, along with supporting proof, alleging that the criteria are not being met. The public body must review the objection and supporting proof and determine whether the criteria are being met. If the public body determines the criteria are not being met, the contract may be awarded to another bidder or the public body may seek liquidated damages. Breaches shall be reported to the State Contractors' Board, and the information shall be retained for at least six years.

The bill is effective on April 27, 2011.

NOTE: See also Assembly Bill 574 (Chapter 422).

A.B. 182 (Chapter 164)

Assembly Bill 182 is enabling legislation that permits participating entities to seek approval for creation of inland ports and public bodies known as inland port authorities, the purposes of which are to promote, encourage, and aid in economic development and employment opportunities within Nevada. A participating entity can be either a county or a city. Nevada's Commission on Economic Development must develop a State Plan for Inland Ports and may only approve an application if the proposed inland port and authority are in conformance with the State Plan. An inland port must not contain any residential property and must be a contiguous area that contains at least two of the following: (1) a municipal airport; (2) a highway within the National Highway System; or (3) operating assets of at least one Class I railroad. The bill requires a participating entity to create the inland port and to give notice of withdrawal by ordinance.

The board of directors for an inland port authority must consist of an odd number of members and may not include elected officials or employees of a participating entity. The bill sets forth additional criteria for the directors of the inland port authority. Meetings of an authority are subject to the Open Meeting Law, and members are not entitled to compensation. Authorities may not condemn property and may not alter highways, railroads, or airports without the consent of the entity controlling or owning those facilities. The powers of an inland port authority include, but are not limited to, receiving property from a governmental entity, entering into agreements with other entities and persons, operating facilities, and accepting public and private funding.

The bill is effective on July 1, 2011.

A.B. 449 (Chapter 507)

Assembly Bill 449 enacts various provisions relating to economic development. The bill creates an Advisory Council on Economic Development and a Board of Economic Development, and it prescribes the composition and duties of both entities. It also creates an Office of Economic Development, headed by an Executive Director, within the Office of the Governor, and eliminates the Commission on Economic Development. The bill outlines the duties of the Office and the Executive Director and includes a requirement that a State Plan for Economic Development be developed. The bill eliminates regional development districts established by the Governor, and instead it requires the Office of Economic Development to establish regional development authorities.

Assembly Bill 449 also makes changes to tax abatements. It requires the recipients of certain abatements to repay the abated taxes if the recipients no longer meet the eligibility requirements. The measure also requires the Office of Energy to consult with the Office of Economic Development before granting partial property tax abatements for certain energy efficient buildings and renewable energy facilities.

The Commission on Economic Development, later the Office of Economic Development, may make grants or loans of money from the Catalyst Fund, created by this bill, to the regional

development authorities in consultation with the Advisory Council on Economic Development. The grants or loans must be used to invest in businesses seeking to expand in or relocate to this State.

Assembly Bill 449 also creates a Knowledge Fund and establishes a program for the development and commercialization of research and technology at the University of Nevada, Las Vegas; the University of Nevada, Reno; and the Desert Research Institute. Among other uses, money in the Knowledge Fund is to be allocated by the Executive Director of the Office of Economic Development to provide funding for:

- The recruitment, hiring, and retention of faculty and teams to conduct research in science and technology;
- Research laboratories and related equipment;
- The construction of research clinics, institutes and facilities, and related buildings in this State; and
- Matching funds for federal and private grants that further economic development.

Provisions of the bill establishing the Advisory Council on Economic Development are effective on June 17, 2011. Provisions creating the Board of Economic Development, the Office of Economic Development, the Catalyst Fund, and the Knowledge Fund are effective on July 1, 2011. Provisions relating to transitioning certain duties from the Commission on Economic Development to the Office of Economic Development and relating to partial tax abatements are effective on July 1, 2012.

A.B. 574 (Chapter 422)

Assembly Bill 574 amends A.B. 144, enacted earlier in the 2011 Session, which provides for a 5 percent bidding preference on public works projects subject to five specific conditions. Assembly Bill 574 adds an exception to the condition that at least 25 percent of the suppliers of the materials used on the project be located in Nevada if the public body requires materials or equipment that cannot be obtained in this State.

Each contract between the public body, contractors, design-build team, subcontractors, and suppliers, or any combination thereof, must impose liability for liquidated damages on the party who fails to comply with one of the conditions applicable to the preference. The public body may enforce this liability directly against the party responsible for the breach. The amount of liquidated damages that may be collected is reduced from the lesser of 10 percent or $50,000 to 1 percent of the cost of the largest contract to which the responsible person is a party.

The bill is effective on June 15, 2011.

S.B. 75 (Chapter 423)

Senate Bill 75 requires the State Treasurer to form an independent corporation for public benefit to act as a limited partner of limited partnerships or as a shareholder or member of limited-liability companies that provide private equity funding to businesses that engage in certain industries. These industries include but are not limited to:

- Health care and life sciences;
- Cyber security;
- Homeland security and defense;
- Alternative energy;
- Advanced materials and manufacturing; and
- Information technology.

The members of the corporation must have at least ten years of experience in the fields of investment, banking, or finance. Members must comply with certain ethics standards and meetings of the corporation are subject to the Open Meeting Law.

The State Treasurer is required to adopt regulations addressing specifically identified issues, including providing assurance that businesses receiving venture capital investments have a presence in the State. The Treasurer may, by regulation, establish a Business Leadership Council and adopt further regulations as needed.

The bill authorizes the State Treasurer to transfer an amount not to exceed $50 million from the State Permanent School Fund to the independent corporation for investment if the State Treasurer first obtains a judicial determination that such an investment does not violate the provisions of Section 9 of Article 8 of the *Nevada Constitution*. At least 70 percent of the investments made by the independent corporation must be provided to businesses located or seeking to locate in Nevada.

A.C.R. 4 (File No. 11)

Assembly Concurrent Resolution No. 4 expresses support for economic development and the development of a highly skilled workforce in the sectors of logistics, supply chain management, and renewable energy technology in Nevada. The Legislature expresses its intent to promote Nevada as a distribution and transportation center and as a state that is at the forefront of renewable energy technology. Further, the Governor of Nevada is urged to promote economic development in the sectors of logistics, supply chain management, and renewable energy technology. Finally, the Legislature recognizes the need to prioritize the training and education of a highly skilled workforce in the aforementioned sectors and to promote the investment of private capital in logistics-related and renewable energy-related businesses in Nevada.

EDUCATION

A.B. 138 (Chapter 132)

Assembly Bill 138 authorizes the Department of Education and the Nevada System of Higher Education to establish a plan to ensure that Nevada's academic standards, graduation requirements, and assessments are aligned with college and workforce readiness expectations. The provisions of the plan expire by limitation on June 30, 2014.

The measure requires the State Board of Education and each school district to include in the tabulation of high school completers those who earn an adult diploma. In addition, the measure provides that a school district's policy for ninth grade academic plans may include the provision of information about educational programs and academic opportunities, including information about the courses of study recommended to prepare for the High School Proficiency Examination.

The measure authorizes a school district's board of trustees to adopt a policy that allows a pupil to report anonymously unlawful activities on school property, at a school activity, or on a school bus. In addition, public schools, school districts, and the State Board of Education must include bullying incidents resulting in disciplinary actions in their accountability reports. Finally, the bill repeals certain statutes that exempt a child from compulsory school attendance.

This bill is effective on July 1, 2011.

A.B. 233 (Chapter 127)

Assembly Bill 233 expands existing law to provide that a pupil may be granted credit for a specific course of study without attending the course. The measure provides that in addition to a pupil's performance on an examination prescribed by the State Board of Education, the objectives of a course may be met through the pupil's performance on an:

- Examination developed by the principal and the teacher who provides instruction in the course; or

- Examination that is determined by the principal to be as rigorous as or more rigorous than the examination prescribed by the State Board of Education, including, without limitation, an advanced placement examination.

The State Board of Education is required to adopt regulations on or before December 31, 2011, that prescribe the program, including the courses of study for which this program applies, the minimum score on the examination that is required to demonstrate proficiency in a course, and the form to be completed by the pupil to apply for credit.

This bill is effective on July 1, 2011.

A.B. 290 (Chapter 176)

Assembly Bill 290 authorizes the principal of a high school or the principal's designee to postpone, for not more than one year, the administration of the High School Proficiency Examination (HSPE) in the subject area of mathematics and/or science for a pupil who is not academically ready in those subject areas. The decision to postpone the examination must be based upon a determination that the pupil is not achieving in the applicable subject area.

In order to postpone the HSPE, the parent or legal guardian of the pupil must agree in writing with the determination of the principal, or the principal's designee, and teacher that the pupil is not academically ready to take the HSPE in the identified subject area(s). If the administration of an area of the HSPE is postponed, the parent or legal guardian must be provided with a copy of the HSPE informational pamphlet and the pupil's academic plan for high school must be revised to ensure that:

- The pupil is enrolled in or scheduled to enroll in course work for his or her grade level and receives the necessary preparation to enable the pupil to take the portion of the HSPE that was postponed; and

- The pupil participates in or enrolls in a program to assist pupils with passing the HSPE.

Finally, the measure requires each school district to submit an annual report to the Department of Education and the Legislative Committee on Education that provides the number of pupils for which the HSPE was postponed, with an indication of whether the HSPE was postponed for the subject area of mathematics and/or science.

This bill is effective on July 1, 2011.

A.B. 318 (Chapter 174)

Assembly Bill 318 provides that in all due process hearings held pursuant to the federal Individuals with Disabilities Education Act where the school district is a party, the school district has the burden of proof and the burden of production.

This bill is effective on July 1, 2011.

A.B. 493 (Chapter 417)

Assembly Bill 493 extends until June 30, 2013, the prospective expiration of two temporary waivers established by the Legislature during the 26th Special Session. One waiver removes the requirement of a minimum amount that school districts, charter schools, and university schools for profoundly gifted pupils must spend each year for textbooks, instructional supplies, software, and hardware. The other waiver removes the overall minimum expenditure requirements for library books, computer software, purchase of equipment, and maintenance of equipment, vehicles, and facilities.

This bill is effective on June 15, 2011.

S.B. 14 (Chapter 109)
Senate Bill 14 requires the State Board of Education to develop a model curriculum for English language arts and mathematics for kindergarten and grades 1 through 12. The model curriculum will be based upon the Common Core Standards that were previously adopted by the Board. Further, the Department of Education is required to distribute the model curriculum to school districts and charter schools within the State so they may be used as a guide for classroom teachers in developing lesson plans for these subjects. The measure also authorizes the regional training programs to use the model curriculum as part of its training process for teachers and administrators.

The bill is effective on July 1, 2011.

S.B. 196 (Chapter 194)
Senate Bill 196 makes various changes concerning empowerment schools. The measure removes the sunset on the empowerment schools' statutes adopted by the 2007 Legislature and eliminates the statutory cap limiting the number of empowerment schools to 100 schools statewide.

The bill is effective on June 1, 2011.

S.B. 211 (Chapter 428)
Senate Bill 211 requires the Legislative Committee on Education to conduct a study of the implementation of the Common Core State Standards. The study shall determine the extent to which public elementary and secondary schools have revised curriculum and instruction to implement the Common Core State Standards. The Commitee shall review teacher professional development and the revision of the State assessment system. The study must be conducted in consultation with the Nevada STEM Education Coalition. The Committee shall report findings and recommendations to the 77th Session of the Legislature.

The bill is effective on July 1, 2011.

S.B. 237 (Chapter 244)
Senate Bill 237 provides for the creation of a nonprofit corporation with a seven-member Board of Directors appointed by the Legislative Commission to provide administrative and financial support for the activities of the Nevada Youth Legislature. Further, the measure creates the Nevada Youth Legislature Account in the Legislative Fund, into which appropriations, or gifts, grants, and donations may be deposited for support of these activities. The bill carries forward funds previously appropriated for the Nevada Youth Legislature and requires the transfer of these and any other moneys provided to the group to the new Account. The measure provides that the Account must be held in trust for the Youth Legislature and limits the use of the money in the Account to support programs and expenses for the operation and support of the Nevada Youth Legislature. The duties of the Board are set forth concerning its oversight of the activities of the group, in cooperation with the Legislative Counsel Bureau.

The bill also expands the eligibility of youth legislators to those students starting the ninth grade, and it provides for a two-year term of office with the possibility of a second two-year reappointment. In addition, the measure clarifies provisions for filling a vacancy on the Youth Legislature due to a member's unexcused absences from the body's meetings, events, or other activities.

This bill is effective on June 3, 2011.

S.B. 317 (Chapter 250)

Senate Bill 317 requires crisis response development committees established by school districts, charter schools, and private schools to include emergency response matters within their crisis plans. The measure defines emergencies as occurrences or threatened occurrences that may require action to save lives, to avert property damage, or to protect the health and safety of persons on school property or at school events. In developing the emergency component of these plans, the school district board of trustees, the charter school governing body, and the private school governing body must consult a State or local emergency management representative. Public and private school-level crises plan review committees are required to evaluate the revised emergency component of the plans. The measure also adds responses to emergencies to the duties of a public or private school principal under the plans.

The bill is effective on July 1, 2011.

S.B. 318 (Chapter 107)

Senate Bill 318 provides that new school buses purchased after January 1, 2014, must meet certain fire safety standards concerning the flammability of occupant seat material and for plastic components within the engine compartment.

The bill is effective on July 1, 2011.

NOTE: See also Assembly Bill 4 (Chapter 7) of the 26th Special Session.

NOTE: See also Assembly Bill 5 (Chapter 6) of the 26th Special Session.

Accountability and School Reform

A.B. 113 (Chapter 122)

Assembly Bill 113 revises the State plan for the academic improvement of pupils in public schools to include a five-year strategic plan, which identifies recurring issues in improving the academic achievement and proficiency of pupils. Based upon the data collected from previous years, the strategic plan must establish strategic goals to address the issues. The date of submission of the State plan is changed from December 15 to January 31 each year.

The measure revises the date when the final determination for adequate yearly progress (AYP) is made from August 1 to September 15 each year. In response to this revision, the measure requires the Department of Education to review the testing schedule for School Year 2011-2012 and revise the schedule for the criterion reference tests in grades 3 through 8 to at least 30 days later in the spring semester. Finally, the measure revises the dates on which certain reports and plans relating to the statewide system of accountability for public schools must be prepared and submitted to account for the changes made to the date for the determination of AYP.

This bill is effective on July 1, 2011.

S.B. 35 (Chapter 114)

Senate Bill 35 revises provisions related to Nevada's public school accountability system by removing the requirement that paraprofessionals in public schools be linked to individual pupils within the State accountability database. The measure also requires that the report of the achievement and proficiency exams and other information contained in a charter school's accountability report be submitted to the Department of Education through the sponsor of the charter school.

The bill is effective on July 1, 2011.

S.B. 197 (Chapter 380)

Senate Bill 197 makes numerous changes affecting the structure and governance of Nevada's system of public elementary and secondary education. These include revising the selection process for members of the State Board of Education to consist of voting members elected by the voters in each congressional district and three members appointed by the Governor. In addition to the voting members, the Board will include four nonvoting members appointed by the Governor after being nominated by various entities specified in the bill. Additionally, S.B. 197 specifies the minimum and maximum number of regular meetings to be held by the Board each year, and it specifies certain topics concerning goals and benchmarks that must be discussed at one of those meetings.

The measure also changes the selection process of the Superintendent of Public Instruction to require the Governor to appoint a Superintendent from a list submitted by the Board. The measure further revises the current vision and mission statements of the Board, and it provides the Superintendent with the authority to enforce the K–12 education laws in Nevada and for ensuring the duties and responsibilities of various councils and commissions are carried out.

The bill also requires the Commission on Professional Standards in Education to report to the Board and to the Legislature concerning its work program and progress in adopting required regulations. Further, the Board may reject any regulation proposed by the Commission.

The measure revises the funding mechanism for the regional training programs for the professional development of teachers and administrators. The bill provides for the transfer of

funding from the Account for Programs for Innovation and the Prevention of Remediation directly to the Clark County School District and the Washoe County School District for professional development. (A portion of A.B. 579 from this Session is repealed to accomplish this.) The districts may then contract with the regional training programs or with another entity for professional development services. Funding is also transferred from the Account for Programs for Innovation and the Prevention of Remediation to the regional training programs to provide professional development services to the rural school districts. In addition, the measure provides for the transfer of the Churchill County School District to the Northwest Nevada Regional Training Program and authorizes the appropriate transfer of funds associated with that change.

Finally, each regional training program is required to establish an evaluation system for teachers and other licensed educational personnel. The evaluation system shall include measures of success and recommendations for follow-up and a copy of the evaluation will be provided to the person evaluated and the principal of the school at which the person is employed. In addition to training in the academic standards, the measure requires training in curriculum and instruction as related to the common core standards and culturally relevant pedagogy.

Provisions concerning filing for office and for nominating and electing the elected members are effective for that purpose on January 1, 2012; the provisions affecting the appointed members are effective on January 8, 2013. The terms of all Board members who are incumbent on January 7, 2013, expire on that date. Sections of the bill dealing with the Board's mission and goals and the number and content of certain meetings are effective on January 1, 2013. Provisions amending A.B. 579 from this Session are effective on June 15, 2011. All other provisions are effective on July 1, 2011.

S.B. 276 (Chapter 376)

Senate Bill 276 revises provisions governing safe and respectful learning environments in public schools. The bill requires that the principal of each school establish a school safety team to foster and maintain a school environment that is free from bullying, cyber-bullying, harassment, and intimidation. Teachers or other staff members must verbally report violations of the prohibition on bullying, cyber-bullying, harassment, and intimidation to the school principal or his or her designee. The principal is required to review the matter and conclude the investigation within ten days, including any recommendations for disciplinary action. The bill also revises the grounds for which a teacher or administrator may be disciplined for the intentional failure to report a violation that they witnessed of the prohibition on bullying, cyber-bullying, harassment, and intimidation. The measure also requires that public schools, school districts, and the State Board of Education include bullying incidents resulting in disciplinary actions in their accountability reports.

The Department of Education is required to recommend a training program on the prevention of bullying, cyber-bullying, harassment, and intimidation for members of the State Board of Education; members of school district boards of trustees; and other school district staff.

This training program is required for State Board members and is optional for school district board members and district employees.

The bill also establishes a Bullying Prevention Fund within the State General Fund to be administered by the Superintendent of Public Instruction. School districts may apply to the State Board of Education for grants to provide training or to implement programs or procedures that create an environment free of bullying, cyber-bullying, harassment, or intimidation.

To the extent funding is available, the Department of Education must develop an informational pamphlet to assist in resolving incidents of bullying, cyber-bullying, harassment, or intimidation. Finally, the Governor is required to proclaim a "Week of Respect" each October to raise public awareness concerning these matters.

The bill is effective on July 1, 2011.

Charter Schools

A.B. 171 (Chapter 483)

Assembly Bill 171 revises procedures to apply to establish a charter school and to amend the charter of an existing school. In so doing, the sponsor of a charter school is required to inform an applicant of the reasons for denial of, or failure to approve, an application.

This measure abolishes the State Board of Education's Subcommittee on Charter Schools. In addition, membership on the committee to form a charter school and on the school's governing body is revised. A governing body may vote to pay its members a salary of not more than $80 per month for attendance at meetings.

The measure provides that the State Board of Education must ensure charter schools are informed of all sources of funding for public schools. In addition, the measure authorizes the Department of Education to request certain information from a charter school, regardless of whether that information is required by statute. In so doing, the Department is required to provide a mechanism by which it will pay or reimburse the charter school for any costs associated with responding to the request.

The measure provides that in cases where a licensed school district employee is granted a leave of absence to work for a charter school, if the employee requests to return to employment in the school district, the employee shall be granted a comparable teaching position rather than the employee's former teaching position. In addition, the measure provides that if permission is granted by a licensed employee, the charter school or school district where the person is employed shall, upon request, transmit a copy of the employment record of the employee to the applicable school district or charter school requesting such a copy. In cases where an employee of a charter school requests to return to work in the school district, the measure authorizes the school district to conduct an investigation of any misconduct of the employee

during the leave of absence from the school district and take any appropriate disciplinary action, including dismissal of the employee. The measure provides that the investigation must be conducted within a reasonable time and, until the investigation is complete, the employee is not entitled to return to employment in the school district.

This measure revises provisions governing a charter school's eligibility for facilities funding to include a requirement that at least 75 percent of pupils enrolled in twelfth grade in the charter school in the immediately preceding school year who have satisfied the course work requirements for graduation must have passed the High School Proficiency Examination.

Finally, the measure provides that if a homeschooled child enrolls in a charter school, the school must, to the extent practicable, notify the school district of the child's enrollment. Regardless of whether the charter school provides such notification, it may count the child as enrolled for purposes of basic support.

This bill is effective on July 1, 2011.

S.B. 212 (Chapter 381)

Senate Bill 212 creates a seven-member State Public Charter School Authority. This legislation transfers the authority to sponsor charter schools from the State Board of Education to the Authority, and it abolishes the State Board of Education's Subcommittee on Charter Schools.

The Authority is established as a Local Education Agency, as defined in federal law for the schools it sponsors, and it is required to distribute State and federal categorical grant funds to the schools it sponsors. Senate Bill 212 creates the Account for the State Public Charter School Authority and allows the Authority to accept gifts, grants, and bequests for deposit in the Account.

The bill also specifies the circumstances and process through which a charter school may purchase certain services from its sponsor. Additionally, the bill establishes a new process for assessing and apportioning the annual charter school sponsorship fee and provides for a reduction of that fee under certain circumstances. The measure further defines an educational management organization (EMO) and prohibits several potential provisions from being included in contracts between a charter school and a contractor or EMO.

Finally, this measure establishes certain reporting requirements for charter school authorizers and requires a sponsor to forward accountability information to the Authority to be included in the Authority's annual accountability reports for all charter schools in Nevada.

The bill is effective on June 15, 2011, for the purpose of performing preparatory administrative tasks, and on July 1, 2011, for all other purposes.

Funding

A.B. 498 (Chapter 494)
Assembly Bill 498 temporarily suspends the statewide administration and reporting of the norm-referenced tests in grades 4, 7, and 10 through the 2011–2013 Biennium.

The bill is effective on June 17, 2011.

S.B. 11 (Chapter 424)
Senate Bill 11 provides for an interim study concerning the development of a new method to fund public education in Nevada. The legislative committee authorized by S.B. 11 must consult with and solicit input from individuals and organizations with expertise in school funding. The committee must also consider constitutional responsibilities and the differences in the needs and characteristics of individual students.

The measure requires that a report of the committee's recommendations be provided to the 77th Session of the Nevada Legislature.

This measure is effective on July 1, 2011.

S.B. 38 (Chapter 167)
Senate Bill 38 makes several changes with regard to the authority of the Superintendent of Public Instruction to distribute the quarterly apportionment paid to school districts and certain public schools. Under the provisions of the bill, the State Superintendent is authorized to deduct from the apportionment a claim due to the sponsor of a charter school, or to repay a claim by a district, charter school, or university school that was later found to be unearned, illegal, or excessive. In addition, the Superintendent may withhold the entire amount of the apportionment to one of these entities for the failure to submit a report required by statute. Any withholding of an apportionment that is the result of a charter school failing to submit a report through the sponsor would only be for the amount due to the charter school. An appeals process is provided should the affected entity wish to challenge such actions. The Superintendent also is authorized to suspend the "hold harmless" provisions for calculating pupil enrollment if the Department of Education determines that the school district or charter school deliberately causes a decline in enrollment in order to receive a higher apportionment. Finally, the bill authorizes an immediate adjustment to quarterly apportionments if a Department audit determines a pupil is not enrolled in or attending school.

The bill is effective on July 1, 2011.

NOTE: See also Assembly Bill 579 (Chapter 370).

Higher Education

A.B. 40 (Chapter 341)

Assembly Bill 40 revises provisions concerning background investigations of certain applicants for employment or contracts with private postsecondary educational institutions by giving the applicants the option to have the required fingerprint card and authorization for a background check directly forwarded electronically to the Central Repository for Nevada Records of Criminal History.

This measure also exempts from the background check requirements applicants who provide instruction from a location outside Nevada through a licensed program of distance education if those persons have previously undergone a background check and the Administrator of the Commission on Postsecondary Education determines an additional background check is unnecessary.

This bill is effective on June 13, 2011.

A.B. 220 (Chapter 44)

Assembly Bill 220 encourages the Board of Regents of the University of Nevada to examine and audit the function, strengths, and most efficient use of the facilities, resources, and staff of each institution within the Nevada System of Higher Education (NSHE). In addition, the measure encourages the Board to examine and audit the educational opportunities, programs, and services offered by those institutions to ensure they are tailored to the:

- Educational needs of students and prospective students;
- Jobs and industries likely to be employing the students; and
- State economic development plan.

Insofar as practicable to achieve the goals of NSHE, the measure encourages the Board to implement certain measures to meet the needs of students and prospective students by providing:

- Programs of remedial education, continuing education, and entry-level higher education at community colleges;
- Programs of baccalaureate-level higher education at state colleges; and
- Programs of baccalaureate-level higher education, graduate-level higher education, and research at universities and the Desert Research Institute.

The measure requires that on or before September 1 of each year, a report of findings and actions be provided to the Director of the Legislative Counsel Bureau for transmission to the Interim Finance Committee and the next regular Session of the Nevada Legislature.

This bill is effective on July 1, 2011.

A.B. 476 (Chapter 463)

Assembly Bill 476 requires the Board of Regents of the University of Nevada to estimate the amount of money in the Trust Fund for the Education of Dependent Children that is available in each fiscal year to support expenses related to the Trust Fund. In the event of a projected shortfall, the Board is authorized to request an allocation from the Interim Finance Committee's Contingency Fund to cover the shortfall. The measure appropriates $25,000 from the State General Fund to the Trust Fund. Finally, the measure provides that the money in the Trust Fund does not revert to the State General Fund at the end of any fiscal year.

This bill is effective on July 1, 2011.

A.B. 478 (Chapter 179)

Assembly Bill 478 increases from $312,695,000 to $348,360,000 the total principal amount of bonds and other securities that may be issued by the Board of Regents of the University of Nevada to finance certain facilities.

This measure is effective on July 1, 2011.

S.B. 96 (Chapter 227)

Senate Bill 96 encourages a student who is receiving the Governor Guinn Millennium Scholarship to volunteer at least 20 hours of community service during each year that the student receives the Scholarship.

The bill is effective on July 1, 2011.

S.B. 220 (Chapter 19)

Senate Bill 220 provides statutory authority for the account in the Millennium Scholarship Trust Fund that was established to accept donations in memory of Governor Kenny C. Guinn who passed away on July 22, 2010. The bill authorizes the use of the money in the account to provide a Kenny C. Guinn Memorial Millennium Scholarship to one college senior each year who is eligible to receive a Millennium Scholarship, is majoring in elementary or secondary education, has a stated commitment to teaching in this State following graduation, has a grade point average of not less than 3.5 on a 4.0 scale, and who has a commendable record of community service. The recipient of the Memorial Scholarship each year must be selected by the Board of Trustees of the College Savings Plans of Nevada and the amount of the annual Memorial Scholarship must not exceed $4,500 to pay the authorized educational expenses of the recipient for the school year that are not otherwise paid for by the Millennium Scholarship awarded to the recipient. The bill further stipulates that a Memorial Scholarship must be used only for the payment of registration fees and laboratory fees and expenses, to purchase required textbooks and course materials, and for other costs related to the attendance of the recipient at an eligible institution.

This bill is effective on July 1, 2011.

S.B. 374 (Chapter 375)

Senate Bill 374 creates the Committee to Study the Funding of Higher Education consisting of 12 voting members and 4 nonvoting members. The Committee is charged with:

- Comparing the existing method of funding higher education in Nevada with the methods used in other states;
- Determining whether the other methods would be appropriate and useful in Nevada, whereby different missions of universities, the state college, community colleges, and research institute are appropriately considered in the funding of public higher education in Nevada;
- Reviewing the funding of remediation in the context of instructional delivery methods;
- Considering the retention of resident registration fees and nonresident tuition outside of the State-supported operating budget;
- Considering funding in the context of completed courses in contrast to the current method of funding enrollments; and
- Considering rewarding institutions within higher education for achieving defined goals for graduating students.

This bill appropriates from the State General Fund to the Legislative Fund the sum of $150,000 for the purpose of conducting the study of the funding of higher education and an additional $18,064 to pay for the cost of the participation of the members of the Committee who are legislators. The Committee must submit a report of its findings and recommendations for legislation to the 77th Session of the Legislature.

This measure is effective on July 1, 2011.

S.B. 449 (Chapter 397)

Senate Bill 449 authorizes the Board of Regents of the University of Nevada to adjust fees and tuition for different academic programs or majors based upon demand or upon the costs of carrying out the programs. The measure outlines what may be included in the adjustment, including the cost of staff and laboratory resources. If such an adjustment is made to a program or major and it results in an increased cost, the Board is required to provide for scholarships or other financial aid for economically disadvantaged students in the major or program. The bill also requires that if such adjustments are adopted by the Board, it must submit an annual report to the Legislature concerning the demand for affected programs or majors, the cost of providing the program or major, and the associated schedule of charges and fees. Finally, the bill requires the Nevada System of Higher Education to submit a biennial report to the Legislature concerning degree and certificate programs. Among other requirements, the report must include linkages to the State's economic development goals,

completion rates, completion times, and the success rate in placing new graduates in targeted industries. The Department of Employment, Training and Rehabilitation is required to provide employment and wage information to assist in the preparation of the report.

The bill is effective on July 1, 2011.

Personnel

A.B. 39 (Chapter 349)

Assembly Bill 39 removes the requirement of the Superintendent of Public Instruction to notify licensed educational personnel of the date of expiration of their license via first class mail. Instead, the measure requires the Department of Education to maintain a directory of licensees on the Department's website, which must include the date on which each license expires.

In addition, the measure requires the Department to provide to each school district, on a monthly basis, an electronic file that lists each licensed employee whose license will expire within the next nine months. In turn, the measure requires the school district to notify each licensed employee identified on the list of the date upon which the employee's license will expire. The notice must be provided not later than six months before the date of expiration of the employee's license.

This bill is effective on July 1, 2011.

A.B. 222 (Chapter 487)

Assembly Bill 222 creates the Teachers and Leaders Council of Nevada, consisting of 15 members. The Council is authorized to accept gifts, grants, donations, and contributions from any source to carry out the provisions of this measure.

The measure requires the Council to make recommendations to the State Board of Education concerning the adoption of regulations for establishing a statewide performance evaluation system for teachers and administrators employed by school districts. Based upon the recommendations of the Council, the State Board of Education is required to adopt regulations establishing an evaluation system that incorporates multiple measures of an employee's performance.

Effective July 1, 2013, the evaluation system will require that at least 50 percent of the evaluation of an individual teacher or administrator be based upon the academic achievement of pupils. In addition, the measure provides that an evaluation of a probationary or postprobationary teacher must include an evaluation of whether the teacher employs practices and strategies to involve and engage the parents and families of pupils in the classroom. If a teacher receives a negative evaluation on the first or second evaluation, or both, the teacher may then request the third evaluation be conducted by another evaluator selected from a list of three candidates submitted by the superintendent of the school district. The bill amends A.B. 229 to make the bills conform in this regard. Finally, the evaluation system shall require

that an employee's overall performance be determined to be "highly effective," "effective," "minimally effective," or "ineffective." Charter schools are not required to participate in the evaluation system created by the Council.

Until implementation of the new performance evaluation system on July 1, 2013, the measure requires each school district to develop a policy for the evaluation of teachers and administrators that requires student achievement to account for a significant portion of the evaluation.

Finally, the measure appropriates from the State General Fund to the Department of Education $32,000 over the biennium to fund the costs of the Teachers and Leaders Council.

The portions of the bill relating to the creation of the Council and the school district policies relating to the evaluation of teachers and administrators prior to implementation of the new performance evaluation system are effective on July 1, 2011. All other sections of the measure are effective on July 1, 2013.

A.B. 225 (Chapter 378)

Assembly Bill 225 provides that a postprobationary teacher or administrator who receives an unsatisfactory evaluation for two consecutive school years shall be deemed to be a probationary employee and must serve an additional probationary period. The bill specifies that the provisions of this measure relating to the additional probationary period may not be suspended by the terms of a collective bargaining agreement. In addition, the measure provides that a probationary employee who receives notice that he or she will be dismissed before completion of the current school year may request an expedited hearing pursuant to the procedures established by the American Arbitration Association.

This bill is effective on July 1, 2011.

NOTE: See also Assembly Bill 229 (Chapter 379).

A.B. 229 (Chapter 379)

Assembly Bill 229 expands the annual reports of accountability to include a reporting of the number and percentages of administrators, teachers, and other staff for each school and school district in the State. In addition, the measure requires each school district to establish a program of performance pay and enhanced compensation for the recruitment and retention of licensed teachers and administrators and implement the program in School Year 2014-2015.

Effective July 1, 2013, the measure requires the policy for the evaluation of teachers and administrators be revised from the current two-category system of "satisfactory" and "unsatisfactory" to a four-category system of "highly effective," "effective," "minimally effective," or "ineffective" designations. The policy for educator performance evaluations must require that at least 50 percent of the evaluation be based upon certain information concerning longitudinal comparisons of student achievement data. The measure

provides that if a written evaluation of a probationary teacher or administrator has been designated as "unsatisfactory" or "ineffective," as applicable, the evaluation must include a written statement that the contract of the person so evaluated may not be renewed for the next school year and that the employee may request reasonable assistance in correcting the deficiencies identified in the evaluation. A teacher serving an initial probationary period who receives a notice of dismissal before the completion of the school year may request an expedited hearing.

Assembly Bill 229 revises the probationary period for teachers and administrators from two one-year periods, with a waiver of one year under certain circumstances, to three one-year periods, without a waiver of any of the probationary years. In addition, the measure expands the grounds for which a licensed employee is subject to immediate dismissal or a refusal to reemploy without first receiving a written admonition to include gross misconduct. The measure provides that a postprobationary employee who receives notice that he or she will be dismissed before completion of the current school year, may request an expedited hearing pursuant to the procedure established by the American Arbitration Association. A postprobationary teacher receiving an evaluation of unsatisfactory must be evaluated three times during the next school year. If such a teacher receives a negative evaluation on the first or second evaluation, the teacher may then request the third evaluation be conducted by another evaluator selected from a list of three candidates submitted by the superintendent of the school district. In addition, a probationary employee must receive a satisfactory performance rating for two consecutive years before he or she receives a notice of reemployment from the school district in the last year of the employee's probationary period and is entitled to be a postprobationary employee in the ensuing year of employment. The bill also provides that if the school district board of trustees determines that a reduction of workforce is necessary, the decision to lay off a teacher or administrator must not be based solely on seniority and may include consideration of whether the person is in a hard-to-fill position, attainment of National Board certification, performance evaluations, disciplinary records, criminal records, type of license held, and degree attainment germane to the position.

Finally, this measure amends certain sections of A.B. 225 to make them parallel and consistent with changes made within A.B. 229. These portions of the bill take effect if, and only if, A.B. 225 also is enacted.

The sections of the bill relating to the establishment of a program of performance pay and enhanced compensation and implementation of the four-category evaluation system for teachers and administrators are effective on July 1, 2013. All other sections of the measure are effective on July 1, 2011.

NOTE: See also Assembly Bill 222 (Chapter 487).

A.B. 230 (Chapter 488)

Assembly Bill 230 requires the Commission on Professional Standards in Education to adopt regulations on or before December 31, 2011, which prescribe the qualifications for licensing teachers and administrators pursuant to an alternative route to licensure program. The measure sets forth certain requirements for the regulations, as follows:

- The required education and training may be provided by any qualified provider that has been approved by the Commission, including institutions of higher education and other providers that operate independently of an institution of higher education;

- A candidate may apply for a license obtained through an alternative route prior to receiving an offer for employment from a school district, charter school, or private school;

- The regulations must significantly limit the amount of course work required or provide for the waiver of required course work for students who achieve certain scores on tests;

- The required education and training under the program may be completed in two years or less; and

- Upon completion of the required education and training required under the program and all other requirements for licensure, the person must be issued a regular license.

Finally, the State Board of Education is required to evaluate qualified providers of education and training for licensure of teachers and administrators. The evaluation must include the number of personnel licensed from each approved provider, how many of those persons are employed by school districts and charter schools in Nevada, along with aggregated data from performance evaluations. This information is to be made available to the public annually.

This bill is effective on July 1, 2011.

A.B. 393 (Chapter 228)

Assembly Bill 393 requires an applicant for renewal of a license in education to undergo a criminal background investigation, which includes the processing of the applicant's fingerprints by the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation. The Commission on Professional Standards in Education must set the fees for renewal of a license to include the fees for processing the fingerprints. The measure also requires that school district boards of trustees and charter school governing bodies adopt policies for self-reporting by their licensed educators concerning arrests for or convictions of certain crimes. The policies must include: (1) the crimes that must be reported; (2) the person to whom the report must be made; and (3) the time period within which the report must be made.

This bill is effective on July 1, 2011, for purposes of adopting any necessary regulations and policies and performing any other preparatory administrative tasks, and on January 1, 2012, for all other purposes.

A.B. 395 (Chapter 171)

Assembly Bill 395 creates a separate category of licensure to teach special education. The new category of licensure authorizes the holder to teach pupils with disabilities or gifted and talented pupils, or both.

In addition, the measure requires the regulations adopted by the Commission on Professional Standards in Education concerning reciprocal licensure for other states to include the newly created license to teach special education.

This bill is effective on July 1, 2011.

A.B. 565 (Chapter 18)

Assembly Bill 565 changes from May 1 to May 16 the statutory deadline whereby each school district must notify probationary and postprobationary employees of a board of trustees of their reemployment status for the next school year. The measure also changes from May 10 to May 25 the deadline whereby those employees must notify the board of trustees of their acceptance of such reemployment.

This bill is effective on April 20, 2011, and expires by limitation on July 1, 2011.

S.B. 315 (Chapter 432)

Senate Bill 315 requires the Commission on Professional Standards in Education to adopt regulations on or before December 31, 2011, which prescribe the qualifications for licensing teachers and administrators pursuant to an alternative route to licensure (ARL) program. The measure sets forth certain requirements for the regulations, as follows:

- The required education and training may be provided by any qualified provider that has been approved by the Commission, including institutions of higher education and other providers that operate independently of an institution of higher education;

- A candidate may apply for a license obtained through an alternative route prior to receiving an offer for employment from a school district, charter school, or private school;

- The regulations must significantly limit the amount of course work required or provide for the waiver of required course work for students who achieve certain scores on tests;

- The required education and training under the program may be completed in two years or less; and

- Upon completion of the required education and training under the program and all other requirements for licensure, the person must be issued a regular license.

The bill also requires the Commission to include provisions in its ARL regulations that recognize licenses obtained by persons in other states through an ARL program that are as rigorous as or more rigorous than the program established in Nevada.

Finally, the State Board of Education is required to conduct an annual evaluation of each ARL provider and make the evaluation public.

The bill is effective on July 1, 2011.

NOTE: See also Senate Bill 2 (Chapter 5) of the 26th Special Session.

School District Operations

A.B. 117 (Chapter 297)

Assembly Bill 117 authorizes the board of trustees of a school district and the governing body of a charter school for the 2011-2013 Biennium to request a waiver of not more than five noninstructional days from the required minimum number of school days for a school year in that biennium during an economic hardship. The purpose of the waiver must be to avoid layoffs of teachers and other educational personnel employed by the school district.

The measure provides that a request for a waiver of noninstructional days be submitted by the school district or charter school to the Superintendent of Public Instruction for review. If the Superintendent of Public Instruction determines that an economic hardship exists and that a waiver of school days is necessary to avoid layoffs, the request must be transmitted to the Interim Finance Committee, which will make the final determination of whether to grant a waiver. Such a waiver would not affect any right or remedy, any obligation by a school district or charter school governing body, or any contract negotiated with a school district or the governing body of a charter school under the collective bargaining statutes.

In implementing the program, the measure provides that employees who are subject to furloughs shall be held harmless in the accumulation of retirement service credit and reported salary. Any furlough program adopted must require that furlough time be noninstructional days or minutes and not exceed the number of professional development days or minutes or other related time provided for teachers before and after the School Year (SY) as used by the district or charter school during the current SY. The measure applies only to SY 2011-2012 and SY 2012-2013.

This bill is effective on June 10, 2011, and expires by limitation on June 30, 2013.

A.B. 227 (Chapter 134)

Assembly Bill 227 requires a school district to grant the use of any athletic field at each elementary, middle, or junior high school within the school district that does not contain lights if requested by a nonprofit organization that provides programs for youth sports or serves adults and children with disabilities. Granting the use of the athletic field is subject to

availability of the field and other conditions. In addition, the nonprofit organization is required to comply with any insurance coverage and indemnification provisions required by the school district.

The measure clarifies that the provisions of this measure do not apply if a school district has entered into an agreement with a local government to provide the use of the athletic fields or playgrounds of the school district to a community organization providing programs for youth sports.

This bill is effective on July 1, 2011.

A.B. 551 (Chapter 183)

Assembly Bill 551 requires each school district to determine whether consolidating or sharing services, functions, or personnel with other school districts is feasible. The measure authorizes the school district to consider the consolidation or sharing of:

- Purchasing;
- Accounting;
- Recruiting;
- Transportation;
- Chief Financial Officer;
- Human Resources Director; and
- Superintendent of Schools.

The measure requires the Committee on Local Government Finance to adopt regulations to assist the school districts in consolidating or sharing services, functions, or personnel. The regulations must include:

- Procedures and guidelines that will provide direction to the school districts on ways to prepare contracts or other agreements that may be necessary to implement this measure; and
- Procedures for sharing the costs of the payment of premiums or contributions for employee benefits in cases where personnel will be shared.

This bill is effective on May 31, 2011, for purposes of adopting regulations and performing any other preparatory administrative tasks necessary to carry out the provisions of this bill. It is effective on July 1, 2011, for all other purposes.

S.B. 365 (Chapter 509)

Senate Bill 365 revises or repeals certain statutory provisions affecting school districts. The measure deletes the State requirements for school district-level plans to improve the achievement of pupils. The measure also modifies the statutory provisions concerning the establishment of small learning communities in middle schools and high schools with high enrollment numbers. This bill requires that a pilot program of small learning communities be implemented in 50 percent of eligible schools, rather than all eligible schools. In addition, the prospective effective dates for statutes concerning the small learning communities, as well as middle school academic plans, are revised to be implemented in School Year 2013–2014. Finally, the bill makes permissive the existing requirement that certain district-level administrators teach for a day in a classroom.

The sections of the bill relating to implementing small learning communities in certain middle schools and high schools are effective on July 1, 2013. Other sections of the bill are effective on July 1, 2011.

Students and Parents

A.B. 224 (Chapter 351)

Assembly Bill 224 creates the Office of Parental Involvement and Family Engagement within the Department of Education. In so doing, the measure requires the Superintendent of Public Instruction to appoint an employee of the Department to serve as the Director of the Office and ensure that the Office has a sufficient number of personnel to carry out its duties. The duties of the Office include:

- Reviewing and evaluating programs to increase parental involvement and family engagement in the public schools;
- Developing a list of effective practices to reengage parents and families and provide them with the skills and resources necessary to support the academic achievement of their children;
- Working with multiple groups to increase parental involvement and family engagement; and
- Providing information to schools and districts on the availability of competitive grants for programs designed to increase parental involvement and family engagement, including professional development for educational personnel and training for parents.

The measure changes the name of the State's Advisory Council on Parental Involvement to the Advisory Council on Parental Involvement and Family Engagement and requires the new Office to work in partnership with the Advisory Council to review and evaluate the annual accountability reports and plans for improvements relating to parental involvement and family engagement. The contents of the annual accountability reports and plans for improvement are

revised to include a description of the efforts made by schools and school districts to increase the involvement of parents and the engagement of families of pupils and the effectiveness of those efforts.

The Commission on Professional Standards in Education is required to work in cooperation with the Office to adopt regulations on or before December 31, 2011, prescribing course work on parental involvement and family engagement. In addition, the measure requires the Director of the Office to serve as an ex officio member of the Statewide Council for the Coordination of the Regional Training Programs. In so doing, the measure requires the Statewide Council, in cooperation with the Office, to establish a statewide training program for teachers, paraprofessionals, and administrators concerning effective parental involvement and family engagement.

The measure includes an appropriation from the State General Fund of $67,126 in Fiscal Year (FY) 2011–2012 and $91,594 in FY 2012–2013 to support the costs of the Director of the Office of Parental Involvement and Family Engagement. In addition, the measure includes an appropriation from the State General Fund of $10,000 in each fiscal year of the 2011-2013 Biennium to support the costs of the Advisory Council on Parental Involvement and Family Engagement.

This bill is effective on July 1, 2011.

A.B. 455 (Chapter 170)

Assembly Bill 455 requires the Nevada Interscholastic Activities Association to adopt a policy concerning the prevention and treatment of injuries to the head, including a concussion, which may occur during an interscholastic activity or event. The policy must require that a pupil who sustains or is suspected of sustaining such an injury:

- Be immediately removed from the activity or event; and
- May not return to the activity or event unless the parent or legal guardian of the pupil provides a written statement from a health care provider indicating the date the pupil will be medically cleared to participate.

Before a pupil participates in an interscholastic activity or event, and on an annual basis thereafter, the pupil and parent or legal guardian must be provided with a copy of the policy and must sign a statement acknowledging that they have read and understand the terms and conditions of the policy. For those competitive sports not governed by the Association, the measure requires each school district to adopt a similar policy as that described above.

Finally, the measure also requires that youth sports organizations that sanction or sponsor competitive sports adopt a similar policy with respect to the youths participating in those activities.

This bill is effective on July 1, 2011.

S.B. 229 (Chapter 115)

Senate Bill 229 revises the requirements for the parental and family involvement policy that the State Board of Education must adopt. The elements and goals of the policy are revised to include:

- The promotion of an atmosphere for parents and families to visit the school that their children attend and feel welcomed, valued, and connected to the staff of the school, other parents and families, and to the education of their children;

- The promotion of regular, two-way meaningful communication between parents, families, and schools;

- The collaboration among parents, families, and schools to support learning by pupils and healthy development of pupils at home and school;

- Empowerment of parents and families to advocate for their children and the children of other parents and families, ensuring fair treatment and access to learning opportunities that support pupil achievement;

- The promotion of an equal partnership between parents, families, and schools in making decisions that affect children, parents, and families; and

- The collaboration of parents, families, and schools within the community.

The bill is effective on July 1, 2011.

ELECTIONS

A.B. 81 (Chapter 501)

Assembly Bill 81 removes the option for a minor political party to place a candidate on the ballot by filing a petition on behalf of the candidate, and it clarifies that a group is organized as a minor political party when it files a certificate of existence with the Secretary of State. The bill also revises the procedure for demands for an election recount in a county or city using a mechanical voting system and for recounts affecting more than one county.

The terms "campaign expense" and "expenditure" are differentiated for the purposes of contribution and expense reporting, and the bill provides that campaign expenses include contributions to other candidates or nonprofit corporations. Campaign contributions cannot be used to pay civil or criminal penalties. The date after which no change may be made on the ballot for the general election is moved from the first Tuesday after the primary election to the fourth Friday in June. If a disqualified candidate's name appears on the ballot because the deadline for making changes to the ballot has passed, the Secretary of State, county clerk, or city clerk must inform voters by posting signs at polling places that the person is disqualified. This bill allows a person to cast a primary ballot for a major political party only if the person is a member of that major political party.

The measure clarifies that signature and verification requirements for initiative petitions also apply to petitions for referendum. Signature verification for certain military and overseas voters can be conducted by comparing the signature from their special absent ballot or the oath that must be included in the special absent ballot with that on the original application to register to vote. The bill also stipulates that the spouse of a member of the military serving out of the country does not gain or lose residence in the State. Further, the bill provides that State holidays are not excluded from the period during which early voting locations must be open and prohibits a county clerk from posting voting results until the Secretary of State verifies that all polling places are closed and all votes have been cast.

A.B. 82 (Chapter 365)

Assembly Bill 82 provides that the Secretary of State will prescribe procedural and system requirements to be used for any system of online voter registration offered by a county clerk. A county clerk who offers online voter registration may verify how many registered voters have signed a petition using the same indicia as approved by the Secretary of State to verify new voter registrations. A person who registers by computer must vote in person at the first election after he or she registers and must cast a provisional ballot if acceptable proof of identity is not provided.

The measure adds military recruiting offices to the list of voter registration agencies, and it increases certain penalties concerning voter intimidation, vote tampering, and voter registration fraud. A voter registration agency shall not employ as a field registrar any person who has been convicted of a felony involving theft or fraud. The Secretary of State may pursue action against violators of this provision. The Secretary of State may also charge a fee covering the

cost of printing to any group or person that requests more than 50 voter registration forms in one year.

Assembly Bill 82 removes requirements for certain persons and groups who advocate the passage or defeat of a ballot measure to register with the Secretary of State. Instead, these persons or groups are subject to the same registration and reporting requirements as political action committees. The reporting threshold of $10,000 is eliminated. Contributions and expenditures in excess of $1,000 must be reported in any reporting period. Political action committees must register with the Secretary of State annually.

The bill allows a candidate, including one who withdrew before an election, and an office holder who does not run again, to dispose of unspent campaign contributions by contributing to another campaign, political party, governmental entity, or any combination thereof, and it provides that the candidate or office holder may request that the money be used for a specific purpose. A person may also use unspent campaign funds in a future election under certain circumstances. A legal defense fund must be dissolved approximately 45 days after the close of all legal proceedings and remaining funds may be returned to donors, donated to a tax-exempt nonprofit entity, or a combination thereof.

Assembly Bill 82 makes several technical revisions regarding the creation of mailing precincts and the information that is to be included on public notices posted at polling places. The bill also requires the word "Incumbent" to appear on a ballot in an election if two or more candidates have the same name and one is the incumbent.

Finally, the bill prohibits a foreign national from contributing to a person or group involved in campaigns and elections. These individuals or groups are prohibited from knowingly receiving such contributions. Under certain circumstances, such contributions must be returned. A violation is a gross misdemeanor.

This measure is effective on July 1, 2011.

A.B. 132 (Chapter 218)

Assembly Bill 132 provides that certain charter cities in the State which do not currently hold their elections in concurrence with the statewide election cycle may, by ordinance, choose to switch to the statewide cycle. No term of office may be lengthened in order to accomplish the switch, but a term of office may be shortened as necessary.

If the city council of Boulder City, Henderson, Las Vegas, or North Las Vegas adopts such an ordinance, terms of current office holders may not be shortened, but subsequent terms may be shortened to accomplish the transition to the statewide cycle. This provision does not apply to Caliente or Yerington.

This measure is effective on June 2, 2011.

A.B. 337 (Chapter 308)

Assembly Bill 337 provides that, if the Secretary of State receives a notice of an alleged violation of Chapter 294A ("Campaign Practices") of the *Nevada Revised Statutes* regarding campaign practices within 180 days of the pertinent election, and subsequently determines that reasonable suspicion exists that such a violation occurred, the Secretary may conduct an investigation and subpoena witnesses, records, and documents relevant to the investigation. The Secretary may also subpoena any person who participated in the production or dissemination of materials that are the subject of the notice of the alleged violation. Should the person alleged to have committed the violation fail to testify or to produce the requested records or documents, the Secretary may apply to the relevant court for an order compelling compliance.

A.B. 452 (Chapter 309)

Assembly Bill 452 provides for the electronic filing of certain campaign contribution and expenditure reports and statements of financial disclosure with the Secretary of State, amends related deadlines for the filing of these documents, and requires the Secretary of State to design the forms. A person signing a campaign or expenditure report under an oath to God is subject to the same penalties as if the individual signed the report under penalty of perjury. Exceptions to filing reports electronically are provided for candidates who meet certain requirements. Additionally, the disposition of campaign contributions and expenditures, expenses, and unspent contributions in amounts less than $100 must be reported in the aggregate.

The bill is effective on January 1, 2012.

S.B. 125 (Chapter 329)

Senate Bill 125 revises the dates by which certain campaign contribution and expenditure reports are required to be filed to require the reports to be submitted before the beginning of early voting in a primary, general, or special election. For primary and general elections, a report must be filed four days prior to the start of early voting, and a second report must be filed four days prior to the day of the election. For a special election, a report must be filed seven days prior to the start of early voting.

S.B. 133 (Chapter 320)

Senate Bill 133 provides that petition districts will be coterminous with congressional districts for the purpose of gathering signatures statewide. The number of signatures required to be gathered shall be calculated on the basis of 10 percent of the voters who voted statewide at the preceding general election and divided equally among the petition districts.

The deadline for filing petitions with the Secretary of State is moved from May to June. The affidavit filed with the petition documents must include an address for the petition circulator. Procedures for counting signatures and for a random sampling to verify signatures are provided.

The bill is effective on June 13, 2011.

S.B. 134 (Chapter 231)
Senate Bill 134 amends the Charter of the City of Elko to change the date of the general municipal election to coincide with the date of the State general election, which is held in November of even-numbered years. This change begins with the general election to be held in November 2012.

This bill is effective on June 2, 2011.

S.B. 157 (Chapter 195)
Senate Bill 157 authorizes a candidate to donate unspent campaign contributions to any governmental entity or fund of the State or a political subdivision. The candidate may request that such donations be used for a specific purpose.

This bill is effective on June 1, 2011.

S.B. 390 (Chapter 189)
Senate Bill 390 permits the Secretary of State to exchange information with the chief election officer of another state for the purpose of maintaining a voter registration list in either state. The Secretary may enter into an agreement with any Nevada State agency to acquire information needed to maintain the statewide voter registration list. An exception is provided to recognize existing provisions establishing confidentiality of information in records or files.

Election Procedures

A.B. 100 (Chapter 343)
Assembly Bill 100 enacts the Uniformed Military and Overseas Absentee Voters Act, which authorizes members of the Armed Forces of the United States, their spouses and dependents, and certain other Nevada electors who reside outside the country, to request forms for voter registration and absent ballots, and the federal form providing for simultaneous voter registration and request for an absent ballot. The Act also provides for the return of voted ballots by electronic means. The bill repeals conflicting provisions of State law addressing these matters and makes other minor technical corrections as necessary.

The provisions of this measure apply to every primary, general, or special election in which a candidate for federal election appears on the ballot. If a voter covered by this bill indicates on the federal write-in absentee ballot that he or she is residing overseas indefinitely, the voter may only use the federal write-in absentee ballot to vote for federal offices.

A.B. 473 (Chapter 485)
Assembly Bill 473 authorizes a clerk to use abbreviations for the terms “independent” and “nonpartisan” on sample and actual ballots. Additionally, this measure revises procedures for preparing and sending absent ballots to certain voters in compliance with federal law, and it revises the required hours of operation for city and county clerks’ offices during voter registration periods. It also requires that complaints challenging initiatives or referenda be

given priority over all but criminal matters pending before a court, and it makes technical revisions to the filing deadline for candidates for the Board of the Virgin Valley Water District.

This bill is effective on June 17, 2011.

ENERGY

A.B. 122 (Chapter 217)

Assembly Bill 122 adds "finish," "location," and "setback" as permissible reasonable restrictions that local governments may impose on permits for wind energy systems. This bill also deletes an existing statutory provision that provides that the governing body of a city or county unreasonably prohibits or restricts the use of a system for obtaining wind energy if the governing body imposes restrictions that significantly decrease the efficiency or performance of the wind energy system unless the restriction provides for the use of a comparable alternative system.

The bill is effective on June 2, 2011.

A.B. 150 (Chapter 53)

Assembly Bill 150 revises the definition of "energy efficiency measure" for the purposes of the portfolio standard to include any measure designed, intended, or used to improve energy efficiency:

- That is installed or implemented on or after January 1, 2005, at the service location of or for a retail customer;
- That reduces the consumption of energy by one or more retail customers; and
- The costs of the acquisition, installation, or implementation of which are directly reimbursed, in whole or in part, by the provider of electric service.

A.B. 202 (Chapter 298)

Assembly Bill 202 requires the Director of the Office of Energy to establish regulations for granting a partial abatement of property taxes, other than any taxes imposed for public education, for certain manufacturing businesses in Nevada. A manufacturer that applies for the partial abatement must renovate an existing building or other structure to meet the equivalent of the silver level or higher in accordance with the Green Building Rating System. The applicant also must:

- Be a new manufacturing business in Nevada;
- Employ at least 25 full-time employees for the entire period during which the applicant will receive the abatement; and
- Pay an average hourly wage that is at least 100 percent of the average statewide hourly wage or the average countywide hourly wage, whichever is less, excluding management and administrative employees.

Also, the partial abatement must not be for a duration exceeding one year and is subject to certain other limitations. The measure provides that an applicant for a partial abatement of taxes under the existing Green Building Rating System is not eligible for the partial abatement of taxes for the renovation of an existing building or other structure. The Director must determine whether the building or other structure is eligible for the abatement and the amount of the abatement as soon as practicable after receiving the application.

This measure is effective on June 10, 2011, for the purposes of adopting regulations and carrying out any other preparatory administrative tasks, and on October 1, 2011, for all other purposes.

A.B. 215 (Chapter 94)

Assembly Bill 215 authorizes a public utility that purchases natural gas for resale and that adjusts its rates on a quarterly basis based on the fluctuating price of natural gas to request approval by the Public Utilities Commission of Nevada (PUCN) to make quarterly adjustments to its deferred energy accounting adjustment. The measure also authorizes an electric utility that is required to make quarterly adjustments based on the fluctuating price of fuel for power to request approval from the PUCN to make quarterly adjustments to its deferred energy accounting adjustment. A utility that receives approval to make any quarterly adjustments must provide its customers with written notice that includes information relating to when the adjustments will be reviewed by the PUCN. The measure authorizes the PUCN to approve, upon a showing of good cause, certain additional quarterly adjustments for a public utility that purchases natural gas for resale and an electric utility that has received approval from the PUCN to make quarterly adjustments to its deferred energy accounting adjustment. Further, a public utility that purchases natural gas for resale or an electric utility that has received approval from the PUCN to make quarterly adjustments to its deferred energy accounting adjustment is not eligible to apply for any additional adjustment to its deferred energy accounting adjustment in its annual deferred energy accounting adjustment application.

This measure is effective on May 24, 2011.

A.B. 307 (Chapter 409)

Assembly Bill 307 requires Nevada's Department of Wildlife (NDOW) and the Office of Energy to cooperate in acting as a resource for the federal government, the Public Utilities Commission of Nevada (PUCN), the counties of Nevada, and the public by compiling and providing certain information relating to projects for the generation, transmission, and development of energy, whether on public or private land. Projects that have generating capacity of less than 10 megawatts are exempt from the provisions of this measure.

A person who files an application with the federal government for a lease or easement for a right-of-way for an energy development project or an application with the PUCN or any county relating to the construction of an energy development project must file a notice concurrently with NDOW, and NDOW must provide a copy to the Office of Energy. The notice must include a description of the location, boundaries, estimated infrastructure requirements for the project, a description of the project itself, and an estimate of the energy output of the project.

Additionally, the bill requires NDOW, in consultation with the Office of Energy, to adopt regulations to provide for making reasonable deposits and reimbursing NDOW for providing information relating to wildlife or wildlife habitat based on the location of an energy development project. The Director of the Office of Energy shall coordinate discussions with interested parties concerning the potential effects of energy development projects upon request by a developer or a local government.

Also, the bill creates the Energy Planning and Conservation Fund and requires the money in the Fund to be administered by the Director of NDOW and used in accordance with the State Wildlife Action Plan for conducting surveys of wildlife, for mapping locations of wildlife and its habitat, for conservation projects for the habitat of wildlife impacted by energy development projects, and to match any federal money for a project or program for the conservation of any species of wildlife that is a critical concern.

Further, the bill creates the Fund for the Recovery of Costs and requires the money in the Fund to be administered by the Director of NDOW and used: (1) to provide to the federal government, PUCN, or any person, any information relating to wildlife or wildlife habitat based on the location of an energy development project; or (2) to match any federal money for a project or program for the conservation of any species of wildlife.

Finally, the measure requires NDOW to compile and maintain information on all energy development projects for which notice is filed and to submit a report of the projects to the Legislative Commission in even-numbered years, and to the Legislature in odd-numbered years.

This measure is effective on June 15, 2011, for purposes of adopting regulations and performing preparatory administrative tasks, and on October 1, 2011, for all other purposes.

A.B. 359 (Chapter 347)

Assembly Bill 359 extends the Waterpower Energy Systems Demonstration Program until June 30, 2016, and it expands the Program to encompass Indian tribes and tribal organizations that are customers of a utility. The bill increases the capacity goals of the Program to five megawatts of waterpower energy systems in this State by 2016. The measure authorizes a person who installs a waterpower energy system to participate in net metering if the waterpower energy system is located on property owned by the customer-generator and generates electricity primarily intended to offset the customer-generator's requirements for electricity on that property or contiguous property owned by the customer-generator. Further, the bill requires a utility to offer net metering until the cumulative capacity of net metering systems is equal to 1 percent of the utility's peak capacity.

Assembly Bill 359 also authorizes certain wind power systems to qualify for net metering when operated on contiguous property owned or leased by a customer-generator.

Sections of this bill that extend the Waterpower Program until June 30, 2016, are effective on June 13, 2011. The remaining provisions of this bill are effective on July 1, 2011.

A.B. 380 (Chapter 412)

Assembly Bill 380 revises the prospective expiration date of the Wind Energy Systems Demonstration Program, the Waterpower Energy Systems Demonstration Program, and the Solar Energy Systems Incentive Program to December 31, 2021, and it expands the programs to include Indian tribes and tribal organizations. The Public Utilities Commission of Nevada must adopt regulations regarding the programs. The measure provides limits on the total amount of an incentive that may be awarded to a participant in each of the programs.

The majority of the sections of this bill that revise provisions governing the Wind Program, Solar Program, and Waterpower Program are effective on June 15, 2011, for the purpose of adopting regulations. The other portions of the bill repeal the provisions establishing the Wind, Waterpower, and Solar programs as of December 31, 2021, and are effective January 1, 2022.

A.B. 390 (Chapter 290)

Assembly Bill 390 clarifies that certain tenants are eligible for energy assistance through the Fund for Energy Assistance and Conservation, which assists eligible households in paying for natural gas and electricity. The measure provides that an eligible household includes:

- A tenant of a mobile home park where a utility provides service to the park and the landlord who operates the park in turn charges the tenant for the service; and

- A tenant who purchases electricity from a landlord who pays for electricity that is delivered through a master meter and who resells the electricity to the tenant based on the tenant's actual use.

The Division of Welfare and Supportive Services of the Department of Health and Human Services must adopt regulations on or before October 1, 2011, to implement these provisions.

This measure is effective on June 10, 2011, for the purpose of adopting regulations, and on October 1, 2011, for all other purposes.

A.B. 432 (Chapter 348)

Assembly Bill 432 repeals the program for evaluating energy consumption in residential property established by the Nevada Energy Commissioner and the requirement of a seller to provide a copy of this evaluation to a purchaser of his or her property. Instead, this measure provides for the licensure of energy auditors by the Real Estate Division of the Department of Business and Industry and establishes the training and qualifications an energy auditor must have to be licensed to conduct energy audits in Nevada. The bill establishes the requirements for conducting an energy audit, limited energy audit, or energy assessment, including the elements of the home that must be evaluated, the software and tools the energy auditor must use, and the report the energy auditor must provide to the homeowner and the United States Department of Energy. Also, A.B. 432 makes it a category E felony to attempt to obtain a license as an energy auditor through intentional misrepresentation, deceit, or fraud.

Finally, this bill appropriates from the State General Fund to the Real Estate Division $46,780 in Fiscal Year (FY) 2011–2012 and $58,214 for FY 2012–2013 for personnel and other costs associated with licensing energy auditors.

Provisions of this bill that repeal the program for evaluating energy consumption in residential property and related regulations adopted by the Nevada Energy Commissioner are effective on June 13, 2011. Provisions of this bill that require the Real Estate Division to adopt regulations concerning licensure of energy auditors are also effective on June 13, 2011. The remainder of this bill is effective on July 1, 2011.

S.B. 59 (Chapter 225)

Senate Bill 59 requires a utility to offer net metering to customer-generators operating within its service area until the cumulative capacity of all net metering systems operating in this State is equal to 2 percent of the total peak capacity of all utilities in this State.

This bill is effective on July 1, 2011.

S.B. 60 (Chapter 315)

Senate Bill 60 makes changes to the administration of the Fund for Renewable Energy, Energy Efficiency and Energy Conservation Loans. The Director of the Office of Energy is authorized to make loans from the Fund for energy conservation and energy efficiency projects and for the development of renewable energy system manufacturing.

The Director may enter into agreements or cooperate with third parties to provide enhanced leveraging of money in the Fund, additional financing mechanisms, or any other program or combination of programs for the purpose of expanding the scope of financial assistance available from the Fund.

The Director shall consider whether the applicant has received or is eligible to receive any other governmental subsidies or financial incentives before approving an applicant for assistance from the Fund. Preference shall be given to loans for large projects.

Interest earned on the Fund and interest earned on loans made by the Fund may be used to pay the costs of administering the Fund.

This bill is effective on July 1, 2011.

S.B. 182 (Chapter 239)

Senate Bill 182 revises provisions governing the Solar Thermal Systems Demonstration Program. The bill requires an installer of these systems to possess an appropriate license issued by the State Contractors' Board, and it removes a requirement that each solar thermal system have a meter or other measuring device installed.

The bill specifies which performance certification a solar thermal system must have in order to be eligible for a rebate pursuant to the Demonstration Program.

Senate Bill 182 also clarifies that the rebates are provided by the utility rather than the Public Utilities Commission of Nevada.

This bill is effective on July 1, 2011.

S.B. 426 (Chapter 363)

Senate Bill 426 repeals the Renewable Energy and Energy Efficiency Authority and requires the Office of Energy to assume the duties of that entity.

This bill also gives the Director of the Office of Energy the authority to add not more than three members to the State and Local Government Panel on Renewable and Efficient Energy and not more than three members to the New Energy Industry Task Force. Any new members added to these entities must represent State and local government agencies or private industry in the field of renewable energy or energy efficiency.

In addition, S.B. 426 transfers responsibility for the program to track the use of energy in buildings occupied by State agencies from the Buildings and Grounds Division of the Department of Administration to the Office of Energy, and it authorizes the Director of the Office of Energy to enter into certain contracts to carry out the program.

Finally, the bill revises provisions relating to eligibility for the partial abatement of certain taxes for various energy systems that are used to heat or cool buildings or the water used by such buildings or to provide electricity to certain buildings or irrigation systems.

This measure is effective on July 1, 2011.

FAMILY TOPICS

A.B. 110 (Chapter 121)

Assembly Bill 110 requires the Department of Health and Human Services to establish and administer the Kinship Guardianship Assistance Program in accordance with federal law to provide assistance to a relative of a child who is seeking appointment as the legal guardian of the child under certain circumstances. The child must: (1) have been removed from his or her home; (2) be eligible for federal payments for foster care and adoption assistance for not less than six consecutive months; (3) not have an option for reunification or adoption; and (4) demonstrate a strong attachment to the relative. Siblings of eligible children may be placed with the child and be deemed eligible for assistance.

The bill requires that a relative demonstrate a strong commitment to the child, be a provider of family foster care and legal guardian, and enter into a written agreement for assistance. A relative may reside out of state, which would require the agency that provides child welfare services to comply with any court orders associated with out-of-state guardianships. Finally, the bill prescribes the requirements for the written agreement between the child welfare agency and the relative.

This bill is effective on July 1, 2011.

A.B. 111 (Chapter 36)

Assembly Bill 111 authorizes prospective adoptive parents who live outside Nevada to attend by telephone a hearing on a petition for adoption of a child who is in the custody of an agency that provides child welfare services, if a representative of the agency responsible for supervising the child in that state attends the hearing and the court places the telephone call. The bill also authorizes the court to grant such a petition to a petitioner who has not resided in Nevada for six months and to address a prospective adoptive parent by telephone, prior to entering an order, when the court inquires whether that person has knowledge of an agreement providing for postadoptive contact.

The bill also revises the provisions that apply to noticing and scheduling of hearings on whether to include an order for visitation in an adoption decree relating to a child who is in the custody of a child welfare agency.

This measure is effective on July 1, 2011.

A.B. 147 (Chapter 35)

Assembly Bill 147 provides that the termination of parental rights in cases of abandonment or neglect does not terminate the right of children to inherit from their parents, except that the right to inherit terminates if and when the child is adopted.

A.B. 154 (Chapter 133)

Assembly Bill 154 establishes certain rights of children placed in foster homes. These rights include the right to be treated with dignity and respect; receive appropriate food, shelter, and medical care; and be free from abuse or neglect. In addition, children are granted the right to maintain personal income, communicate with any person involved in his or her case unless prohibited by the court, participate in his or her placement options, and have access to education and related activities.

A provider of family foster care must inform a child of his or her rights and provide a written copy to the child. The bill also prescribes that a child who believes his or her rights have been violated may raise and redress a grievance.

Finally, A.B. 154 prohibits an employee of a school district from publicly disclosing any information relating to the fact that a pupil is in foster care.

A.B. 291 (Chapter 304)

Assembly Bill 291 relates to an agreement between an heir finder and an apparent heir regarding the recovery of property in an estate for which the public administrator has petitioned for letters of administration. The bill provides that such an agreement is void and unenforceable if it was entered into during the period beginning with the death of the person whose estate is in probate and ending 90 days after the filing of a petition for letters of administration.

This measure is effective on July 1, 2011, and applies to agreements entered into on or after that date.

A.B. 313 (Chapter 173)

Assembly Bill 313 enacts child custody laws applicable to families in which one or both parents are members of the military. The bill limits modifications in existing custody orders based on an actual or potential military deployment, and it authorizes temporary modifications in order to accommodate the deployment of a parent. It also authorizes a court to hold expedited hearings and allow testimony by affidavit or electronic means for a parent whose ability or anticipated ability to appear in person at a regularly scheduled custody or visitation hearing is materially affected by his or her military duties.

If military duties preclude adjudication of custody orders prior to deployment, A.B. 313 requires parents to cooperate to reach a mutually agreeable resolution. If the court has issued a custody order, the bill deems the absence of a child from Nevada during a deployment temporary.

A.B. 348 (Chapter 42)

Assembly Bill 348 provides that the existing statutes on the apportionment of federal gift taxes and generation-skipping transfer taxes must not be construed to allow the apportionment or enforcement of any tax to the extent that collection is no longer enforceable under applicable

federal law. The bill provides that the recipient of a gift or transfer is not required to pay tax in an amount greater than the value of the property received or the maximum amount payable under federal law, whichever is less.

Assembly Bill 348 defines "estate" as it applies to the apportionment of these transfer taxes to mean all property included for federal estate tax purposes under federal law.

A.B. 350 (Chapter 57)

Assembly Bill 350 allows a juvenile court to retain jurisdiction over a child who turns 18 years of age while in the custody of the court if the child is not likely to be returned to his or her parents and the child requests an extension of the jurisdiction. The child must be offered pro bono legal services upon reaching 17 years of age to be advised of the consequences of remaining under jurisdiction. The agency responsible for providing child welfare services is also required to meet with the child before the child reaches 18 years of age to determine if the child wants to remain under jurisdiction and develop a transition plan towards independent living.

If the child chooses to remain under the jurisdiction of the juvenile court, the child shall enter into a written agreement with the child welfare agency to be filed with the court. The child under jurisdiction would still be eligible to receive monetary payments from the child welfare agency in the form of a payment not to exceed the rate of payment for foster care.

Termination of the jurisdiction would occur when the child turns 21 years of age, or if other conditions are met prior to that date. The bill also prescribes the process for terminating jurisdiction, which includes providing an opportunity for the child, the child welfare agency, and the child's attorney to attempt to resolve differences prior to requesting a hearing before a court. The child welfare agency must notify the juvenile court if the jurisdiction will be terminated.

Finally, this bill establishes an order of priority for placing a child in protective custody.

This bill is effective on May 18, 2011.

A.B. 536 (Chapter 514)

Assembly Bill 536 requires employees of public and private detention centers and of residential mental health facilities to undergo background checks. The bill requires each applicant for a license to operate certain medical facilities and facilities for the treatment of abuse of alcohol or drugs, and each of their employees, to submit to a background investigation if those facilities provide residential services to children. This bill also revises the background check process for employees and residents of foster homes.

Pending the results of the background investigation, an employee's or resident's contact with children must be supervised. Employment of employees determined to have certain

convictions must be terminated; however, such employees must be provided a 30-day period within which to rectify incorrect information.

Finally, this bill requires a foster home, facility, or licensing authority to maintain documentation of the background check for the duration of an individual's employment and furnish such information as requested by an inspection agency. After the initial background check, each employee shall have a reinvestigation at least once every five years.

This bill is effective on June 17, 2011, for the purpose of conducting investigations, and on October 1, 2011, for all other purposes.

S.B. 23 (Chapter 4)

Senate Bill 23 clarifies that in the process of adopting a child with special needs, it is the child welfare or child placement agency with custody of the child that is responsible for scheduling necessary evaluations and providing certain assistance to the adoptive parents.

This measure is effective on March 21, 2011.

S.B. 101 (Chapter 330)

Senate Bill 101 revises the information that must be printed by a county clerk on the back of a consolidated marriage form to include language explaining that the certificate is not a certified copy and that a certified copy will need to be obtained for certain legal matters. The clerk may also include a time stamp on the back of the form to signify that the form has been filed. The measure further maintains validity of a certificate to perform marriages when a minister or other person authorized to solemnize a marriage, who is retired, moves to another county in this State.

This measure is effective on July 1, 2011.

S.B. 128 (Chapter 229)

Senate Bill 128 requires a private professional guardian to submit to and pay for a background investigation and to make the results available to the court upon request. The bill requires a guardian to file a verified acknowledgement of the duties and responsibilities of a guardian and authorizes filing of a general acknowledgement if the guardian is responsible for multiple wards.

Senate Bill 128 also prohibits a court from removing a guardian if the sole reason for removal is the lack of the ward's assets to pay the compensation and expenses of the guardian.

S.B. 167 (Chapter 188)

Senate Bill 167 specifies that data or information concerning reports of the abuse or neglect of a child, relating to a child over whom a guardianship is sought, may be released in certain circumstances to:

- The court that has jurisdiction over the proceeding;
- The person who filed or intends to file the petition;
- The proposed guardian or proposed successor guardian;
- The parent or guardian of the child; and
- The child, if he or she is at least 14 years of age.

This measure is effective on July 1, 2011.

S.B. 371 (Chapter 444)

Senate Bill 371 requires a court-approved appointment of a person who is legally responsible for the psychiatric care of a child in the custody of a child welfare agency, and such person shall make decisions concerning services, treatment, and psychotropic medication provided to the child. The child welfare agency shall nominate a person to be legally responsible for the psychiatric care although the court with jurisdiction shall make the appointment. The person who is legally responsible must provide written consent or written denial for routine treatment of psychiatric care and notify the parent, legal guardian, or child welfare agency.

The bill further requires the person who is legally responsible to approve or deny the administration of psychotropic medication, and it prohibits the administration without consent from the legally responsible person. The measure prescribes the circumstances in which a child may receive psychotropic medication without the approval of the legally responsible person, including cases of emergency. Finally, the bill requires certain health care providers to obtain written consent from the person who is legally responsible before providing psychiatric care to a child in the custody of a child welfare agency, and the provider must keep a copy of the consent in the child's health care records.

Domestic Violence and Child Abuse

A.B. 192 (Chapter 128)

Assembly Bill 192 authorizes a board of county commissioners to set, by ordinance, an additional fee of not more than $3 to be collected by a county recorder for the recording of a document, instrument, paper, notice, deed, conveyance, map, chart, survey, or other document. The new fee revenue must be used to fund legal services for abused and neglected children as provided by the organization in each county operating a program for legal services for the indigent.

The bill is effective on July 1, 2011.

S.B. 57 (Chapter 406)

Senate Bill 57 authorizes the Children's Advocate or his or her designee to apply to a court for a warrant to take physical custody of a child if, during an investigation, it appears that probable cause exists to believe a child located in Nevada has been abducted and the act was not committed to protect the child from abuse or the person who abducted the child from domestic violence. If the court determines no exigent circumstances exist, the bill authorizes the court to issue the warrant after holding a hearing. If the court finds that exigent circumstances exist, the court may issue the warrant after an ex parte hearing, in which case the court must give the person or persons alleged to have abducted the child and having possession of the child, if different, to be heard at the earliest possible time and within 48 hours if possible.

Senate Bill 57 directs the court to assume temporary emergency jurisdiction and issue a temporary emergency custody order if the court finds, by a preponderance of the evidence presented at a hearing, that the act of abduction was committed to protect the child or the person who abducted the child. The bill provides that there may be no filing fee for an application for a warrant, that the court must expedite the application, and that the Children's Advocate or his or her designee acts on behalf of the court and not on behalf of a party.

This measure is effective on July 1, 2011.

S.B. 66 (Chapter 161)

Senate Bill 66 authorizes the Attorney General to organize or sponsor multidisciplinary teams to review the death of a victim of domestic violence if a court or local government agency does not organize such a team or requests assistance from the Attorney General. Such teams may also meet and share information with similar teams created to review the death of a child.

The teams created by this measure will include a representative of the Attorney General, law enforcement, the district attorney, the coroner, social service providers, and others as necessary. The results of a team's review are not admissible in any civil action or proceeding.

The measure also expands the authority of a multidisciplinary team created under existing statute by the court or agency of local government to obtain relevant information and records and to meet with others who may have relevant information.

Finally, the measure adds multidisciplinary teams to the list of entities authorized to receive information from reports and investigations concerning the abuse or neglect of children, and it requires the State Board of Health to allow such teams to use death certificates in the custody of the State.

S.B. 111 (Chapter 236)

Senate Bill 111 requires each agency that provides child welfare services to develop and implement a written plan to ensure that the provisions and exceptions for the placement of children in protective custody into a child care institution are understood and carried out.

S.B. 370 (Chapter 443)

Senate Bill 370 requires the board of trustees of each school district to adopt a policy for each elementary school in the district to develop an academic plan for each foster child the school district is informed is enrolled in the elementary school. The academic plan must be reviewed at least annually, and a new plan must be developed for any pupil who transfers to an elementary school for whom the school is informed is a foster child. The academic plan must be developed with the goal of the child achieving academic success. The Division of Child and Family Services of the Department of Health and Human Services is required to ensure that a school district is informed when a foster child is enrolled in a school in the school district so that an academic plan may be developed for the foster child. A copy of the academic plan is required to be submitted to the court with jurisdiction over the child during the biennial review of the placement of the child.

The measure requires a licensee of a foster home to obtain a written explanation from a medical professional who provides a prescription for medication for a foster child. The explanation must include the need for the medication and the effect of the medication on the child. A copy of any such explanation is required to be submitted to the court with jurisdiction over the child during the biennial review of the placement of the child.

Finally, the Department of Corrections is required to allow a prisoner whose child has been placed with someone other than a parent to maintain contact with the child if the child is willing to maintain such contact and the contact is not prohibited by law, by order of the court, or by regulations of the Department. The Department is further required to allow such a prisoner to videoconference with the child if such equipment is available. The measure authorizes a prisoner to use approved telecommunications devices subject to any limitations to engage in such communications with his or her child and allows such communication to be intercepted in certain circumstances.

The measure is effective on July 1, 2011.

S.B. 447 (Chapter 396)

Senate Bill 447 requires an agency that provides child welfare services in Nevada to carry out corrective actions determined by the Division of Child and Family Services of the Department of Health and Human Services within 60 days or develop a corrective action plan for the Division's approval. Once a plan is approved, implementation is required within 90 days. Failure by the agency to take corrective action or carry out an action plan may result in fines, the withholding of money, and other remedies imposed by the Division.

The measure also requires each child welfare services agency to submit to the Division an annual improvement plan with specific performance targets for improving services to children under its care. The agency must also provide data demonstrating progress made toward meeting these goals.

In Clark and Washoe Counties, the Division must administer a program to award incentive payments to the child welfare services agencies based on the achievement of specific goals. The bill sets forth the application and award requirements, as well as a schedule for the incentive payments based on those goals. The Division must provide an annual report concerning the improvement plans and incentive payment program.

Finally, the bill requires the Division to: (1) award an annual block grant to child welfare service agencies in Clark and Washoe Counties to the extent money is appropriated; and (2) provide a categorical grant to an agency in any county that provides child welfare services for its adoption assistance program to the extent money is available for that purpose.

This measure is effective on July 1, 2011.

S.B. 480 (Chapter 403)

Senate Bill 480 requires all rural counties, which excludes Clark and Washoe Counties, to pay to the Division of Child and Family Services, Department of Health and Human Services, an assessment for the provision of child protective services not to exceed the limit of legislative authorization for spending on child protective services by the Division in each such county. The measure allows a county to request an exemption from the assessment by submitting a proposal to the Governor for the county to carry out child protective services for the county. If the Governor approves the proposal, the Interim Finance Committee must consider whether to approve the exemption. If an exemption is approved, the county is required to carry out child protective services for the county in accordance with standards adopted by the Division and pay for the cost of those services. Finally, the measure requires the Division to provide reports of certain information about the provision of child protective services and to provide to each rural county the total proposed budget of the Division for providing child protective services in that county for the next succeeding biennium.

This bill is effective on July 1, 2011.

NOTE: See also Assembly Bill 1 (Chapter 2) of the 26th Special Session.

GAMING

A.B. 213 (Chapter 156)

Assembly Bill 213 authorizes the Nevada Gaming Commission to adopt regulations governing the issuance of a preliminary finding of suitability, applicable to a person who would be suitable to become a gaming licensee but who has not entered into a position or transaction requiring licensure. The regulations must:

- Provide that a preliminary finding of suitability is good for two years, with the possibility of one two-year renewal;
- Be at least as stringent as the standards for a nonrestricted gaming license;
- Establish application, investigation, and licensing fees; and
- Require the person not to seek or engage in a corporate acquisition opposed by management for the duration of the preliminary finding.

Assembly Bill 213 authorizes the State Gaming Control Board, after an investigation, to file a complaint with the Commission against a person licensed, registered, found suitable, found preliminarily suitable, or previously approved for any act or transaction for which the approval of the Commission was required or permitted, if the Board is satisfied that the person should be fined.

A.B. 219 (Chapter 457)

Assembly Bill 219 provides that a nonrestricted gaming licensee is not required to pay the obligation resulting from an unpaid slot machine wagering voucher after the expiration date printed on the voucher or 180 days after the wager is placed, whichever is earlier, unless the Nevada Gaming Commission specifies a shorter time period. The bill requires each nonrestricted gaming licensee to report all expired vouchers to the Commission quarterly and to remit payment equal to 75 percent of their value. The Commission must then pay over all money collected to the State Treasurer for credit to the State General Fund.

This measure is effective on July 1, 2011, and applies to all vouchers issued on or after that date. The bill requires the Nevada Gaming Commission to adopt required regulations on or before January 31, 2012.

A.B. 258 (Chapter 302)

Assembly Bill 258 declares that the State of Nevada leads the United States in gaming regulation and enforcement, is uniquely positioned to develop a comprehensive and effective regulatory structure for interactive gaming, and must be prepared for possible federal legislation.

The bill requires the Nevada Gaming Commission, on or before January 31, 2012, to adopt regulations governing the licensing and operation of interactive gaming, including Internet poker. The regulations must establish appropriate licensing fees, set forth standards for the suitability of a person to be licensed as a manufacturer of interactive gaming systems, and provide that gross revenue received is subject to the same license fee provisions as games and gaming devices, unless federal law otherwise provides for a similar fee or tax.

The bill requires the regulations to provide that any license to operate interstate interactive gaming does not become effective until a federal law authorizing the specific type of interactive gaming for which the license was granted is enacted, or the U.S. Department of Justice notifies the Commission or the State Gaming Control Board that it is permissible under federal law. Finally, A.B. 258 provides that it is unlawful for an owner or lessee to operate an interactive gaming system without having procured all required local, State, and federal licenses.

This measure is effective on June 10, 2011.

A.B. 279 (Chapter 460)

Assembly Bill 279 makes a legislative declaration and finding that the inspection of gaming devices and systems must be balanced with the interest of the State in maintaining a competitive gaming industry in which games can be brought to the market expeditiously. The bill requires the Nevada Gaming Commission to adopt regulations providing for the registration of independent testing laboratories and authorizing the State Gaming Control Board to use independent laboratories. The regulations must establish procedures and protocols for independent laboratories and must provide procedures and standards for the revocation of registrations.

This measure is effective on June 16, 2011, for the purpose of adopting regulations, and on May 1, 2012, for all other purposes.

A.B. 294 (Chapter 296)

Assembly Bill 294 authorizes mobile gaming to be conducted in any area of an establishment that holds a nonrestricted gaming license and operates at least 100 slot machines. The bill removes the authority of the Nevada Gaming Commission to regulate independent contractors that manufacture certain property related to gaming. It also makes it unlawful for a person to knowingly distribute any gaming device, system, or related equipment from Nevada to any other jurisdiction where the use of such items is illegal. Finally, this bill clarifies that a computer system associated with mobile gaming may be located outside a licensed gaming establishment but must be located within this State.

A.B. 459 (Chapter 178)

Assembly Bill 459 includes within the Las Vegas Boulevard gaming corridor an area to the east of the existing corridor. The additional area is bounded by Desert Inn Road on the north, Paradise Road on the east, and Sands Avenue on the south.

A.B. 500 (Chapter 220)

Assembly Bill 500 temporarily revises the distribution of revenue from quarterly license fees for slot machines to the Revolving Account to Support Programs for the Prevention and Treatment of Problem Gambling. For the period July 1, 2011, to June 30, 2013, the amount of the quarterly licensing fee revenue that must be deposited into the Revolving Account is reduced from $2 per slot machine to $1 per slot machine. The other $1 per slot machine is to be deposited into the State General Fund.

This measure is effective on July 1, 2011, and expires by limitation on June 30, 2013.

S.B. 218 (Chapter 49)

Senate Bill 218 authorizes the Nevada Gaming Commission, with advice and assistance of the State Gaming Control Board, to provide by regulation for the operation and registration of hosting centers not located at a licensed gaming establishment. Similar regulations may be established for the licensing of service providers to: (1) perform certain services on behalf of a nonrestricted gaming licensee or interactive gaming licensee; or (2) provide services or devices that patrons of licensed establishments use to obtain cash or wagering instruments.

The measure adds definitions of a "cash access and wagering instrument service provider" and an "interactive gaming service provider." A person may not operate as a cash access and wagering service provider without proper gaming licenses, and existing regulations for interactive gaming must also include licensing for service providers based on certain standards.

The bill amends the process and requirements for transferring a license upon certain changes in the business entity, and it revises provisions concerning the necessary licensing of partners in a limited partnership and members of a limited-liability company. The bill also clarifies provisions concerning the unlawful use or possession of certain devices, including devices that project the outcome of games or keep track of cards played.

Finally, S.B. 218 makes various changes to administrative and operational functions of the Commission and the Board, and it repeals provisions relating to the Account for Investigating Cash Transactions of Gaming Licensees.

This measure is effective on May 16, 2011.

S.B. 498 (Chapter 404)

Senate Bill 498 allows the Nevada Athletic Commission to use funds generated from the additional fees that may be imposed on tickets for a live professional contest of unarmed combat to perform random drug testing of amateur and professional unarmed combatants.

The bill is effective on July 1, 2011.

HEALTH CARE AND HUMAN SERVICES

A.B. 146 (Chapter 126)
Assembly Bill 146 includes a person who needs information or assistance relating to health care or billing disputes within the definition of "consumer." The bill also authorizes the Director of the Office for Consumer Health Assistance or a designee to use alternative means, such as mediation or arbitration, to resolve disputes between hospitals and patients, and to adopt regulations relating to dispute resolution. A designee must be a State employee and must not be an employee of the Bureau for Hospital Patients or the Office for Consumer Health Assistance.

The bill is effective on July 1, 2011.

Mental Health

A.B. 48 (Chapter 342)
Assembly Bill 48 authorizes existing mental health consortiums to implement provisions of a long-term strategic plan and any other action to improve mental health services to children with emotional disturbance and their families. A mental health consortium must avoid duplicating or contradicting efforts by coordinating with the Department of Health and Human Services.

The bill also allows a mental health consortium to enter into contracts, apply for grants, and submit allocation requests to the Department in order to carry out provisions of the bill. Finally, this bill requires each consortium to submit a report of all expenditures to the Department and the Commission on Mental Health and Developmental Services.

This bill is effective on July 1, 2011.

S.B. 44 (Chapter 99)
Senate Bill 44 requires the Division of Mental Health and Developmental Services, Department of Health and Human Services, to adopt regulations:

- That define when a consumer may receive services from the Division; and

- That establish policies and procedures for the referral of a consumer to another organization or resource when the Division cannot provide the services that the consumer needs.

The measure requires the Division of Mental Health and Developmental Services to specify in the regulations defining when a consumer may receive services from the Division that a consumer is eligible to receive services only if the consumer:

- Has a documented diagnosis of a mental disorder; and

- With certain exceptions, is not eligible to receive services through another public or private entity.

The bill also replaces the term "client" in certain existing statutes with the term "consumer" to reflect currently acceptable nomenclature within the field of mental health for individuals who seek and can benefit from services offered by the Division. Finally, the bill requires the Legislative Counsel to make corresponding changes to existing regulations.

This measure is effective on May 24, 2011, for the purpose of adopting regulations, and on January 1, 2012, for all other purposes.

S.B. 149 (Chapter 426)

Senate Bill 149 establishes a State policy regarding the treatment of persons with intellectual disabilities and related conditions. Specifically, the measure requires that such persons receive services in a considerate and respectful manner, be recognized as individuals before recognizing their disability, and be referred to using language which is commonly viewed as respectful and which refers to the person before referring to the person's disability.

The measure further establishes a preference for the phrase "persons with intellectual disabilities" and requires the Legislative Counsel to replace in the *Nevada Revised Statutes* and the *Nevada Administrative Code* references to "persons with mental retardation" with references to "persons with intellectual disabilities."

S.B. 293 (Chapter 367)

Senate Bill 293 requires a nonprofit organization that provides certain jobs and day training services or which operates certain rehabilitation facilities or workshops to be on file and in good standing with the Secretary of State as a nonprofit organization. Such an organization must also provide certain financial information to the Division of Mental Health and Developmental Services of the Department of Health and Human Services and the Department of Employment, Training and Rehabilitation.

This bill is effective on July 1, 2011.

S.B. 437 (Chapter 436)

Senate Bill 437 provides that financial assistance to parents and relatives caring for certain persons with mental retardation or related conditions is available only to the extent that money is available for that purpose, and it requires the Division of Mental Health and Developmental Services of the Department of Health and Human Services to establish a waiting list for eligible applicants who are not provided financial assistance because of a shortage of money.

The measure is effective on July 1, 2011.

Prescriptions and Pharmaceuticals

S.B. 97 (Chapter 224)
Senate Bill 97 extends the prospective expiration of the requirement to exclude certain atypical and typical antipsychotic medications, anticonvulsant medications, and antidiabetic medications from the restrictions that are imposed on drugs that are on the list of preferred prescription drugs. This extension has the effect of continuing the inclusion of those types of medications in the restrictions that are imposed on drugs that are on the list of preferred prescription drugs until June 30, 2015.

The measure is effective on June 2, 2011.

S.B. 329 (Chapter 358)
Senate Bill 329 makes changes concerning the dispensing of prescription medications. The bill requires the Board of Medical Examiners and the State Board of Osteopathic Medicine to encourage each licensee to receive training concerning methods for educating patients to effectively manage their medications. Such education should include information on how a patient can request that the purpose for which their medication was prescribed be included on the label attached to their medication container.

A medical practitioner may ask a patient whether the patient wants to have this information attached to the container and, if so, the practitioner shall include the information. Each practitioner shall post a sign in each patient examination room that explains a patient's right to have such information included on the container. The sign must be in English and Spanish.

Additionally, the measure authorizes the issuance of an electronic prescription for a controlled substance included in schedule II if such an electronic prescription is issued in compliance with any regulations adopted by the Board concerning electronic prescriptions.

The State Board of Pharmacy or the Investigation Division of the Department of Public Safety may carry out education and training for physicians, pharmacists, and patients regarding the ability of a patient to have the information attached to the medical container.

NOTE: See also Senate Bill 4 (Chapter 4) of the 26th Special Session.

Professions and Occupations (see also Commerce)

A.B. 33 (Chapter 24)
Assembly Bill 33 requires the Board of Psychological Examiners to investigate any complaint alleging that a person is practicing psychology without a license. The measure authorizes the Board to issue a cease and desist order to a person if the Board determines that person is practicing without a license. Additionally, the Board is required to provide the Attorney General a written summary of that determination and any information relating to

the violation. Finally, the Board may issue a citation and assess an administrative fine to such a person.

This bill is effective on May 10, 2011.

A.B. 55 (Chapter 25)

Assembly Bill 55 authorizes the Board of Dental Examiners of Nevada to issue a limited license to practice dentistry or dental hygiene to a person who has contracted with an accredited program by a regional educational accrediting organization recognized by the United States Department of Education and accredited by the Commission on Dental Accreditation of the American Dental Association. The measure expands the list of requirements to issue a limited license to include the successful passage of a clinical exam approved by the Board and the American Board of Dental Examiners, Inc. Also, a person who has a limited license may engage in the private practice of dentistry and accept compensation for dental services from entities other than the entity with whom the person has contracted. The bill authorizes the Board of Dental Examiners of Nevada to charge a fee for administering a clinical dentistry examination and a clinical dental hygiene examination. Additionally, the measure provides that a person who applies for a dental hygiene license may pass a clinical examination approved by the Board and the American Board of Dental Examiners, Inc., prior to obtaining a dental hygiene license.

This measure is effective on May 10, 2011.

A.B. 199 (Chapter 486)

Assembly Bill 199 prescribes the requirements for written guidelines and protocols developed by a registered pharmacist in collaboration with a practitioner, which authorize the implementation, monitoring, and modification of drug therapy intended for a patient in a licensed medical facility, or if developed to ensure continuity of care for a patient, in any setting affiliated with a medical facility where the patient is receiving care. The measure requires the State Board of Pharmacy to approve the written guidelines and protocols. The Board may adopt regulations prescribing additional written guidelines and protocols developed by a registered pharmacist in collaboration with a practitioner.

A person operating a business that is not required to be licensed by the Board may use the letters "Rx" with the Board's approval. The Board must not unreasonably deny approval but approval may be withheld if the use of the letters is confusing or misleading or threatens public health or safety.

This measure is effective on June 17, 2011, for the purpose of adopting regulations, and on October 1, 2011, for all other purposes.

A.B. 289 (Chapter 273)

Assembly Bill 289 provides for regulation of the practice of dietetics by the State Board of Health and prescribes the powers and duties of the Board. The measure requires the Board to charge and collect fees relating to the issuance of licenses and to carry out its other duties.

In addition to regular licenses, the Board may issue provisional licenses to persons who do not meet all of the requirements for licensure and may issue temporary licenses for the purpose of treating patients in this State for a limited period. The Board may establish a Dietitian Advisory Group to provide the Board with expertise and assistance in carrying out its duties.

A person who is not licensed by the Board is prohibited from acting or holding himself or herself out as a licensed dietitian. A violation of any of the provisions governing regulation of dietitians is a misdemeanor and, in addition to any criminal penalty that may be imposed, the Board is authorized to impose a civil penalty for each violation.

Assembly Bill 289 includes licensed dietitians in the definition of "provider of health care" to ensure that licensed dietitians comply with the same requirements for standards of care, medical records, and medical devices as other providers of health care. The measure requires a licensed dietitian to report suspected incidents of abuse or neglect of an older or vulnerable person and forward a report to the Board if a licensed dietitian is suspected of abuse or neglect of an older or vulnerable person.

Finally, the Board must grant a license to a person who does not meet the qualifications for licensure but who has engaged in the practice of dietetics in Nevada before 2012, submits an application to the Board before January 1, 2013, and presents proof that he or she is a registered dietitian or meets the education and experience requirements.

This measure is effective on July 1, 2011, for purposes of adopting regulations and carrying out other administrative tasks, and on January 1, 2012, for all other purposes.

A.B. 296 (Chapter 46)

Assembly Bill 296 removes the requirement that the Board of Examiners for Long-Term Care Administrators provide a hearing before imposing an administrative sanction on a nursing facility administrator or an administrator of a residential group facility. Instead, this bill gives the licensee against whom proceedings are brought the option of requesting a hearing.

This measure is effective on May 13, 2011.

A.B. 382 (Chapter 204)

Assembly Bill 382 requires the Chiropractic Physicians' Board of Nevada to establish a preceptor program to provide a supervised clinical experience to students enrolled in chiropractic colleges and to adopt regulations concerning the preceptor program. The measure authorizes a student participating in the program to perform chiropractic, including chiropractic adjustment or manipulation, under the direct supervision of a preceptor for up to one year. Additionally, an applicant for a license to practice chiropractic is authorized to perform chiropractic adjustment or manipulation under the direct supervision of a chiropractor. The Board may impose a fee of $35 for filing an application to participate in

a preceptor program. Finally, a student who participates in the program and who performs chiropractic does not violate the law prohibiting the unlicensed practice of chiropractic.

This measure is effective on June 1, 2011, for purposes of adopting regulations and performing any other preparatory administrative tasks and on October 1, 2011, for all other purposes.

A.B. 537 (Chapter 58)

Assembly Bill 537 prohibits certain health care practitioners, including physicians, physician assistants, dentists, advanced practitioners of nursing, osteopathic physicians, osteopathic physician assistants, podiatric physicians, and optometrists from knowingly procuring and administering controlled substances and dangerous drugs that are not approved under federal law, unless the unapproved controlled substances and dangerous drugs:

- Were procured through a retail pharmacy;
- Were procured through certain Canadian pharmacies approved by the State Board of Pharmacy; or
- Are considered marijuana used for medical purposes.

The bill authorizes disciplinary action to be taken against health care practitioners for violating this provision.

S.B. 17 (Chapter 185)

Senate Bill 17 authorizes the owner of an animal to donate a drug dispensed for the animal but that will not be used by that animal, if certain conditions are met. The drug must be donated to a licensed veterinarian or a facility where veterinary medicine is practiced. The veterinarian may reissue the drug free of charge under certain conditions, including economic need, but in no event may the reissued drug be sold or resold. Other restrictions apply to reissuance, including that the:

- Drug not be a controlled substance;
- Drug's usefulness has not expired; and
- Name of the original animal and its owner are obliterated before reissuance.

A veterinarian must also comply with certain handling and record keeping requirements.

A licensed veterinarian or veterinary medicine facility is not subject to civil or criminal liability or disciplinary action by a professional licensing board for any loss, injury, or death resulting from a drug if reasonable care is exercised in the donation, acceptance, distribution, or dispensation of the drug. Similarly, a drug manufacturer receives civil and criminal immunity if it operates under the same standard of care.

A donated drug may not be reissued for use in an animal that is used for human consumption or if the animal is ordinarily consumed by other animals that are used for human consumption.

This bill is effective on May 31, 2011, for the purpose of adopting regulations, and on October 1, 2011, for all other purposes.

S.B. 36 (Chapter 333)

Senate Bill 36 requires a practitioner licensed by the State Board of Podiatry or an applicant for licensure to provide certain information to the Board and to comply with certain procedures. A licensee must:

- Maintain a permanent mailing address;
- Notify the Board in writing of a new permanent address within 30 days after relocation and prior to commencing practice at the new location;
- Notify the Board within 14 days if the practitioner ceases to practice in Nevada; and
- Keep the Board apprised in writing of the location and custodian of patient medical records for five years after closure of the practice.

The Board may take disciplinary action against a licensee for failure to comply with these requirements. An applicant must provide the Board with a complete set of fingerprints and written permission to submit them to the Federal Bureau of Investigation.

Additionally, the measure provides that an applicant for a dental hygiene license may satisfy the clinical examination requirement if he or she presents evidence to the Board of Dental Examiners of Nevada that the applicant has, within the five years immediately preceding the date of the application, passed a clinical examination approved by the Board and the American Board of Dental Examiners.

This bill is effective on June 13, 2011.

S.B. 117 (Chapter 199)

Senate Bill 117 authorizes the Board of Medical Examiners to issue a license to a resident enrolled in a progressive postgraduate training program in any state or Canadian province approved by the:

- Board;
- Accreditation Council for Graduate Medical Education; or
- Coordinating Council of Medical Education of the Canadian Medical Association.

An applicant must also:

- Have completed at least 24 months of the program;
- Commit in writing to the Board that the applicant will complete the program; and
- Submit proof of satisfactory completion of the program within 60 days after the scheduled completion of the program.

S.B. 132 (Chapter 256)

Senate Bill 132 repeals the prospective expiration of the provisions authorizing the State Board of Osteopathic Medicine to license by endorsement an osteopathic physician who is admitted to practice in the District of Columbia or any state or territory of the United States, if the practitioner meets certain requirements.

This bill is effective on June 4, 2011.

S.B. 168 (Chapter 470)

Senate Bill 168 makes various changes to public health practices and reporting. The bill requires a provider of health care to make the health care records of a patient available for physical inspection within five working days if the records are located within this State.

Senate Bill 168 eliminates the requirement that a licensee report annually to the Board of Medical Examiners or the State Board of Osteopathic Medicine, as appropriate, certain information concerning the use of sedation and anesthesia, and instead the bill requires that such reports be submitted at the time the licensee renews his or her license. The measure also requires a licensee to submit a report to the appropriate licensing board regarding any sentinel event involving certain types of sedation within 14 days of the occurrence.

The bill requires a hospital, clinic, medical facility, or medical society to report within five days to the appropriate licensing board any change in the privileges of certain licensees based on an investigation of mental, medical, or psychological competence or suspected or alleged substance abuse.

Senate Bill 168 provides that, in a disciplinary hearing, a finding of the Board of Medical Examiners or a hearing officer must be supported by a preponderance of the evidence.

S.B. 190 (Chapter 252)

Senate Bill 190 provides for the licensure and regulation of music therapists by the State Board of Health. The bill includes procedures for regulating the practice of music therapy and for imposing discipline for violations of the governing statutes and regulations.

The Board may establish a Music Therapy Advisory Group consisting of persons familiar with the practice of music therapy to provide the Board with expertise and assistance in discharging its duties in regard to music therapy. If an Advisory Group is established, the Board must

determine the number and terms of members, appoint the members, and determine the duties of the Group.

A music therapist may, among other actions:

- Accept referrals from physicians, other medical, developmental or mental health professionals, family members, or caregivers;
- Conduct a music therapy assessment of a client;
- Develop and carry out an individualized treatment plan for a client, including a plan for when music therapy is no longer needed; and
- Collaborate with and educate the client, the client's family, caregiver, or other appropriate person about the needs of the client that are being addressed by music therapy.

This bill is effective on June 3, 2011, for the purpose of issuing licenses to qualified applicants, and on January 1, 2012, for all other purposes.

S.B. 205 (Chapter 232)

Senate Bill 205 provides that, in addition to existing requirements, in order for a registered nurse to obtain a certificate of recognition as an advanced practitioner of nursing he or she must submit to the State Board of Nursing proof of certification as an advanced practitioner of nursing from a nationally recognized certification agency approved by the Board. However, an advanced practitioner of nursing who receives a certificate of recognition before July 1, 2014, is exempt from this requirement.

This bill is effective on July 1, 2014.

S.B. 215 (Chapter 326)

Senate Bill 215 makes several changes to the manner in which the Chiropractic Physicians' Board of Nevada licenses practitioners. The license for a chiropractic physician must be renewed biennially each odd-numbered year; the certificate for a chiropractor's assistant must be renewed each even-numbered year. The bill contains a transition mechanism for renewal of a chiropractic physician license, as well as a renewal fee proration provision, to accommodate the change in the renewal cycle from every odd-numbered year to every even-numbered year.

Every 24 months a chiropractor's assistant must complete at least 12 hours of continuing education, which may include education in lifesaving skills. The Board shall adopt regulations specifying how many hours must be related to such lifesaving skills. Any approved continuing education course may be conducted via the Internet or in a live setting but may not be self-directed or conducted via home study. The continuing education requirement for a chiropractor's assistant may be waived under certain conditions involving a serious or disabling illness or physical disability.

This bill is effective on July 1, 2011.

S.B. 273 (Chapter 243)
Senate Bill 273 makes various changes to the practice of osteopathic medicine. The bill authorizes the practice of telemedicine under specified conditions. It authorizes the State Board of Osteopathic Medicine to place any condition, limitation, or restriction on any license issued by the Board if the Board determines such action is necessary to protect the public health, safety, or welfare.

Senate Bill 273 makes changes to the requirements for postgraduate medical training required for licensure to practice osteopathic medicine. It also modifies the requirements for licensure by endorsement to practice osteopathic medicine.

The measure requires osteopathic physician assistants to complete annual continuing medical education courses as a condition of license renewal and clarifies that certain statutes relating to osteopathic physicians also apply to osteopathic physician assistants.

S.B. 411 (Chapter 255)
Senate Bill 411 provides for the certification and regulation of a nursing assistant as a medication aide-certified by the State Board of Nursing. The bill prescribes the requirements for certification and the duties a medication aide-certified may perform.

The Board shall designate by regulation the types of medical facilities that may employ a medication aide-certified. A medication aide-certified may possess and administer certain drugs and medicines at a designated facility under the supervision of an advanced practitioner of nursing or a registered nurse, in accordance with protocols developed by the Board.

This bill is effective on June 4, 2011, for the purpose of adopting regulations, and on October 1, 2011, for all other purposes.

S.B. 419 (Chapter 362)
Senate Bill 419 requires the Health Division of the Department of Health and Human Services, certain district boards of health, and certain boards that license, register, or certify health care professionals to require, as a condition of issuing or renewing a license, registration, or certificate, that the applicant for issuance or renewal of the license, registration, or certificate must attest to knowledge of and compliance with the guidelines of the Centers for Disease Control and Prevention concerning the prevention of transmission of infectious agents through safe and appropriate injection practices. The bill also applies similar provisions to certain medical laboratories with personnel who administer injections and persons who operate radiation machines licensed by the Health Division.

Public Health and Disease Prevention

A.B. 29 (Chapter 205)
Assembly Bill 29 provides that a hospital board of trustees, after consultation with the chief of staff of the hospital and dean of the University of Nevada School of Medicine or University of Nevada, Las Vegas, School of Dental Medicine, may organize a staff solely of physicians,

podiatric physicians, or dentists affiliated with the universities. If a board does organize staff in this manner, those practitioners must meet standards prescribed by the board and maintain a faculty or clinical appointment with one of the universities. If the practitioners do not meet the requirements, then the board may enter into a contract with such individuals to be exclusive providers of certain services. The measure limits the number of physicians who may be required to be so affiliated to not more than 60 percent of the staff of physicians on or before January 1, 2013; not more than 85 percent after January 1, 2013, but before January 1, 2018; and in a percentage deemed appropriate by the board on or after January 1, 2018.

The bill allows a practitioner to be affiliated with another institution of higher education, and it prohibits an adverse action against a practitioner who loses privileges at a hospital if it is a result of the practitioner no longer holding a faculty or clinical appointment with one of the universities.

The bill increases from $100 per month to $500 per month the maximum amount of compensation that a member of a public hospital board of trustees may receive.

Finally, the bill requires certain hospitals in Clark County to report to the Legislative Committee on Health Care information concerning the transfer of patients from one hospital to another. Each hospital shall submit reports every three months, and the first report must be provided by October 15, 2011.

This bill is effective on July 1, 2011.

A.B. 36 (Chapter 84)

Assembly Bill 36 requires that any money paid by a county to the Fund for Hospital Care to Indigent Persons for unpaid hospital charges not exceeding $3,000 must be accounted for separately in the Fund. Any such money must be used to reimburse or partially reimburse a hospital for certain unpaid hospital charges.

The bill also revises the membership of the Board of Trustees of the Fund to authorize the Governor to appoint four county commissioners and one director of a county social services agency. The list of nominees submitted by the Nevada Association of Counties must include six nominees who are county commissioners and three nominees who are directors of a social services agency. Nominees for vacancies must include two county commissioners or two directors of a social services agency depending upon the position being vacated. In addition, the director of a social services agency may designate a person to carry out his or her duties on the Board.

This bill is effective on May 24, 2011.

A.B. 148 (Chapter 344)

Assembly Bill 148 requires a provider of emergency services to notify a law enforcement agency within 24 hours of assuming possession of an abandoned child who is or appears to be not more than 30 days old. The law enforcement agency must notify the Clearinghouse of

missing children established by the Attorney General and, as necessary, investigate further whether the child has been reported missing. Results of the investigation must be provided to the child welfare services agency, which shall maintain such information for statistical and research purposes.

This measure is effective on June 13, 2011.

A.B. 170 (Chapter 182)

Assembly Bill 170 requires retail establishments in which cigarettes are sold to post conspicuously at least one sign regarding the dangers of smoking tobacco during pregnancy. The sign must be posted in English and in Spanish in clearly legible boldface type. The Health Division of the Department of Health and Human Services and local boards of health may solicit and accept donations of signs from nonprofit organizations to be provided to retail establishments. A person who fails to post the sign is subject to a civil fine of not more than $100.

A.B. 242 (Chapter 305)

Assembly Bill 242 requires a designated organization that receives funding from the Department of Health and Human Services (DHHS) to provide certain information on either its website or, if it does not maintain a website, the Department's website. The required information to be posted online includes the designated organization's Board of Directors, its most recent annual report, and the organization's mission statement. The bill mandates the Department to require, for a period of two years, any designated organization involved in grants or contracts related to the provision of services within the scope of DHHS to submit a report every six months to the Department. The report must indicate the amount of money received from the Department over the previous six months, the number of persons served under the grant or contract, a description of the services provided, and other information deemed appropriate by Department. The Department must submit these reports electronically to the Legislative Counsel Bureau.

A designated organization is defined as a nonprofit agency, an entity created by an interlocal agreement, or any other entity that receives money by way of a grant, contract, or similar agreement for the purpose of providing services that are within the purview of the Department.

The bill is effective on June 10, 2011, and expires by limitation on July 31, 2013.

A.B. 316 (Chapter 451)

Assembly Bill 316 requires the Division of Aging and Disability Services of the Department of Health and Human Services (DHHS), in cooperation with the Department of Education (DOE), representatives of school districts, and the Nevada Autism Task Force, to prescribe statewide standards for measuring outcomes and assessing persons with autism spectrum disorders through the age of 21 years for the purpose of receiving services through a State or local government agency. The Division must also designate a protocol for determining if a person

has an autism spectrum disorder and collect data concerning services such persons receive and any progress as a result of those services.

This measure establishes the Autism Treatment Assistance Program within the Aging and Disability Services Division to provide and coordinate services to persons with autism spectrum disorders and work with other governmental entities to develop policies and programs for the treatment of persons with autism spectrum disorders. Additionally, the Health Division shall refer certain children to the program.

The bill requires school district boards of trustees and the governing bodies of charter schools to conduct initial and periodic evaluations of their pupils with autism spectrum disorders. The Health Division, DHHS, shall also conduct initial and periodic evaluations on its clients with autism spectrum disorders to track the progress of those individuals.

Finally, A.B. 316 requires the DOE, the Health Division, and the Department of Employment, Training and Rehabilitation to report annually to the Aging and Disability Services Division certain information concerning pupils and clients with autism spectrum disorders. Each year, the Aging and Disability Services Division must prepare and make publicly available a summary of these reports. The summary must not reveal the identity of any person who received services.

This bill is effective on July 1, 2011.

A.B. 319 (Chapter 47)

Assembly Bill 319 provides that if, 30 days or more after the death of a person, a coroner or sheriff is unable to determine whether an individual exists who meets the order of priority for the burial of human remains, any other person may order the burial of the decedent if that person meets certain qualifications. The person must be at least 18 years of age, assume legal and financial responsibility for the remains of the decedent, and complete an affidavit prior to ordering the burial of the remains. A person accepting responsibility for the remains does not have a claim against the estate of the decedent or against any other person for the cost of the burial.

This bill is effective on May 13, 2011.

A.B. 345 (Chapter 450)

Assembly Bill 345 requires the Division of Aging and Disability Services of the Department of Health and Human Services (DHHS), in cooperation with the Department of Education (DOE), representatives of school districts, and the Nevada Autism Task Force, to prescribe statewide standards for measuring outcomes and assessing persons with autism spectrum disorders through the age of 21 years for the purpose of receiving services through a State or local government agency. The Division must also designate a protocol for determining if a person has an autism spectrum disorder and collect data concerning services provided to such persons and any progress that results from receiving those services.

The measure establishes the Autism Treatment Assistance Program within the Division of Aging and Disability Services to provide and coordinate services for persons with autism spectrum disorders.

The bill also requires school district boards of trustees and the governing bodies of charter schools to conduct initial and periodic evaluations of each of their pupils with autism spectrum disorders and conduct a reevaluation once every three years. The Health Division, DHHS, shall ensure that statewide standards are used to conduct initial and periodic evaluations of clients with autism spectrum disorders and track the progress of those individuals.

Lastly, A.B. 345 requires the DOE, the Health Division, and the Department of Employment, Training and Rehabilitation to report annually to the Aging and Disability Services Division certain information relating to persons with autism spectrum disorders.

This bill is effective on July 1, 2011.

A.B. 362 (Chapter 353)

Assembly Bill 362 removes the State licensure requirements for out-of-school-time programs, out-of-school recreation programs, and seasonal or temporary recreation programs by excluding those terms from the statutory definition of "child care facility." Instead, the measure establishes the requirements for an out-of-school recreation program, and it requires a local government that operates such a program to obtain a permit from the Bureau of Services for Child Care within the Department of Health and Human Services. An out-of-school-time program is defined as a program that operates for ten or more hours of regularly scheduled, structured, and supervised activities on a continual basis to children who are of the age to attend school from kindergarten through twelfth grade. An out-of-school recreation program is defined as a program similar to an out-of-school-time program, but that is operated or sponsored by a local government in a facility that is owned, operated, or leased by the local government.

The bill creates an Interim Task Force on Out-of-School-Time Programs composed of 12 representatives from State and local governmental agencies, nonprofit organizations, faith-based organizations, and members of the public. The Task Force must prescribe standards for out-of-school-time programs, make recommendations concerning the establishment of a pilot program, and make recommendations concerning whether out-of-school-time programs should be licensed and regulated by the Bureau. The Bureau must provide administrative support to the Task Force, and the bill allows the Bureau to accept assistance from nonprofit organizations. The Task Force must, on or before June 30, 2012, submit a report of its recommendations to the Governor and to the Legislative Counsel Bureau for transmittal to the 77th Session of the Legislature.

This bill is effective on July 1, 2011. The section of the bill that creates the Task Force expires by limitation on June 30, 2013.

A.B. 528 (Chapter 469)

Assembly Bill 528 authorizes the Administrator of the Health Division of the Department of Health and Human Services (DHHS) to transfer to the Division of Mental Health and Developmental Services, DHHS, unused money received to carry out the program for the issuance of registry identification cards to persons who engage in the medical use of marijuana. It also requires the Division of Mental Health and Developmental Services to use the transferred money to provide alcohol and drug abuse programs to persons referred by an agency that provides child welfare services.

This bill is effective on July 1, 2011.

A.B. 529 (Chapter 340)

Assembly Bill 529 provides that money in the Fund for Hospital Care to Indigent Persons may be used for any purpose authorized by the Legislature. The measure also transfers $19,112,621 in Fiscal Year (FY) 2011-2012 and $19,218,718 in FY 2012-2013 from the Fund's Supplement Account for Medical Assistance to Indigent Persons to the State General Fund for unrestricted use.

This measure is effective on July 1, 2011, and expires by limitation on June 30, 2013.

A.B. 571 (Chapter 515)

Assembly Bill 571 revises the Nevada Clean Indoor Air Act to permit smoking tobacco in completely enclosed areas within stand-alone bars, taverns, and saloons that patrons under 21 years of age are prohibited from entering, as well as age-restricted stand-alone bars, taverns, and saloons. Age-restricted stand-alone establishments must be housed in a physically independent building that has no common entryway or indoor area with a restaurant, public space or other indoor workplace, or a completely enclosed area of a larger structure.

Any stand-alone bar, tavern, or saloon that allows a person under 21 years of age to loiter in an area in which smoking is permitted is liable for a civil penalty, and any supervisor on duty or other person who allows such loitering is guilty of a misdemeanor. Also, this bill reenacts provisions that allow smoking in the area of a convention facility in which a meeting or trade show is being held that is not open to the public and is being produced by a business relating to tobacco and involves the display of tobacco products.

This bill appropriates $15,000 from the State General Fund to the Interim Finance Committee to award a competitively bid contract to conduct a study regarding the implementation of the Nevada Clean Indoor Air Act.

With the exception of the provisions relating to trade shows, this bill is effective on June 17, 2011. Reenactment provisions relating to trade shows is effective one minute after the balance of the bill is effective.

S.B. 10 (Chapter 162)

Senate Bill 10 requires the State Board of Health to adopt standards for determining whether there are an adequate number of certain types of health care cases in the community to be served to support approving an amendment to the license of certain medical or other related facilities to add such a service. The Health Division, Department of Health and Human Services, must apply these standards in making a determination of whether to approve amending a license to add such a service.

This measure is effective on July 1, 2011.

S.B. 37 (Chapter 223)

Senate Bill 37 requires a health care licensing board that receives a complaint concerning a matter within the jurisdiction of another such board to refer the complaint to that board. The referral must be made within five days after the first board determines a referral is required. However, if the complaint involves an emergency situation, the referral must be made immediately.

A board must immediately notify the appropriate health authority if the complaint concerns a public health emergency or other health event that is an immediate threat to public health and safety in a health care facility or the office of a health care provider. Referrals or notifications may be made orally, electronically, or in writing.

A board that refers a complaint or gives notice to the appropriate health authority is not thereby prevented from itself acting upon the complaint. A health care licensing board or an officer or employee of such a board is immune from civil liability for any good faith decision made or action taken without malicious intent in carrying out the provisions of the bill.

This bill is effective on July 1, 2011.

S.B. 43 (Chapter 313)

Senate Bill 43 requires the Director of the Department of Health and Human Services to establish a statewide health information exchange system and specifies the Director's powers and duties. The bill requires the Director to establish or contract with a single nonprofit entity to govern the statewide health information exchange system. The governing entity is required to have a governing body that holds public meetings and is authorized to hire or contract with a public or private entity to administer the statewide health information exchange system.

The measure provides certain protections, including the following:

- Requiring the Director to certify health information exchanges and to prescribe standards for the security and confidentiality of electronic health records, health-related information, and the statewide health information exchange system;

- Ensuring that electronic health records comply with other laws concerning written health care records and directives, access to health care records, and confidentiality of health care records;

- Imposing requirements upon persons who transmit electronic health records or participate in the statewide health information exchange system and making it a misdemeanor to commit certain acts related to electronic health records, health information exchanges, and the statewide health information exchange system;

- Requiring the Director to establish the manner in which a person may file a complaint of violations and to post that information, as well as information about how to file a complaint involving a violation of federal law, on the website of the Department; and

- Requiring a patient's consent for electronic transmittal of health care records or participation in the statewide health information exchange system, and specifying the rights of a patient.

Finally, the measure provides immunity from liability to a health care provider, a governing entity of the statewide health information exchange system, the administrator of the system, and health information exchanges for certain acts in connection with electronic health records and the statewide health information exchange system.

The American Recovery and Reinvestment Act of 2009 includes the Health Information Technology for Economic and Clinical Health Act of 2009, otherwise known as the "HITECH Act." The HITECH Act establishes various requirements with respect to electronic health records and health information exchange systems. This bill requires the establishment of a system that allows the exchange of electronic health information in accordance with the requirements of the HITECH Act and other federal law, authorizes the State to make use of electronic records and health information exchange systems, and it requires protection of individual privacy and prevention of unauthorized access to health records.

This measure is effective on June 13, 2011.

S.B. 54 (Chapter 314)

Senate Bill 54 removes the prohibition on using expenditures in the Fund to Increase the Quality of Nursing Care from being used to replace existing State expenditures paid to nursing facilities. In addition, the measure authorizes the Division of Health Care Financing and Policy of the Department of Health and Human Services to revise rates paid to nursing facilities for providing services pursuant to the Medicaid Program under certain circumstances.

This measure is effective on June 13, 2011, and expires by limitation on July 1, 2013.

S.B. 113 (Chapter 318)

Senate Bill 113 requires the Division of Child and Family Services of the Department of Health and Human Services, in consultation with other agencies that provide child welfare services, to adopt regulations to establish minimum requirements and procedures for plans regarding the care of children in their custody during a disaster. In addition, the measure requires each foster home, facility for the detention of children, and agency that provides child welfare services to develop and implement a plan for the care of children in its custody during a disaster that is consistent with those regulations. Each child welfare agency must also provide a copy of that plan to each person or entity under its jurisdiction that has physical custody of such children. Finally, the Division is required to develop a plan for the care of children in the custody of other child welfare agencies to ensure that the Division is prepared to meet the needs of those children during a disaster, if any of those other agencies is unable to meet those needs.

This measure is effective on July 1, 2011.

S.B. 114 (Chapter 102)

Senate Bill 114 authorizes the State Board of Pharmacy and the Investigation Division of the Department of Public Safety to enter into a written agreement with an appropriate agency in another state to provide, receive, or exchange information obtained from Nevada's computerized system with a similar system to track prescriptions for controlled substances in that state. The measure also provides immunity from criminal and civil liability for certain persons who, with reasonable care, provide to the Division or Board reports or information related to the computerized system.

The bill also requires the Investigation Division to provide to the Legislative Committee on Health Care a copy of the annual report concerning the distribution and abuse of controlled substances.

S.B. 131 (Chapter 103)

Senate Bill 131 authorizes the State Board of Health to require the Health Division of the Department of Health and Human Services to provide for the services of a laboratory to perform certain tests of infants. When contracting with a laboratory to provide those services, the Division must give first priority to the State Public Health Laboratory, second priority to any other qualified laboratory in this State, and third priority to any qualified laboratory outside of this State. The measure also outlines the requirements for contracting with a laboratory in a lower category of priority.

This bill is effective on May 24, 2011.

S.B. 191 (Chapter 532)

Senate Bill 191 authorizes a governing body of a county, city, or town to adopt ordinances regarding crematories for pets. The bill reduces the amount of real property required to have a pet cemetery from five acres to two and a half acres, and it removes requirements that a pet crematory must be operated by a person who has authority to operate a cemetery.

Pet crematories that are independent of pet cemeteries must have a designated area in the facility that complies with any applicable laws. Lastly, the bill allows operators of pet crematories to dispose of remains not claimed within seven days.

This bill is effective on June 20, 2011.

S.B. 209 (Chapter 186)

Senate Bill 209 requires the Health Division, Department of Health and Human Services, to make certain annual reports concerning sentinel events available on the Department's website. The bill also requires the Health Division to report publicly in a format that allows comparisons of medical facilities certain information submitted to the Internet-based surveillance system established and maintained by the Centers for Disease Control and Prevention of the United States Department of Health and Human Services and analyzed by the Health Division.

The measure is effective on July 1, 2011.

S.B. 210 (Chapter 240)

Senate Bill 210 makes various changes concerning the regulation of food processing establishments. Specifically, the bill authorizes the health authority, under certain circumstances, to require that the food processed or otherwise prepared in such establishments be tested for the presence of certain contaminants. The bill requires that the cost of the testing be paid by the establishments and that the testing be conducted in accordance with nationally recognized laboratory standards. The bill also requires test result records to be retained for at least two years and reported timely to the health authority if the testing indicates contamination.

The measure is effective on July 1, 2011.

S.B. 264 (Chapter 323)

Senate Bill 264 requires that the Health Division of the Department of Health and Human Services (DHHS) prepare annual reports concerning sentinel event reports submitted by medical facilities located in Clark and Washoe Counties. The bill requires the Health Division to prepare such annual reports for medical facilities in every county and to make those reports available on the Department's website. The bill requires the Health Division to report publicly in a format that allows for comparisons of medical facilities' information submitted to the Internet-based surveillance system established and maintained by the Centers for Disease Control and Prevention of the United States Department of Health and Human Services.

Hospitals are required to submit, as part of the program to increase public awareness of health care information concerning hospitals, data relating to the readmission of a patient if the readmission was potentially preventable and clinically related to the initial admission of the patient. The DHHS is required to post that information on a website. In addition, the Department is authorized to report certain information concerning the quality of care provided

by hospitals if it can be determined from reports already submitted to the Department. The bill authorizes the Health Division to use money that is collected as administrative penalties for violations of the reporting requirements to administer and carry out the provisions of Chapter 449 ("Medical and Other Related Facilities") of *Nevada Revised Statutes* and to protect the health, safety, well-being, and property of the patients and residents of facilities. Finally, the bill repeals provisions related to the creation of the Repository for Health Care Quality Assurance.

The measure is effective on July 1, 2011.

S.B. 294 (Chapter 430)

Senate Bill 294 defines a "medical assistant" and authorizes a medical assistant who is supervised by a physician or physician assistant to possess and administer a dangerous drug. A veterinary assistant may also possess and administer a dangerous drug at the direction of a supervising veterinarian.

The bill provides that a person, other than a physician, shall not inject a patient with any chemotherapeutic agent classified as a dangerous drug except under certain specific circumstances.

The Board of Medical Examiners and the State Board of Osteopathic Medicine may adopt regulations governing the supervision of a medical assistant, including without limitation, regulations that prescribe limitations on the possession and administration of a dangerous drug by a medical assistant. Failure to supervise adequately a medical assistant pursuant to the regulations adopted by the Boards constitutes grounds for disciplinary action.

The bill revises the requirements for licensure by the Board of Psychological Examiners as a behavior analyst or assistant behavior analyst to provide that the applicant must hold current certification as a board certified behavior analyst or board certified assistant behavior analyst, as applicable, issued by the Behavior Analyst Certification Board, Inc. The bill also expands the requirements for a certificate as an autism behavior interventionist to include the completion of a practical examination developed and approved by the Board of Psychological Examiners. Certain disciplinary actions may be taken against a person who holds a certificate issued by the Board of Psychological Examiners.

This bill is effective on June 16, 2011, for the purpose of adopting regulations, and on January 1, 2012, for all other purposes.

S.B. 337 (Chapter 234)

Senate Bill 337 specifies that, prior to certain anatomical gifts passing to an appropriate eye, tissue, or organ bank, the gift must first pass to a family member of the donor who is a medically suitable recipient for the part, a resident of Nevada, and related to the donor within the fourth degree of consanguinity or affinity.

S.B. 339 (Chapter 279)

Senate Bill 339 requires certain medical facilities to provide to their patients certain information relating to facility-acquired infections and to post information on reporting facility-acquired infections in public areas of the facilities. Providers of health care shall inform a patient of facility-acquired infections as soon as practicable, but no later than five days after a diagnosis is confirmed. Additionally, this bill requires medical facilities to establish protocols for providing information to a patient regarding the source of the infection. The measure further provides for immunity from liability for providing certain information to a patient relating to the source of an infection.

Certain medical facilities must designate an infection control officer to carry out certain duties relating to the prevention and control of infections. The bill also establishes requirements for the qualification and training of infection control officers, and it requires that at least one employee per 100 occupied beds have certain training in infection control. Finally, the measure requires that the patient safety plan be prepared by each medical facility, be reviewed and updated annually, and include a program for the prevention and control of infections. The bill requires the Department of Health and Human Services to post each patient safety plan on a website maintained by the Department.

The measure is effective on June 10, 2011, for the purposes of adopting regulations and performing preparatory administrative tasks. Provisions that require informing patients of a facility-acquired infection are effective on October 1, 2011. Provisions that require posting and notice of certain information relating to facility-acquired infections and that require the designation of an infection control officer are effective on January 1, 2012. Provisions concerning continuing education for infection control officers are effective on January 1, 2013.

S.B. 340 (Chapter 442)

Senate Bill 340 requires, to the extent that money is available, the Department of Health and Human Services to collect information from hospitals and surgical centers for ambulatory patients. As part of the programs established by the Department to increase public awareness of health care information, the information must include the names of physicians who perform surgical procedures and other data relating to those surgical procedures. The bill requires the Department to post that information on a website if such information is available.

S.B. 421 (Chapter 471)

Senate Bill 421 eliminates the Trust Fund for Public Health and transfers that money to the Fund for a Healthy Nevada. The bill also increases to 60 percent the share of Tobacco Settlement Funds that are allocated to the Fund for a Healthy Nevada.

Rather than identifying in statute the percentages of available revenues allocated to specific programs from the Fund for a Healthy Nevada, S.B. 421 requires the Department of Health and Human Services to develop a biennial plan for the allocation of money to those programs. Certain programs concerning the prevention, reduction, and treatment of tobacco use are removed from the list.

Finally, the biennial plan must consider recommendations from the Grants Management Advisory Committee, the Nevada Commission on Aging, and the Nevada Commission on Services for Persons with Disabilities.

This measure is effective on July 1, 2011.

S.B. 423 (Chapter 391)

Senate Bill 423 expands the grounds for denial, suspension, or revocation of a certificate issued to an intermediary service organization by the Aging and Disability Services Division of the Department of Health and Human Services. In addition to the conviction of the applicant or certificate holder for certain crimes that involve the abuse, neglect, exploitation, or isolation of an older or vulnerable person, the measure adds conviction for conspiracy to commit these crimes.

The bill also requires the Division to establish a program to provide services, rather than financial assistance, to persons with physical disabilities for essential personal care that is necessary to live in a noninstitutional or unsupervised residential setting.

Finally, S.B. 423 eliminates the Senior Citizens Property Tax Assistance Program.

This measure is effective on July 1, 2011.

S.B. 429 (Chapter 392)

Senate Bill 429 removes the requirement that the Department of Health and Human Services contract with certain motor carriers to provide transportation services to Children's Health Insurance Program recipients.

The measure is effective on June 15, 2011, and expires by limitation on June 30, 2013.

S.B. 452 (Chapter 398)

Senate Bill 452 eliminates the Medicaid waiver pursuant to the Health Insurance Flexibility and Accountability demonstration initiative as of November 30, 2011, and it revises appropriate statutory provisions to remove references to the waiver. The bill provides a limitation on the period in which claims against the Health Insurance Flexibility and Accountability Holding Account may be submitted and provides for the transfer of money in the Account to the State General Fund and the Fund for Hospital Care for Indigent Persons in equal amounts.

This measure is effective on November 30, 2011.

S.B. 471 (Chapter 399)

Senate Bill 471 requires payment of an assessment by each county to the Health Division of the Department of Health and Human Services for the costs of services provided in that county by the State. An exemption may be requested, with approval required by the Governor and the Interim Finance Committee.

The powers and duties for control, prevention, treatment, and cure of communicable diseases are transferred from the Health Division to the local health authority if one exists.

The measure also authorizes the Health Division to impose an administrative penalty for violations of provisions concerning emergency medical services, and it restricts the use of certain money by the Health Division for a training program for emergency medical services personnel.

Finally, S.B. 471 adds a representative of the association of gaming establishments to the membership of the Clark County Health District.

This measure is effective on July 1, 2011.

S.B. 477 (Chapter 402)

Senate Bill 477 authorizes the Administrator of the Division of Health Care Financing and Policy of the Department of Health and Human Services to administer oaths, take testimony, and issue subpoenas for the purposes of recovering Medicaid benefits paid on behalf of recipients of medical care, remedial care, or other services pursuant to the State Plan for Medicaid or the Children's Health Insurance Program.

This measure is effective on June 15, 2011.

S.B. 485 (Chapter 446)

Senate Bill 485 allows the Director of the Department of Health and Human Services to establish, on an annual basis, the percentage of the supplemental security income benefit rate set in federal law that defines the monthly income threshold for payment of the nonfederal share of medical, administrative, and transactional expenditures for Medicaid recipients who are admitted to a hospital, intermediate care facility, or skilled nursing facility for more than 30 days. The bill requires the Director to ensure that the prescribed percentage is consistent with federal law.

The bill is effective on July 1, 2011.

Services and Facilities

A.B. 50 (Chapter 88)

Assembly Bill 50 authorizes the Health Division of the Department of Health and Human Services to charge and collect from unlicensed medical facilities and facilities for the dependent the actual costs incurred by the Health Division for enforcing the provisions governing licensure and operation of such facilities, including costs of investigations and inspections.

The bill also revises existing statutes to provide that "a home for individual residential care" is included within the definition of a "facility for the dependent" and subject to licensing and

operating requirements of those facilities. Finally, A.B. 50 removes the exemption from paying licensure fees for facilities for the care of adults during the day.

This measure is effective on January 1, 2012.

A.B. 123 (Chapter 386)

Assembly Bill 123 requires facilities for intermediate care, facilities for skilled nursing, residential facilities for groups, and homes for individual residential care to provide an itemized statement of charges to certain individuals upon request.

The bill also requires that a facility shall provide notice of a deficiency affecting the health and safety of a patient to certain individuals, including the person receiving care at the facility, if such deficiency is discovered during an inspection by the Health Division, Department of Health and Human Services.

A.B. 160 (Chapter 219)

Assembly Bill 160 revises provisions governing the form and publication of financial reports filed by certain medical institutions. The reports must be in a form that is readily understandable by a member of the general public and be made available by an electronic link on the website maintained by the Department of Health and Human Services.

For each hospital with 100 or more beds, the reports must include the expenses related to community benefits, capital improvements, costs covered by Medicare, the net income of the hospital, and certain other information. In addition, the reports shall include certain information relating to the corporate home office allocation and the methodologies used to determine the allocation.

A.B. 280 (Chapter 140)

Assembly Bill 280 requires patient safety committees established at medical facilities to adopt patient safety checklists and policies for use by individuals who may affect the health or welfare of patients at those facilities. The patient safety checklists shall include protocols relating to treatment, sanitary environments, and discharge procedures. Patient safety policies must refer to proper identification of patients prior to treatment, protocols relating to hand hygiene, and systems for compliance with checklists and policies.

This bill also requires the patient safety committees to evaluate and document the effectiveness of the patient identification policies. The patient safety committees must review the checklists annually, consider additional checklists as appropriate, and revise the checklists and policies to ensure they reflect the most current standards in patient safety protocols. Finally, the patient safety committees must submit reports annually to the Director of the Legislative Counsel Bureau for transmittal to the Legislative Committee on Health Care. The reports must include information on the development, revision, and usage of the patient safety checklists and policies.

This bill is effective on July 1, 2011.

A.B. 533 (Chapter 148)

Assembly Bill 533 prohibits the administrator or owner of a medical facility, facility for the dependent, or home for individual residential care from receiving any money, property, or life insurance policy bequeathed by a current or former resident. The provisions do not apply if the relationship between the owner or administrator and resident is that of a spouse, legal guardian, or next of kin.

This bill also prevents an individual residing in a hospital, assisted living facility, or skilled nursing facility at the time of execution of a power of attorney from naming the owner, operator, or employees of such facilities as an agent in any power of attorney unless such person is a spouse, legal guardian, or next of kin or when certain conditions are met, if the owner, operator, or employee is assisting the resident in establishing eligibility for Medicaid. The measure makes it a category C felony to use a power of attorney, created for the purpose of assisting a resident in establishing Medicaid eligibility, for any other purpose or in a manner inconsistent with the provisions of the power of attorney.

This bill is effective on July 1, 2011.

A.B. 534 (Chapter 149)

Assembly Bill 534 increases the civil penalties imposed for operating an unlicensed residential facility for groups or a home for individual residential care. The bill also increases the period within which a violator is prohibited from applying for a license to operate such a facility. Finally, A.B. 534 requires the Health Division, Department of Health and Human Services, to provide reasonable notice and an opportunity for appeal before imposing an administrative sanction.

This bill is effective on July 1, 2011.

A.B. 535 (Chapter 150)

Assembly 535 adds a licensed medical facility or its employee to the existing list of health care providers who are prohibited from referring a person to an unlicensed residential facility for groups and to a facility not appropriate for the condition of the person being referred. Civil penalties are imposed if a medical facility violates the provisions of the bill. The State Board of Health shall establish a system to track violations and educate the public regarding unlicensed facilities.

This bill is effective on July 1, 2011.

S.B. 27 (Chapter 98)

Senate Bill 27 requires persons employed in child care facilities to complete at least 15 hours of training each year, at least 2 hours of which must be devoted to the lifelong wellness, health, and safety of children, and must include training relating to childhood obesity, nutrition, and physical activity.

This measure is effective on July 1, 2011.

S.B. 129 (Chapter 377)

Senate Bill 129 requires an applicant for a license to operate certain facilities to obtain training to recognize and prevent the abuse of older persons before a license is issued to the applicant and annually thereafter. The facilities to which this requirement applies include:

- Facilities for intermediate care;
- Facilities for skilled nursing;
- Agencies to provide personal care services in the home;
- Facilities for the care of adults during the day;
- Residential facilities for groups; and
- Homes for individual residential care.

This training requirement also applies to the holders of licenses to operate, and the administrators and employees of, those facilities.

The measure authorizes disciplinary action to be taken against a facility, agency, or home that violates the training requirements, and it provides that a licensed administrator of a residential facility for groups or a nursing facility may be disciplined for failure to comply with the training requirements.

S.B. 225 (Chapter 260)

Senate Bill 225 establishes provisions for the Health Division of the Department of Health and Human Services to recognize and prepare a list of hospitals that are certified as primary stroke centers. The measure prohibits a licensed hospital that is not certified as a primary stroke center from advertising that the hospital is a primary stroke center. However, the bill does not prohibit any hospital from providing care to a victim of stroke, even if the hospital does not receive such a designation.

The measure is effective on January 1, 2012.

S.B. 246 (Chapter 259)

Senate Bill 246 requires a medical facility that accepts custody of children pursuant to the order of a court to adopt policies regarding the administration and management of medication provided to a child in the facility. The facility must ensure that each employee receives a copy of and understands the policy.

The bill imposes the same requirement on an employee of a:

- Public or private institution or agency to which a juvenile court commits a child, including, without limitation, a facility for the detention of children;
- State facility for the detention or commitment of children;
- Specialized foster home or a group foster home;
- Child care facility that occasionally or regularly has physical custody of children pursuant to the order of a court; and
- Treatment facility and any other facility of the Division of Child and Family Services of the Department of Health and Human Services into which a child may be committed by a court order.

The measure is effective on January 1, 2012.

S.B. 300 (Chapter 274)

Senate Bill 300 specifies that the current reduction in total billed charges, which are offered by certain facilities in certain circumstances, applies only to inpatients who do not have health insurance and specifically excludes policies of insurance such as casualty and property insurance for purposes of determining whether an inpatient has insurance. Additionally, the bill requires major hospitals to include a notice concerning the policy for the reduction of billed charges on or with the first statement of the hospital bill provided to each patient. Certain civil and administrative penalties are applicable to a violation of these notification provisions. Finally, the bill prohibits a hospital from collecting for hospital care any amount owed to the hospital from the proceeds or potential proceeds of a civil action or from an insurer other than a health insurer if the patient was covered by health insurance and the hospital has a contractual agreement with the insurer of the patient.

S.B. 338 (Chapter 366)

Senate Bill 338 requires each facility for skilled nursing which provided medical services and care to an average of 25 or more patients during each business day in the immediately preceding calendar year to participate in the secure, Internet-based surveillance system established by the Division of Healthcare Quality Promotion of the Centers for Disease Control and Prevention of the United States Department of Health and Human Services. Also, the measure provides that other facilities for skilled nursing may participate in the system. The Health Division of the Department of Health and Human Services is required to report the information submitted to the system by all medical facilities on or after October 15, 2010, and skilled nursing facilities on or after January 1, 2012, and to include the reports on the website maintained by the Department.

The measure is effective on June 14, 2011, for purposes of adopting regulations, and on January 1, 2012, for all other purposes.

S.B. 420 (Chapter 246)

Senate Bill 420 requires a facility for intermediate care, facility for skilled nursing, and residential facility for groups to adopt a written policy that:

- Establishes the length of time it will hold a bed for a patient or resident who must be temporarily transferred to another facility for medical reasons; and

- Provides that such a patient or resident will be allowed to return to the first available bed if he or she does not return within the established time, if the facility is suitable for properly caring for the patient.

The measure also requires the facility to inform a patient or resident of these policies regarding readmission after a temporary transfer for medical reasons when the patient or resident is admitted to the facility. Finally, the bill requires a facility for intermediate care and a facility for skilled nursing to post the license, information concerning the organizational structure of the management of the facility, and contact information for the administrator and the representative of the owner or operator of the facility in a conspicuous location in the facility, and it requires a residential facility for groups to post the same contact information with respect to the facility.

The measure is effective on July 1, 2011.

HOUSING AND REAL PROPERTY

A.B. 130 (Chapter 123)

Assembly Bill 130 enables affordable housing entities to establish and participate in a program of self-insurance. The program must be administered by a nonprofit corporation, limited liability company, partnership, or trust. Affordable housing entities are defined to include housing authorities, nonprofit corporations that provide affordable housing, and, under certain circumstances, limited liability companies and partnerships that provide affordable housing and are affiliated with a housing authority. These self-insurance programs are not subject to the Nevada Insurance Code and not covered by the Nevada Insurance Guaranty Association Act. The programs are required to submit certain information to the Commissioner of Insurance including, without limitation, financial statements and actuarial analyses.

The Commissioner of Insurance is authorized to examine a self-insurance program, hold hearings, and issue a cease and desist order if the program is operating in violation of law or in an unsafe financial condition. Aggrieved persons may request a hearing.

Each entity administering a self-insurance program must submit a biennial report to the Legislature that includes a list of the affordable housing entities participating in the program.

A.B. 226 (Chapter 56)

Assembly Bill 226 modifies the contents of the notice a landlord must serve on a tenant in the case of a summary eviction for default in payment of rent. The notice must advise the tenant that, if the court finds the tenant guilty of unlawful detainer, the court may issue a summary order for the sheriff to remove the tenant within 24 hours after receipt of the order. The notice must also advise tenants that they may seek relief if a landlord unlawfully removes or excludes them from the premises or willfully interrupts an essential service required by law or the rental agreement.

If a landlord does not provide a functioning door lock after receiving written notice from a tenant, A.B. 226 authorizes the tenant to take actions and seek remedies authorized in the statutes. The bill also allows a tenant to recover an amount not greater than $2,500 and immediate possession of the premises for unlawful removal or exclusion of the tenant or the willful interruption of any essential item or service.

A.B. 271 (Chapter 77)

Assembly Bill 271 declares and finds that private transfer fee obligations, as defined by the measure, violate the public policy of the State of Nevada. The bill prohibits creating or recording such an obligation on or after the measure's effective date.

For a private transfer fee obligation created before the effective date of A.B. 271, the bill requires the payee to record a notice of the obligation in the county where the property is located on or before July 31, 2012. If the payee fails to do so, the obligation is void and the payee is subject to liability for attorney's fees, costs, damages, and expenses.

If a person makes a written request by certified mail for a statement of the amount of a private transfer fee obligation due upon sale of real property, and if the payee fails to provide a written statement within 30 days, A.B. 271 provides that the obligation is void and the payee is subject to liability for attorney's fees, costs, damages, and expenses.

The bill also requires a seller of real property to provide a buyer with a written statement disclosing the existence of any private transfer fee obligation.

This measure is effective on May 20, 2011.

A.B. 398 (Chapter 271)

Assembly Bill 398 prohibits a landlord from:

- Interfering in the tenant's use of the premises, including the utilities, unless the interruption results from construction, bona fide repairs, or an emergency;
- Removing items from the structure of the premises;
- Preventing a tenant from accessing the commercial premises; or
- Changing the door lock of commercial property leased to a tenant who is delinquent in the rent without providing information on where a new key may be obtained.

The measure establishes a process for a tenant to recover possession of the commercial premises from which a landlord has locked the tenant out.

Additionally, a landlord may dispose of abandoned personal property left on the premises by a tenant if the landlord provides written notice by certified mail to the tenant at the tenant's present address. If that address is unknown, the written notice must be sent to the tenant's last known address.

S.B. 88 (Chapter 258)

Senate Bill 88 enacts specific provisions of the Uniform Real Property Transfer on Death Act to update existing Nevada law authorizing a person to convey real property in a deed that becomes effective upon the decedent's death.

The bill addresses all aspects of transferring property pursuant to a deed upon death and sets forth various requirements for the deed and its effective date, revocation, and transfer. Finally, S.B. 88 addresses claims on the decedent's property by creditors.

S.B. 200 (Chapter 513)

Senate Bill 200 requires the manager or board of an association of a time-share plan to maintain a complete list of the names and addresses of all time-share owners, which must be updated not less than quarterly. Unless the declaration or bylaws of the time-share plan

provide otherwise, and notwithstanding any law to the contrary, personal information about the owners may not be published or provided to another person without prior written consent of the owner whose information is requested. Before obtaining consent, the manager or executive board must provide the owner with the option to limit the information published, as well as a written disclosure concerning the effect of publishing personal information.

The manager or board must also mail materials to time-share owners at the request of an owner under certain circumstances and establish procedures for mailings by the owners themselves.

In lieu of publishing the notice of sale in a newspaper for a time share in foreclosure, S.B. 200 authorizes posting on a website, if a statement of the Internet address is published in a newspaper. Publication for more than one notice of sale in the same publication, commonly referred to as "batching," is also authorized.

The bill revises the requirements for posting certain foreclosure notices of residential property. A notice of default and election to sell must be posted by a licensed process server or a constable or sheriff not later than 100 days before the date of sale. A notice of sale must be posted not later than 15 days before the date of sale.

Finally, S.B. 200 changes the effective date of S.B. 403 of this Session from October 1, 2011, to July 1, 2011.

This measure is effective on July 1, 2011, for the purpose of revising the effective date of S.B. 403 of this Session, and on October 1, 2011, for all other purposes.

S.B. 368 (Chapter 191)

Senate Bill 368 prohibits various forms of discrimination based on sexual orientation and gender identity or expression in certain real estate transactions. The bill declares it to be the public policy of the State of Nevada that all people shall, without discrimination, distinction or restriction because of sexual orientation or gender identity or expression, have equal opportunity to:

- Inherit, purchase, lease, rent, sell, hold, and convey real property; and
- Reasonably seek and obtain housing accommodations.

Senate Bill 368 prohibits specific acts based on such discrimination involving:

- The sale or rental of a dwelling;
- Access to a multiple-listing service or other service or facility relating to sale or rental of a dwelling;
- Eviction of a tenant from a dwelling;

- Denial of a commercial real estate loan by a financial institution; or
- Refusal by a certified or licensed appraiser to prepare or communicate an appraisal.

The bill authorizes the Nevada Equal Rights Commission to order its Administrator to investigate and hold hearings in respect to housing regarding tensions, practices of discrimination, and acts of prejudice against any person or group because of race, color, creed, sex, age, disability, sexual orientation, gender identity or expression, national origin, or ancestry.

Common-Interest Communities (Homeowners' Associations)

A.B. 246 (Chapter 136)

Assembly Bill 246 relates to candidates who have submitted nomination forms for election as members of the executive board of a homeowners' association. It authorizes candidates to request that the association allow them to communicate directly with the unit owners by providing them with the mailing addresses of each unit, not including the name of the owner or any tenant, at a cost not to exceed specified limits. The bill requires candidates to submit signed statements that they are making the request to communicate campaign material directly to the unit owners, and not for any other purpose.

If the members of the association are owners of time shares whose voting rights are exercised by delegates or representatives, A.B. 246 requires the association to provide the mailing addresses of those delegates or representatives. If the voting rights are not exercised by delegates or representatives, the bill requires the association to send the campaign material to each time share owner at the candidate's expense.

This measure is effective on July 1, 2011.

A.B. 317 (Chapter 175)

Assembly Bill 317 relates to arbitration and mediation in civil actions regarding the bylaws or covenants of a homeowners' association or the procedures used for imposing additional assessments upon unit owners. The bill requires the arbitrator's decision in nonbinding arbitration to be final and to dispose of any and all issues before a party may commence an action in court concerning the claim.

S.B. 30 (Chapter 335)

Senate Bill 30 revises procedures for transferring or withdrawing money from the operating accounts of homeowners' associations. The bill authorizes an association to make electronic transfers to federal or State agencies without the normally required signatures. The bill also authorizes an association to use electronic signatures to withdraw money, provided there is a written agreement with the financial institution holding the account, the executive board authorizes the withdrawal, and the association has appropriate internal controls.

Finally, S.B. 30 consolidates certain existing provisions relating to the availability of the financial records and other records of homeowners' associations.

This measure is effective on July 1, 2011.

S.B. 89 (Chapter 226)

Senate Bill 89 provides that a unit-owners' association with a budget under $45,000 is not required to have its financial statement reviewed by an independent certified public accountant during the year before it conducts a reserve study. However, the bill requires the association to obtain an audit of the financial statement in any fiscal year, if an audit is requested by 15 percent of the voting members.

This measure is effective on June 2, 2011.

S.B. 204 (Chapter 389)

Senate Bill 204 makes numerous changes affecting common-interest communities and homeowners' associations. The bill makes association officers and board members subject to the conflict of interest rules governing nonprofit corporations in Nevada; places limits on the authority of an association to amend a declaration; and requires an association with more than 12 units to have an executive board. The bill revises the duties of an association regarding enforcement actions; insurance requirements; meetings of and voting by unit owners; and the provision of equal space or time for candidates, opposing views, and representatives of ballot questions in closed-circuit television stations.

Senate Bill 204 clarifies the extent of a unit owner's easement to use the common elements and provides that a unit owner is not liable, solely by reason of being a unit owner, for damages arising from the condition or use of common elements.

The measure also:

- Authorizes a court to appoint a receiver to collect all rents or other income from a unit owner in an action to collect assessments or foreclose a lien;
- Provides that definitions in the *Nevada Revised Statutes* apply to the bylaws and declarations of an association;
- Provides that the purchaser is not liable for a delinquent assessment if the association fails to furnish documents required in a resale package by the specified deadline; and
- Makes other changes to the laws on common-interest communities.

This measure is effective on January 1, 2012.

S.B. 222 (Chapter 369)
Senate Bill 222 provides that the association has certain responsibilities if the governing documents of an association require a tenant or a unit's owner who leases or rents the unit to register the tenant or to provide information concerning the tenant or lease agreement.

First, the information must be obtained in accordance with the governing documents. Second, except for a copy of the lease agreement, the association may not require information about the tenant that is not otherwise required of the unit owner who occupies a unit. Finally, the association may not charge a fee to register or provide information concerning the tenant.

S.B. 403 (Chapter 360)
Senate Bill 403 revises the information a unit's owner in a common-interest community must provide to a purchaser in a resale package. The bill requires the information to include a statement from the association on monthly assessments for common expenses and any unpaid obligation of any kind currently due from the unit's owner, and it allows the unit's owner to rely upon the accuracy of the information set forth in the statement. The statement remains effective for at least 15 days, and the association must deliver a replacement statement during the 15-day period if the association becomes aware of an error before completion of the resale.

Senate Bill 403 also provides that, if the association fails to furnish the resale package within the ten-day period provided for in the existing statute, the purchaser is not liable for any delinquent assessment.

NOTE: See also Senate Bill 200 (Chapter 513).

Eminent Domain

A.B. 292 (Chapter 141)
Assembly Bill 292 prohibits an appraiser from using a Restricted Use Appraisal Report to determine, establish, or assess the nature, value, quality, or use of real property in a judicial proceeding for eminent domain.

S.B. 86 (Chapter 21)
Senate Bill 86 removes mining and pipelines for the sugar beet industry from the list of uses for which eminent domain may be exercised.

This measure is effective on April 29, 2011.

Foreclosure

A.B. 273 (Chapter 311)
Assembly Bill 273 provides that for a loan secured by real property on or after October 1, 2009, the court may not award a deficiency judgment to a junior mortgage holder or junior lienholder after a foreclosure sale if the person is a financial institution, the real

property is a single-family dwelling, the debtor or grantor used the amount of the obligation to purchase the real property, the debtor or grantor continuously occupied the property as the principal residence, and the debtor or grantor did not refinance it. The creditor may not bring a civil action to recover a debt owed after a foreclosure sale, a trustee's sale, or a sale or deed in lieu of a foreclosure sale or trustee's sale. If the real property securing an obligation is secured by a junior mortgage or deed of trust and is subject to a foreclosure sale, a trustee's sale, or a sale or deed in lieu of such a sale, the creditor may bring an action to obtain personal judgment against the debtor only if the action is brought within six months. Additionally, the bill limits the recovery of a creditor who acquired the right to obtain payment for an obligation secured by the real property from another person who owned that obligation. If the creditor is a junior lienholder, that creditor may not receive an amount greater than the consideration paid for the obligation, with interest and reasonable costs.

The measure limits the amount of a judgment against a guarantor, surety, or other obligor, other than a mortgagor or grantor of a deed of trust, in an action commenced before a foreclosure sale or trustee's sale to enforce an obligation secured by a mortgage or other lien on real property. The amount of the judgment may not exceed the lesser of: (1) the amount of the indebtedness minus the fair market value of the real property at the time of the commencement of the action; or (2) if a foreclosure sale or a trustee's sale is completed before the date on which judgment is entered, the amount of the indebtedness minus the amount for which the foreclosed property actually sold.

Finally, A.B. 273 revises 284, enacted earlier this Session, regarding qualifications of a trustee under a deed of trust. As amended by this bill, A.B. 284: (1) authorizes any foreign or domestic entity that holds a current State business license to be the trustee under the deed of trust; and (2) specifically describes certain persons who are exempt from requiring a license as a trust company and who are authorized to be the trustee under a deed of trust.

The provisions relating to creditors bringing an action for a personal judgment are effective on July 1, 2011, and apply only to actions commenced after a foreclosure sale or sale in lieu of a foreclosure sale that occurs on or after that date. Other provisions are effective on June 10, 2011. The amendatory provisions concerning obligations secured by a junior mortgage holder or junior lienholder apply prospectively to obligations secured by a mortgage, deed of trust, or other encumbrance upon real property on or after the effective date of this bill. The limit on the amount of a judgment before the foreclosure sale applies only to an action against a guarantor, surety, or other obligor commenced on or after passage and approval.

This bill also changes the effective date of A.B. 284, enacted earlier this Session, from July 1, 2011, to October 1, 2011.

A.B. 284 (Chapter 81)

Assembly Bill 284 relates to the foreclosure process and the enforcement of foreclosure laws. The bill requires assignments of mortgages and deeds of trust to be recorded in the county where the property is located and provides that such assignments are not enforceable for purposes of foreclosure unless and until they are recorded in that county. The bill specifies who may be a trustee on a deed of trust, provides that the trustee cannot be the beneficiary for purposes of exercising a foreclosure sale, and requires a trustee to act impartially and in good faith.

Assembly Bill 284 requires a notice of default and election to sell to include a notarized affidavit of the trustee's authority to exercise the power of sale that includes, among other requirements, a statement based on personal knowledge and under the penalty of perjury that the beneficiary, the beneficiary's successor in interest, or the trustee is in possession of the note secured by the deed of trust.

This measure adds civil penalties to the penalties that may be imposed for mortgage lending fraud and authorizes a victim of fraud to bring a civil action to recover damages. It also increases the penalty for the crime of false representation of title to a category C felony or, if there is a pattern of deceit, a category B felony.

This measure is effective on October 1, 2011. (Assembly Bill 273 of this legislative session revised several provisions of A.B. 284, including changing the effective date from July 1, 2011.) The provisions relating to the recording of a deed of trust apply to an assignment of a mortgage on real property or the beneficial interest in a deed of trust made on or after the effective date. The provisions requiring the notarized affidavit of the trustee's authority to exercise the power of sale apply to a notice of default and election to sell recorded on or after the effective date.

NOTE: See also Assembly Bill 273 (Chapter 311).

A.B. 308 (Chapter 278)

Assembly Bill 308 revises Nevada law to provide protections for homeowners who may be facing foreclosure that are consistent with the protections provided pursuant to the regulations adopted by the Federal Trade Commission. The bill prohibits a person who performs any covered services for compensation, a foreclosure consultant, or a loan modification consultant from engaging in certain practices, including:

- Requesting or receiving compensation before a homeowner executes a written agreement that incorporates an offer of mortgage assistance;

- Failing to maintain certain information, such as a contract or other agreement, a copy of each written communication that occurred before the date the homeowner entered into a contract for covered services, and a file of each homeowner that includes the name, telephone number, and a description of the covered service. Such records are subject to inspection and audit by the Commissioner of Mortgage Lending;

- Failing to take reasonable steps to ensure that any of his or her employees or independent contractors comply with the laws and regulations governing such persons; and
- Failing to provide a notice to a homeowner at the time the homeowner is presented with a written agreement incorporating an offer of mortgage assistance obtained from the homeowner's lender or servicer.

Finally, a person who performs any covered services for compensation, a foreclosure consultant, or a loan modification consultant is prohibited from making certain express or implied representations relating to the provisions of covered services. Obtaining or attempting to obtain from a homeowner a waiver of any provision of this bill or existing law is void and unenforceable, and it constitutes mortgage lending fraud punishable as a category C felony.

This measure is effective on July 1, 2011.

A.B. 373 (Chapter 144)

Assembly Bill 373 prohibits a person who occupies real property and who has personal knowledge of a pending action for foreclosure of a loan made to purchase the property from concealing, destroying, or removing any portion of the real property upon which a security interest exists. A person who violates this prohibition with the intent to defraud the secured party and who causes the secured party to suffer a monetary loss upon the conclusion of a foreclosure proceeding is guilty of a misdemeanor.

A.B. 388 (Chapter 306)

Assembly Bill 388 makes specific changes to the notice of default sent to the grantor or the person who holds the title of record in a foreclosure sale. The notice must include a statement that the grantor has a right to seek foreclosure mediation, and it must include appropriate contact information for the Foreclosure Mediation Program and the Division of Mortgage Lending in the Department of Business and Industry.

This measure is effective on July 1, 2011.

S.B. 307 (Chapter 357)

Senate Bill 307 revises the form of the notice a trustee must serve on a borrower before exercising the power of sale in a deed of trust concerning owner-occupied housing. The bill adds to the notice a statement that the borrower may have a right to participate in Nevada's Foreclosure Mediation Program, if the time to request mediation has not expired, and contact information for the Foreclosure Mediation Program and the Division of Mortgage Lending, Department of Business and Industry.

The bill also prohibits the trustee from exercising the power of sale unless the trustee includes with the notice of default that is mailed to the borrower a notice provided by the Mediation Administrator indicating that the borrower has the right to seek mediation.

This measure is effective on July 1, 2011.

S.B. 414 (Chapter 361)
Senate Bill 414 prohibits a financial institution from unreasonably delaying a response to an offer of a sale in lieu of foreclosure sale on real property secured by a residential mortgage. Failure to respond within 90 days after receipt of an offer is deemed unreasonable unless the parties have agreed in writing to a delay of more than 90 days.

The bill also limits the circumstances in which a court may award a deficiency judgment after a sale in lieu of a foreclosure sale on real property consisting of a single-family dwelling.

This bill is effective on June 13, 2011.

Manufactured Homes and Mobile Home Parks

A.B. 429 (Chapter 62)
Assembly Bill 429 requires a landlord of a manufactured home park, who is closing or converting the park, to pay costs associated with moving a tenant's manufactured home to a new location in this State or another state that is within 150 miles from the manufactured home park.

This measure is effective on July 1, 2011.

A.B. 531 (Chapter 339)
Assembly Bill 531 provides that all interest and income earned on any money in the Fund for Manufactured Housing or in any account in the Fund must be credited to the Fund. The Fund contains the Account for Regulating Manufactured Home Parks and the Account for Education and Recovery Relating to Manufactured Housing.

This measure is effective on July 1, 2011.

INSURANCE

A.B. 23 (Chapter 118)

Assembly Bill 23 enacts the National Association of Insurance Commissioners' Interstate Insurance Product Regulation Compact, a multistate agreement that creates a national authority called the Interstate Insurance Product Regulation Commission. The Commissioner of Insurance is designated as Nevada's representative to the Commission. The bill requires the Commissioner to opt out of any uniform standard that is less protective than a law in Nevada, and it provides that the State of Nevada opt out of all uniform standards involving long-term care insurance products. Further, the Commissioner is required to report to the 2013 Legislature concerning the status of the uniform standards involving long-term care insurance products and recommendations concerning the adoption of those standards.

A.B. 74 (Chapter 506)

Assembly Bill 74 expands the electronic methods that the Commissioner of Insurance can allow for insurance transactions, including payments and transactions involving claims. The measure provides that an applicant may electronically submit his or her fingerprints with an application for a license. The bill removes the residency requirement relating to the licensing of insurance adjusters and requires that an applicant either pass an examination in this State before receiving a license as an insurance adjuster or, if not a resident, be currently licensed in a state that requires an examination before licensure.

The bill clarifies that a policy for a personal line of property insurance for mobile homes and manufactured homes that are not more than 15 years old from the date of manufacture must include the option to purchase insurance to pay the replacement value of the home and the reasonable costs for transporting and installing the replacement home and debris removal.

Additionally, the bill allows for the marketing of long-term care insurance bundled with other products, including an annuity or life insurance policy, and it requires the Nevada Life and Health Insurance Guarantee Association to provide coverage for certain unallocated annuity contracts. The measure provides a 30-day review period upon purchasing a new annuity contract or life insurance policy when replacing a current contract or policy, and it provides that the Commissioner may provide for adjustments to the minimum nonforfeiture values that must be provided under an annuity contract upon death or surrender.

An insurer that uses credit information in insurance underwriting and rating is required, upon receipt of a written request from a consumer, to provide reasonable exceptions to the insurer's rates when an applicant or policyholder's credit is adversely affected by certain catastrophic life events. The measure also clarifies an employee leasing company's authority to sponsor fully-insured health benefit plans for its leased employees from insurers who are admitted to do business in Nevada, and it provides that certain employee leasing companies with more than 50 employees, including leased employees, are deemed to be large employers for the purposes of Chapter 689C ("Health Insurance for Small Employers") of *Nevada Revised Statutes*.

The measure amends the external review process of an adverse determination by a managed care organization with the federal Patient Protection and Affordable Care Act and enacts other provisions necessary to comply with the minimum standards prescribed by federal law. However, this does not apply to an insurance policy placed on a home by a creditor or lender.

Certain sections of the bill relating to affiliated insurers and to employee leasing companies are effective on June 17, 2011. The section of the bill relating to a personal line of property insurance for a manufactured home or mobile home is effective on January 1, 2013. All other sections are effective on June 17, 2011, for the purpose of adopting regulations and performing other preparatory administrative tasks, and on October 1, 2011, for all other purposes.

A.B. 130 (Chapter 123)

Assembly Bill 130 enables affordable housing entities to establish and participate in a program of self-insurance. The program must be administered by a nonprofit corporation, limited liability company, partnership, or trust. Affordable housing entities are defined to include housing authorities, nonprofit corporations that provide affordable housing, and, under certain circumstances, limited liability companies and partnerships that provide affordable housing and are affiliated with a housing authority. These self-insurance programs are not subject to the Nevada Insurance Code and not covered by the Nevada Insurance Guaranty Association Act. The programs are required to submit certain information to the Commissioner of Insurance including, without limitation, financial statements and actuarial analyses.

The Commissioner of Insurance is authorized to examine a self-insurance program, hold hearings, and issue a cease and desist order if the program is operating in violation of law or in an unsafe financial condition. Aggrieved persons may request a hearing.

Each entity administering a self-insurance program must submit a biennial report to the Legislature that includes a list of the affordable housing entities participating in the program.

S.B. 143 (Chapter 328)

Senate Bill 143 makes several changes to insurance industry practices. The bill repeals the requirement that a resident insurance producer maintain a place of business in this State which is accessible to the public and at which the producer principally conducts transactions subject to the producer's license.

The bill provides that a certificate of insurance issued regarding a contract or policy of property or casualty insurance, other than a group master policy, does not amend any term or alter or extend any coverage, exclusion, or condition of the contract or policy of insurance.

This bill is effective on July 1, 2011.

S.B. 152 (Chapter 238)
Senate Bill 152 makes several changes to the conduct of insurance business. The bill:

- Authorizes the use of an automated claims adjudication system with claims arising under an insurance contract for portable electronic insurance coverage;

- Specifies additional persons who are not considered to be adjustors for purposes of the Nevada Insurance Code; and

- Revises provisions concerning applications for licensure submitted by an applicant that is a firm or corporation rather than a natural person.

S.B. 289 (Chapter 355)
Senate Bill 289 authorizes the Commissioner of Insurance with the approval of the State Board of Examiners, on behalf of the State, to enter into a multistate agreement, to preserve the ability of Nevada to collect premium tax on multistate risks. A multistate agreement entered into must, when compared to all other multistate agreements, consist of the greatest number of participating states and the largest aggregate amount of nonadmitted insurance premiums for the immediately preceding calendar year.

The bill provides that if the Commissioner, within 18 months after entering into a multistate agreement, conducts a hearing concerning the participation in the multistate agreement, the Commissioner must submit a report to the State Board of Examiners and the Legislature concerning the findings pursuant to the hearing.

The Commissioner may also adopt regulations to ensure compliance with federal law relating to nonadmitted insurance including, without limitation, the Nonadmitted and Reinsurance Reform Act.

This bill is effective on June 13, 2011.

S.B. 292 (Chapter 356)
Senate Bill 292 authorizes the Commissioner of Insurance, Department of Business and Industry, to issue a license to a vendor of portable electronics to act as a producer of insurance in portable electronics insurance. The Commissioner may issue or renew a license for an applicant who is not a resident of this State, including a resident of Canada, under certain conditions. An unlicensed employee or authorized representative of a licensed vendor may offer or sell portable electronics insurance under certain conditions.

An authorized insurer may deliver or issue for delivery in Nevada a policy of portable electronics insurance as a group policy or a master inland marine policy issued to a vendor. A policy may be offered on a month-to-month or other periodic basis. Each rate for a policy must be filed with the Commissioner.

An insurer that issues a group policy to a vendor must establish reasonable underwriting and eligibility standards for customers who elect to enroll under the vendor's policy. An insurer must appoint a supervising entity to oversee the vendor's sales and enrollment activities. This entity must also provide certain training to the vendor's employees and authorized representatives. A vendor shall make available certain written material concerning portable electronics coverage for prospective customers at each location where the coverage is offered.

A vendor must comply with certain billing and collection procedures after selling a policy to a customer. The bill also imposes certain limitations on cancellation or modification of a policy.

Senate Bill 292 authorizes the Commissioner, after notice and an opportunity for a hearing, to impose certain administrative fines and other penalties for violation of the applicable statutes or regulations adopted pursuant thereto or for violation of an order of the Commissioner.

This bill is effective on June 13, 2011, for the purpose of adopting regulations and carrying out other preparatory tasks, and on October 1, 2011, for all other purposes.

S.B. 348 (Chapter 516)

Senate Bill 348 eliminates the $15,000 premium limit for an exemption from execution of money, benefits, privileges, or immunities arising out of a policy of life insurance, thereby allowing for a complete exemption.

The measure also eliminates the $350 monthly benefit exemption limit for execution of any annuity benefits due and payable to an annuitant on a scheduled or periodic basis, thereby allowing for a complete exemption from the execution of annuity benefits.

Health Insurance

A.B. 80 (Chapter 453)

Assembly Bill 80 clarifies the reporting requirements on the administration and operation of the Public Employees' Benefits Program and repeals a redundant provision. The bill updates statutory provisions to comply with the federal Patient Protection and Affordable Care Act. The provisions permitting exclusion of preexisting conditions by grandfathered plans expire at the time that federal law no longer permits such exclusions. The bill also prohibits certain retired public officers or employees, or their surviving spouses, from reinstating health insurance under the Program under certain conditions. The bill provides that a surviving child is eligible to receive coverage until the age at which the child would not otherwise be eligible under the provisions of the plan or Program. The bill updates statutory provisions to comply with legislation enacted in 2009 and deletes obsolete provisions.

The provisions relating to reinstatement of retirees are effective on July 1, 2011, and the remaining provisions are effective on October 1, 2011.

A.B. 553 (Chapter 503)

Assembly Bill 553 eliminates the payment of health insurance subsidies for persons initially hired on or after January 1, 2012, who retired with State service. The bill provides that, for persons who retired before January 1, 1994, with State service, the amount of the subsidy shall equal the base funding level as defined by the Public Employees' Benefits Program for each year of the plan.

The bill clarifies that a subsidy will not be paid for a retiree who was initially hired on or after January 1, 2010, but before January 1, 2012, unless the retiree has participated continuously in the Program and has at least 15 years of service. Retirees who do not have 15 years of service due to a disability retirement are eligible for a subsidy provided they have participated continuously since retirement. Assembly Bill 553 further clarifies that a retiree who was initially hired on or after January 1, 2012, may participate in the Program until the retiree is eligible for Medicare but that the retiree will be responsible for the entire cost of the premium or contribution for participation in the Program.

The bill is effective on July 1, 2011.

A.B. 562 (Chapter 502)

Assembly Bill 562 revises the method for calculating the State subsidy to cover a portion of the cost of coverage under the Public Employees' Benefits Program (PEBP) provided to retired employees who are eligible for Medicare health coverage. The State subsidy for Medicare retirees who retired before January 1, 1994, is determined by multiplying the base funding level defined by the Legislature by 15. For Medicare retirees who retire on or after January 1, 1994, the State subsidy is the base funding level multiplied by the number of years of service, excluding purchased service, up to a maximum of 20 years. No subsidy is available for those persons initially hired on or after January 1, 2010, who have not continuously participated in PEBP since retirement or have not attained at least 15 years of State service credit unless the retired person does not have at least 15 years of service as a result of a disability for which the person is receiving benefits under the Public Employees' Retirement System or a similar retirement program offered through or by the Nevada System of Higher Education.

This bill is effective on July 1, 2011.

S.B. 278 (Chapter 407)

Senate Bill 278 makes various changes regarding insurance reimbursements to health care providers and requires several studies relating to the delivery of health care.

The bill specifies how modifications may be made to insurance reimbursement schedules for medical providers, including dentists, but excludes an organization for dental care that provides care for recipients under the State Plan for Medicaid or the Children's Health Insurance Program. It requires the Department of Health and Human Services to annually report to the Legislature and post on a website every rate of reimbursement for physicians on a

fee-for-service basis with respect to the State Plan for Medicaid and the Children's Health Insurance Program.

Senate Bill 278 exempts certain nonprofit organizations from certain requirements enacted after January 1, 2011, to provide coverage for screening, diagnosis, or treatment of specific medical conditions.

The Department is required to conduct a study of medical homes and report to the Legislature on specific aspects of medical home operations in this State.

The Department is also required to report to the Legislature on the Department's study concerning electronic identification cards that contain information relating to health insurance.

The Commissioner of Insurance, Department of Business and Industry, is required to develop a single standardized form for use by hospitals, medical facilities, and other facilities that provide health care in obtaining information related to the credentials of a provider of health care.

This bill is effective on June 15, 2011, for the purpose of exempting certain nonprofit organizations from certain insurance coverage requirements, and on January 1, 2012, for the purpose of the Commissioner of Insurance developing a standardized form. For all other purposes, the bill is effective on July 1, 2011.

S.B. 440 (Chapter 439)

Senate Bill 440 creates the Silver State Health Insurance Exchange to provide services relating to the purchase and sale of health insurance by residents and certain employers. The Exchange is governed by a Board of Directors consisting of seven voting members and three nonvoting ex officio members. Five voting members are appointed by the Governor and one each by the Senate Majority Leader and the Speaker of the Assembly. The three ex officio members are the Director of the Department of Health and Human Services, the Director of the Department of Business and Industry, and the Director of the Department of Administration or the designee of each of these members.

Among other duties, the Exchange is required to:

- Create and administer a State-based health insurance exchange;
- Facilitate the purchase and sale of qualified health plans;
- Provide for the establishment of a program to help certain small employers in facilitating the enrollment of employees in qualified health plans; and

- Perform all other duties required of it pursuant to the federal Patient Protection and Affordable Care Act, the federal Health Care and Education Reconciliation Act of 2010, and any amendments to or regulations or guidance issued pursuant to those Acts.

The Board is required to submit a fiscal and operational report to the Governor and the Legislature twice each year, as well as prepare an annual report for the public summarizing the activities of the Board and the contributions of the Exchange to the health of the residents of Nevada during the previous year.

This bill is effective on June 16, 2011, for the purpose of appointing voting members of the Board, and on July 1, 2011, for all other purposes.

Workers' Compensation

A.B. 141 (Chapter 124)

Assembly Bill 141 requires a volunteer firefighter who is covered for lung diseases under the Nevada Occupational Diseases Act to submit to a physical examination upon employment and upon commencement of coverage, which includes a lung X-ray but does not include a thorough lung function test. The volunteer firefighter must submit to a lung X-ray every three years after commencement of coverage until the firefighter is 50 years of age or older, and once every two years thereafter.

The measure also requires a volunteer firefighter who is covered for heart disease under the Nevada Occupational Diseases Act to submit to a physical examination during the period he or she is continuously on active status on the roster of a volunteer fire department, which includes upon employment, upon commencement of coverage, and once every three years after commencement of the coverage until the firefighter is 50 years of age or older, and once every two years thereafter. The employer of the volunteer firefighter must mail written notice of the date, time, and place of the physical examination at least ten days before the date of the examination, and must obtain, at the time of mailing, a certificate of mailing from the United States Postal Service.

A.B. 396 (Chapter 169)

Assembly Bill 396 provides that the exclusive remedy provided by industrial insurance coverage extends to the employer of an employee of a state or local government who is injured in an accident sustained during the course of employment while participating in an activity carried out cooperatively with another state or local government employer.

This measure is effective on July 1, 2011.

S.B. 21 (Chapter 157)

Senate Bill 21 makes various changes to the manner in which industrial insurance claims involving catastrophic injuries are administered. The bill specifies conditions considered to be catastrophic injuries and establishes a procedure for:

- An injured worker to request that a claim be treated as a claim for a catastrophic injury; and

- The development and implementation of a life care plan for an injured worker whose claim has been accepted as a catastrophic injury claim.

The bill establishes qualifications for a certified vocational rehabilitation counselor and an adjustor who administers a claim for a catastrophic injury.

This bill is effective on May 30, 2011.

S.B. 58 (Chapter 187)

Senate Bill 58 provides criminal penalties for an employer who knowingly makes a false statement or conceals a material fact regarding the eligibility of a person claiming industrial insurance benefits if the amount of the benefits obtained or attempted to be obtained is $250 or more. Any person who conspires with any other person to commit fraud in the administration of the workers' compensation statutes of this State is subject to these criminal penalties as well. A person who discloses information regarding such false statements or concealments without malice is immune from any civil or criminal penalty and from any liability for libel, slander, or any similar tort action.

This bill adds these false statements and concealments to the existing list of violations that the Attorney General is authorized to investigate and prosecute, and it gives the Attorney General access to certain pertinent records of an employer, a provider of health care, or the Division of Industrial Relations of the Department of Business and Industry in order to further any such investigation.

A person convicted of violating the provisions of this bill regarding false statements or concealments is responsible for the reasonable costs incurred by the Attorney General to investigate and prosecute such violations.

A licensed health care professional who knowingly makes a false statement or conceals a material fact regarding the eligibility of a person claiming industrial insurance benefits or conspires to violate the workers' compensation statutes of this State is subject to disciplinary action by the applicable professional licensing board.

S.B. 63 (Chapter 201)

Senate Bill 63 authorizes the Division of Industrial Relations of the Department of Business and Industry to obtain a summary judgment against an employer who fails to pay the Division an amount owed for payments made from the Uninsured Employers' Claim Account on behalf of that employer. The bill establishes the procedures for obtaining a summary judgment and a lien based upon the judgment.

Any person who is the legal or beneficial owner of 25 percent or more of a business that terminates operations while owing money to the Division for certain payments, and who then becomes the legal or beneficial owner of 25 percent or more of a new business engaging in similar operations, or knowingly aids or abets another person in such conduct, remains liable for the unpaid amounts from the first business.

This bill is effective on July 1, 2011.

S.B. 164 (Chapter 520)

Senate Bill 164 requires the Administrator of the Division of Industrial Relations of the Department of Business and Industry to determine whether a third-party administrator has adequate facilities in this State to administer industrial insurance claims. The bill also requires the Administrator to conduct investigations and examinations of third-party administrators.

This bill is effective on June 17, 2011, for the purpose of adopting regulations, and on January 1, 2012, for all other purposes.

S.B. 213 (Chapter 267)

Senate Bill 213 changes several requirements relating to the financial statements required from an applicant for the issuance or renewal of a certificate of registration to operate an employee leasing company. The financial statements must be prepared not more than 13 months before the submission of an application and must either:

- Indicate that the applicant has positive working capital for the period covered by the financial statements; or

- Be accompanied by specified security with a minimum market value equaling the maximum deficiency in working capital for the period covered by the financial statements, plus $100,000.

LABOR AND MANAGEMENT

A.B. 211 (Chapter 112)
Assembly Bill 211 extends existing employment protections related to discrimination against a person's race, color, creed, sex, or sexual orientation, among others, by prohibiting discrimination based upon a person's gender identity or expression. Gender identity or expression is defined as gender-related identity, appearance, expression, or behavior of a person, regardless of the person's assigned sex at birth. The measure requires employers to allow an employee to appear, groom, and dress in a manner consistent with the employee's gender identity or expression. Further, sexual orientation and gender identity or expression are added to the list of categories upon which the Nevada Equal Rights Commission may investigate allegations of discrimination.

A.B. 255 (Chapter 346)
Assembly Bill 255 requires the Division of Industrial Relations of the Department of Business and Industry, after an accident resulting in the death of an employee or the hospitalization of three or more employees, to provide to the injured employees, the immediate families of the injured or deceased employees, and the representatives of the injured or deceased employees a written description of their rights regarding an investigation of the accident. The measure requires the Division to provide such persons with notice of events related to an investigation of the accident or proceedings concerning the accident. Also, the Division is required to use its best efforts to interview the immediate family of the deceased employee during an investigation of the fatal accident to obtain information relevant to the investigation.

This measure is effective on January 1, 2012.

S.B. 328 (Chapter 193)
Senate Bill 328 exempts a "creative professional" from the class of employees who must be paid overtime by an employer.

The bill is effective on July 1, 2011.

Unemployment

A.B. 484 (Chapter 493)
Assembly Bill 484 revises Nevada law to allow the Employment Security Division of the Department of Employment, Training and Rehabilitation to provide extended unemployment benefits for a longer period of time consistent with a recent amendment to federal law.

The measure makes an immediate appropriation of $23.9 million and a subsequent appropriation of $40.1 million to the Interim Finance Committee for interest payments to the federal government for a loan made to Nevada upon depletion of the State's Unemployment Compensation Fund. Finally, A.B. 484 provides that if the federal government does not

require interest payments in the full amount of these appropriations, the remaining money may be allocated for different, qualifying purposes from the Contingency Fund.

This measure is effective on July 1, 2012, for the purpose of appropriating $40.1 million for interest payments, and on June 17, 2011, for all other purposes.

The provisions intended to extend unemployment benefits for a longer period of time expire by limitation on December 31, 2011, or the date of expiration of corresponding federal law, whichever is later.

LEGISLATURE

A.B. 127 (Chapter 2)
Assembly Bill 127 removes the requirement for the Senate and Assembly to print bill books and histories during each legislative session for legislators, staff, the press, and the public.

This bill is effective on March 17, 2011.

A.B. 260 (Chapter 303)
Assembly Bill 260 requires newly elected legislators to attend a mandatory training program prior to taking part in their first legislative session. The training program will be designed by the majority and minority leadership of both houses of the Legislature and will be conducted between the general election and the start of the next legislative session. The training program cannot exceed 10 days, and the dates upon which it will be held must be posted on the Legislature's website no later than 90 days before training commences.

The program must be recorded electronically and made available to any legislator who is unable to attend the training session. Such a legislator shall submit a form attesting completion of the training to the Director of the Legislative Counsel Bureau. The Speaker of the Assembly and the Majority Leader of the Senate may excuse from attendance newly elected members of their respective houses for reasons of illness, emergency, employment, or other good cause.

A.B. 464 (Chapter 28)
Assembly Bill 464 ratifies various technical corrections made by the Legislative Counsel to measures enacted by the 2009 Legislature.

The bill is effective on May 10, 2011.

A.B. 575 (Chapter 528)
Assembly Bill 575 makes miscellaneous technical corrections to statutes governing the Legislature and Legislative Counsel Bureau. The bill recognizes that the Legislature occupies more than one building and codifies the current practice that money in the Legislative Fund does not revert to the State General Fund unless specifically provided by law. The bill requires that reports to the Legislature or the Legislative Counsel Bureau be submitted in electronic format, if practicable, and changes the dates for requesting certain measures and prefiling other measures to avoid requiring both activities to be completed on the same day.

The measure also provides that dues may be paid to certain national organizations only to the extent of legislative appropriations and provides flexibility with respect to the appointment of division chiefs and a Deputy Director of the Legislative Counsel Bureau.

Provisions ensuring the confidentiality of the work product of the Legal Division and the Fiscal Analysis Division of the Legislative Counsel Bureau are revised. The bill also enacts

provisions similar to existing law to authorize the Legislative Commission to adopt regulations governing vehicular and pedestrian traffic on certain property within the supervision and control of the Legislature. Violation of these regulations is a misdemeanor.

Badges issued to lobbyists must include a different colored background for each type of registration, and the amount that may be charged for the registration of a lobbyist who represents only nonprofit organizations is limited to $100. Finally, the bill clarifies that both regular members and alternate members of the Legislative Commission may serve on the Legislative Commission's Subcommittee to Review Regulations.

This bill is effective on July 1, 2011.

A.B. 576 (Chapter 498)

Assembly Bill 576 makes revisions to Title 17 ("State Legislative Department") of the *Nevada Revised Statutes* (NRS) consistent with the requirement that the Legislative Counsel keep the NRS current and its organizational structure orderly and logical. The bill clarifies miscellaneous existing provisions, adds new provisions, and revises or eliminates obsolete or antiquated provisions relating to the Legislative Department of State Government.

This bill is effective on July 1, 2011.

A.B. 577 (Chapter 500)

Assembly Bill 577 revises deadlines by which legislators must submit sufficient detail to allow for complete drafting of bills they have requested and requires the Legislative Counsel to give priority to bill drafts for which sufficient information was submitted in a timely manner. The bill also provides that measures sponsored by a legislator or standing committee on behalf of a legislator who is not returning will be counted against the relevant limitations on bill draft requests. Finally, A.B. 577 provides that a term-limited legislator may not request a bill draft after the deadline for filing for office in the upcoming election has passed.

This bill is effective on July 1, 2011.

S.B. 149 (Chapter 426)

Senate Bill 149 establishes a State policy regarding the treatment of persons with intellectual disabilities and related conditions. Specifically, the measure requires that such persons receive services in a considerate and respectful manner, be recognized as individuals before recognizing their disability, and be referred to using language which is commonly viewed as respectful and which refers to the person before referring to the person's disability.

The measure further establishes a preference for the phrase "persons with intellectual disabilities" and requires the Legislative Counsel to replace in the *Nevada Revised Statutes* and the *Nevada Administrative Code* references to "persons with mental retardation" with references to "persons with intellectual disabilities."

A.J.R. 5—75th Session (File No. 33)

Assembly Joint Resolution No. 5 proposes to amend the *Nevada Constitution* to provide that the Legislature may call itself into a special session on extraordinary occasions by a petition signed by two-thirds of the members of both houses. Such occasions include:

- Impeachment or removal proceedings against the Governor, Supreme Court Justices, or certain other State and judicial officers who have committed misconduct in office;
- Expulsion procedures against legislators who have committed misconduct in office;
- Unexpected conditions and financial emergencies; or
- Reconsideration of vetoed measures after the adjournment of a legislative session.

The measure stipulates that the Legislature may only address those issues named in the petition calling for the special session and limits most such sessions to 20 days. An exception is provided to the 20-day limit if a special session is called for the purpose of impeachment, removal, and expulsion procedures in order to allow for sufficient time for due process considerations. Finally, the resolution clarifies that a special session convened by the Legislature must be adjourned prior to "midnight on the clock," of the 20th day, linked to the actual measure of time being used and observed by the general population of Nevada during that special session.

This measure was approved in identical form during the 2009 and 2011 Sessions of the Legislature. The proposal will be submitted to the voters for final approval or disapproval at the 2012 General Election.

Legislative and Other Studies Directed by the Legislature

A.B. 61 (Chapter 89)

Assembly Bill 61 creates the Substance Abuse Working Group in the Office of the Attorney General. In addition to the Attorney General who serves as the Chair, the Working Group consists of nine members appointed by the Attorney General. Members serve without compensation and are not entitled to per diem or travel expenses.

Issues to be studied include, but are not limited to, the effect of substance abuse on law enforcement and corrections, effectiveness of criminal and civil penalties, and resources and programs available for treatment and prevention. The Working Group must meet at least once every three months and shall report its findings and any recommendations to the Legislature no later than January 15 of each odd-numbered year.

The bill is effective on July 1, 2011, and expires by limitation on June 30, 2015.

A.B. 71 (Chapter 384)

Assembly Bill 71 requires the Legislative Commission to appoint a subcommittee to conduct an interim study to examine whether the formula for the allocation of money distributed from the Local Government Tax Distribution Account results in an equitable allocation to local governments, special districts, and enterprise districts in each county, including any local library districts that do not currently receive such an allocation. If the subcommittee determines that the allocation is not equitable, it is to consider possible alternative methodologies to achieve a more equitable allocation.

The subcommittee must be composed of three members from the Senate and three members from the Assembly. Any recommended legislation proposed by the subcommittee must be approved by a majority of the members of the Senate and a majority of the members of the Assembly appointed to the subcommittee. The Legislative Commission shall submit a report of the results of the study and any recommendations for legislation to the 77th Session of the Nevada Legislature.

This bill is effective on July 1, 2011.

A.B. 228 (Chapter 458)

Assembly Bill 228 directs the Commission to Study Governmental Purchasing to conduct a study on the feasibility of requiring the State Public Works Board and local governments to use standard form contracts for various categories of public works. The Commission shall submit a report and any recommendations for legislation to the 77th Session of the Nevada Legislature. The measure provides that the requirements of *Nevada Revised Statutes* 354.599, concerning unfunded mandates, do not apply to the expenses of local governments related to the provisions of this bill.

The bill is effective on July 1, 2011.

A.B. 383 (Chapter 461)

Assembly Bill 383 directs the Legislative Commission to conduct an interim study concerning trademark and copyright law.

This bill is effective on July 1, 2011.

A.B. 405 (Chapter 527)

Assembly Bill 405 directs the Interim Retirement and Benefits Committee to conduct a study of the retirement and disability benefits for public employees of this State. The study must include thorough analyses of alternatives to the existing retirement plan and an analysis of measures implemented by the Public Employees' Retirement Board to monitor losses caused by fraud or misrepresentation in the financial markets.

The Board is directed to provide assistance to the Committee as needed, including the assistance of the independent actuary employed by the Board. A General Fund appropriation

of $250,000 is made to conduct the study. The appropriated money may be distributed only if matching funds are received through other sources including, without limitation, gifts, grants, and donations. The Interim Retirement and Benefits Committee must report the results of the study to the Legislative Commission on or before October 1, 2012.

This bill is effective on June 17, 2011.

A.B. 427 (Chapter 462)

Assembly Bill 427 directs the Legislative Commission to appoint a committee to conduct an interim study concerning the establishment of a program for requiring the payment and refund of deposits on recyclable products sold in Nevada. The committee must be composed of three legislators appointed by the Majority Leader of the Senate and three legislators appointed by the Speaker of the Assembly. The study must include consideration of the recyclable products to be included in the program and an analysis of the process for the payment and refund of the deposits on the recyclable products. In addition, the study may include consideration of other methods of encouraging recycling. The Legislative Commission shall submit a report of the results of the study and any recommendations for legislation to the 77th Session of the Nevada Legislature.

This bill is effective on July 1, 2011.

S.B. 11 (Chapter 424)

Senate Bill 11 provides for an interim study concerning the development of a new method to fund public education in Nevada. The legislative committee authorized by S.B. 11 must consult with and solicit input from individuals and organizations with expertise in school funding. The committee must also consider constitutional responsibilities and the differences in the needs and characteristics of individual students.

The measure requires that a report of the committee's recommendations be provided to the 77th Session of the Nevada Legislature.

This measure is effective on July 1, 2011.

S.B. 211 (Chapter 428)

Senate Bill 211 requires the Legislative Committee on Education to conduct a study of the implementation of the Common Core State Standards. The study shall determine the extent to which public elementary and secondary schools have revised curriculum and instruction to implement the Common Core State Standards. The Committee shall review teacher professional development and the revision of the State assessment system. The study must be conducted in consultation with the Nevada STEM Education Coalition. The Committee shall report its findings and recommendations to the 77th Session of the Legislature.

The bill is effective on July 1, 2011.

S.B. 251 (Chapter 480)

Senate Bill 251 creates a Sunset Subcommittee of the Legislative Commission. The Senate Majority Leader and Speaker of the Assembly each appoint three legislators as members and the remaining three members are appointed by the Chair of the Legislative Commission from a list of names of members of the general public submitted by the Governor. The duties of the Subcommittee include: (1) reviewing each board and commission in the State and making recommendations for improvement, consolidation, or other action; and (2) reviewing tax abatements, exemptions and set-asides for such entities, and making recommendations for termination, modification, or other action. The bill sets forth the information to be reported by each board and commission to the Subcommittee and requires each board and commission to pay for the cost of the Subcommittee's review. At least 20 boards and commissions must be reviewed each year and each board and commission must be reviewed at least every ten years.

The Subcommittee must be appointed no later than September 1, 2011, and must make its recommendations to the 2013 Legislature no later than June 30, 2012. Recommendations to subsequent legislative sessions must be made by June 30 of each odd-numbered year.

The bill is effective on July 1, 2011.

S.B. 271 (Chapter 530)

Senate Bill 271 provides for the withdrawal of the State of Nevada from the Tahoe Regional Planning Compact under certain circumstances. This withdrawal will take effect on October 1, 2015, unless the governing body of the Tahoe Regional Planning Agency (TRPA) adopts an updated Regional Plan and certain proposed amendments to the Compact. These amendments include: (1) the removal of the supermajority requirement for the governing body of the Agency to vote on matters considered by the TRPA; (2) requiring the Regional Plan of the TRPA to consider the Lake Tahoe Basin's changing economic conditions; and (3) adding language to the Compact providing that a person who challenges the Regional Plan has the burden of proof to show that the plan violates the Compact. The Governor may issue a proclamation extending this withdrawal deadline to October 1, 2017.

The bill specifies that if Nevada withdraws from the Compact, the Nevada TRPA will assume the duties and powers currently held by the bistate Agency for the portion of the Lake Tahoe Basin within this State; any approval for a project that was issued by the TRPA remains valid.

Finally, S.B. 271 requires the Legislative Committee for the Review and Oversight of the Tahoe Regional Planning Agency and the Marlette Lake Water System to prepare a report detailing certain issues relating to Nevada's participation in the Compact. The Legislative Committee must appoint a delegation to work with a like delegation from the California Legislature to discuss possible changes to the Compact. Additionally, this bill authorizes the Legislative Committee to submit to the 77th Session of the Legislature a bill draft request that would have the effect of preventing Nevada's withdrawal from the Compact, if the Legislative Committee determines that Nevada should remain a party to the Compact.

Provisions regarding the proposed amendments to the Tahoe Regional Planning Compact become effective upon proclamation by the Governor of the State of Nevada that the State of California and the United States Congress have enacted and approved the amendments. The remainder of the bill is effective on June 17, 2011. Provisions regarding the activities of the Legislative Committee for the Review and Oversight of the Tahoe Regional Planning Agency and the Marlette Lake Water System expire by limitation on January 1, 2013.

S.B. 374 (Chapter 375)

Senate Bill 374 creates the Committee to Study the Funding of Higher Education consisting of 12 voting members and 4 nonvoting members. The Committee is charged with:

- Comparing the existing method of funding higher education in Nevada with the methods used in other states;
- Determining whether the other methods would be appropriate and useful in Nevada, whereby different missions of universities, the state college, community colleges, and research institute are appropriately considered in the funding of public higher education in Nevada;
- Reviewing the funding of remediation in the context of instructional delivery methods;
- Considering the retention of resident registration fees and nonresident tuition outside of the State-supported operating budget;
- Considering funding in the context of completed courses in contrast to the current method of funding enrollments; and
- Considering rewarding institutions within higher education for achieving defined goals for graduating students.

This bill appropriates from the State General Fund to the Legislative Fund the sum of $150,000 for the purpose of conducting the study of the funding of higher education and an additional $18,064 to pay for the cost of the participation of the members of the Committee who are legislators. The Committee must submit a report of its findings and recommendations for legislation to the 77th Session of the Legislature.

This measure is effective on July 1, 2011.

A.C.R. 10 (File No. 42)

Assembly Concurrent Resolution No. 10 directs the Legislative Committee on Health Care to create a task force to develop a State plan to address Alzheimer's disease. The measure provides that the Committee may fund the costs of the task force, to the extent that money is available, including money from gifts, grants, and donations.

The measure further provides that the Committee shall submit a report of the findings of the task force, the plan it has developed, and any recommended legislation to the 77th Session of the Nevada Legislature.

A.C.R. 12 (File No. 45)

Assembly Concurrent Resolution No. 12 directs the Legislative Commission to appoint an interim committee to conduct a study concerning the structure and operations of the Nevada Legislature. The interim committee must be composed of three members from the Assembly and three members from the Senate. The study must include, without limitation, an examination of the timing, frequency, and length of regular legislative sessions, including an examination of the efficiency and effectiveness of annual regular legislative sessions, legislative procedures and related matters, and legislator compensation.

Any recommended legislation proposed by the interim committee must be approved by a majority of the members of the Assembly and a majority of the members of the Senate appointed to the interim committee. The Legislative Commission shall submit a report of the results of the study and any recommendations for legislation to the 77th Session of the Nevada Legislature.

S.C.R. 5 (File No. 43)

Senate Concurrent Resolution No. 5 directs the Legislative Commission to appoint a committee to conduct an interim study of the system and laws governing the protection of children in Nevada.

LOCAL GOVERNMENTS

A.B. 257 (Chapter 459)

Assembly Bill 257 requires public bodies that are subject to the Open Meeting Law to provide at least two periods for public comment—one at the beginning of the meeting before any action items and one prior to adjournment. Alternatively, the public body may choose to include public comment after each action item on the agenda, but before the public body takes action on the item. Finally, the public body must, at some time before adjournment of the meeting, allow the general public to comment on any matter that is not specifically included as an action item on the agenda.

The bill is effective on July 1, 2011.

A.B. 365 (Chapter 202)

Assembly Bill 365 establishes a process for the participation of the Board of the Public Employees' Benefits Program (PEBP) in the selection of vendors. The Executive Officer of PEBP is permitted to observe the activities of a committee appointed by the Chief of the Purchasing Division when the committee is awarding a contract related to PEBP.

The bill requires the submittal of contracts with licensed administrators to the Commissioner of Insurance for review and approval as to the licensing and fiscal status of the administrator and eliminates the Commissioner's review and approval of certain administrative charges.

With respect to groups of 300 or more that seek to leave the Program, the measure clarifies that any such group must include both the active and retired employees of the group.

The bill is effective on July 1, 2011.

S.B. 82 (Chapter 331)

Senate Bill 82 requires the Chief of the Office of Information Security of the Department of Information Technology to investigate and resolve any security breach or unauthorized acquisition of computerized data that materially compromises the security, confidentiality, or integrity of an information system of a State agency or elected officer that uses the equipment or services of the Department. The bill also authorizes the Chief or the Director of the Department to inform the members of certain information technology and homeland security boards and commissions of such security breaches and unauthorized acquisitions.

Senate Bill 82 adds the Attorney General or his or her designee to the membership of the Information Technology Advisory Board, removes from the Board the Superintendent of Public Instruction, and increases, from one to three, the number of members who are appointed to the Board by the Governor as representatives of a city or county. The bill clarifies that the Department may provide services to local governmental agencies if the provision of services would result in reduced costs to the State for equipment and services. In addition, the measure adds certain security testing and monitoring of information systems to

the duties of the Department, and it requires users of Department services to report security-related noncompliance and unauthorized access to their information systems or applications to the Office of Information Security within 24 hours after discovery.

The bill requires public bodies to publish advertisements for bids or proposals for design-build teams or energy retrofit coordinators on their websites, in addition to the newspaper.

This bill is effective on July 1, 2011.

S.B. 98 (Chapter 477)

Senate Bill 98 prohibits certain supervisory employees from being members of an employee organization for the purpose of collective bargaining. Specifically, the following persons are not permitted to be members:

- The subset of supervisory employees who have additional authority from the employer to make decisions relating to the budget or collective bargaining;
- Doctors and physicians employed by local governments; and
- Attorneys employed by a local government and assigned to a civil department or agency except for the duration of an existing agreement to which they are parties.

The bill adds to the scope of mandatory bargaining by requiring collective bargaining agreements to include procedures and requirements for the reopening of agreements exceeding one year in duration in the event of a fiscal emergency.

The bill is effective on July 1, 2011.

Bills Applying Generally to Local Governments

A.B. 45 (Chapter 86)

Assembly Bill 45 sets forth the hours during which the office of the district attorney must be open and a list of the duties of a district attorney. In counties whose population is less than 9,000 (currently Esmeralda, Eureka, Lander, Lincoln, Mineral, Pershing, and Storey Counties), the board of county commissioners may reduce the hours that the office is required to be open.

The bill deletes the reference to the number of votes cast in the preceding congressional election, as it is an obsolete reference to counties with a population less than 700. Previously, the statute on district attorneys prescribed full-time office hours only for counties that had cast more than 2,500 votes in the preceding congressional election. The statute was therefore silent as to the required hours for the seven counties which had not cast more than 2,500 votes in the last congressional election (Esmeralda, Eureka, Lander, Lincoln, Mineral, Pershing, and Storey Counties).

A.B. 59 (Chapter 383)

Assembly Bill 59 requires a public body to include, on its next agenda, an acknowledgement of the Attorney General's findings and conclusions relating to a violation of the Open Meeting Law. The Attorney General is authorized to issue subpoenas when investigating Open Meeting Law complaints. The measure also provides, with the exception of meetings of the State Board of Parole Commissioners when acting to grant, deny, continue, or revoke parole of a prisoner, that proceedings of a public body that are quasi-judicial in nature are subject to the Open Meeting Law.

Agendas must include "for possible action" next to agenda items on which action may be taken and must state if there are any time, place, or manner of restrictions on public comments. Agendas must also include notice that items may be taken out of order, may be combined, or may be removed. The bill clarifies that the statute requiring advance notice to persons whose character or competence is going to be considered at a meeting does not apply to job applicants. The measure also adds a civil penalty of not more than $500 for any member of a public body who participates in an action in violation of the Open Meeting Law with knowledge of the violation. The action may be brought by the Attorney General in any court and must be commenced within one year of the action in violation of the law.

Provisions of the bill addressing the proceedings of a public body that are quasi-judicial in nature are effective on January 1, 2012. The remainder of the bill is effective on July 1, 2011.

A.B. 68 (Chapter 110)

Assembly Bill 68 allows cities and counties to lease buildings or land, comprising less than 25,000 square feet, without obtaining an appraisal under certain circumstances. The city or county must adopt a resolution stating that it is in the city's or county's best interest to lease the building or land for less than fair market value and without offering it to the public. A notice containing a description of the building or land must be published at least once in a newspaper circulated in the area where the building or land is located. In addition, a hearing must be held between 10 and 20 days after the notice is published. Any such lease may not be for more than three years but the lease may be extended for up to two years.

The bill is effective on May 24, 2011.

A.B. 145 (Chapter 125)

Assembly Bill 145 requires a town board or county commission to mail a notice to affected property owners of a proposed ordinance to annex their land into an unincorporated town. The notice must be sent via certified mail, return receipt requested, at the time the notice is published in the newspaper as required by law. The county commission and town must, at that same time, post notice of the proposed annexation ordinance on their websites, if a website is maintained.

The bill is effective on July 1, 2011.

A.B. 192 (Chapter 128)

Assembly Bill 192 authorizes a board of county commissioners to set, by ordinance, an additional fee of not more than $3 to be collected by a county recorder for the recording of a document, instrument, paper, notice, deed, conveyance, map, chart, survey, or other document. The new fee revenue must be used to fund legal services for abused and neglected children as provided by the organization in each county operating a program for legal services for the indigent.

The bill is effective on July 1, 2011.

A.B. 240 (Chapter 489)

Assembly Bill 240 expands the current restrictions on certain State contracts for services. The "cooling off" period for such contracts with former State employees is expanded from one year to two years. Instead of the Interim Finance Committee (IFC) being required to approve certain contracts with former or current State employees, the responsibility is transferred to the State Board of Examiners (BOE). The bill requires emergency contracts to be filed with the BOE, which must review each contract and notify the department or division whether the Board would have approved the contract if it had not been an emergency.

The measure provides that State agencies and institutions within the Nevada System of Higher Education (NSHE) must make every effort to limit the number of service contracts it enters into that have a term of more than two years and that are in the amount of less than $1 million. If a State agency or NSHE does enter into such a contract, it must submit a report regarding the contract to the Legislature. State agencies and NSHE are also prohibited from contracting with persons who are not in good standing with the Office of the Secretary of State. Contracts for financial services, with the Public Employees' Benefits Program, and pursuant to the State Plan for Medicaid, which are for an amount greater than $1 million, are exempt from the restrictions on contracts for services with State agencies. Also exempt are contracts for the employment of a person or business entity that is a provider of services under the State Plan for Medicaid and which provides those services on a fee-for-service basis.

Finally, A.B. 240 requires a State agency that contracts with a current or former employee to report such contracts to the IFC on a quarterly basis. School districts must also report to the IFC every six months on the number of consultants employed by the districts, the purposes of the contracts, and the amount and length of the contracts.

The bill is effective on July 1, 2011.

A.B. 360 (Chapter 492)

Assembly Bill 360 raises the civil penalty for a chronic nuisance on nonresidential property from $500 to $750 per day and adds a civil penalty for abandoned nuisances of $500 per day for residential property and $750 per day for nonresidential property. For all three nuisance categories (dangerous, chronic, and abandoned), uncollected civil penalties over $5,000 may be added as a special assessment on the property tax bill but not until 12 months after the final

court order requiring abatement and after the owner has been notified of the charges. Finally, A.B. 360 requires a local nuisance ordinance to specify that if the nuisance or condition is not an immediate danger to the public health, safety, and welfare and was caused by criminal activity of a person other than the property owner, the owner must be given at least 30 days to abate the nuisance. The measure applies to both cities and counties.

The bill is effective on June 17, 2011.

A.B. 454 (Chapter 147)

Assembly Bill 454 makes permanent the four-year deadline for filing a final subdivision map and the two-year deadline for filing successive final maps for subdivisions being completed in phases.

For parcel maps that contain certain conservation easements totaling 50 acres or more, the deadline for recording a parcel map is three years after approval, and the governing body may grant an extension of up to one year.

The bill is effective on May 29, 2011.

A.B. 472 (Chapter 172)

Assembly Bill 472 repeals the authority of a county to designate approved youth shelters while retaining the existing limited immunity from civil liability for the director, employees, agents, and volunteers of youth shelters.

The bill is effective on July 1, 2011.

A.B. 544 (Chapter 151)

Assembly Bill 544 requires cities and counties to adopt an ordinance using the terms listed in the bill to describe the facilities, homes, houses, and institutions, as applicable. The listed terms are: "child care institution," "facility for transitional living," "group foster home," "halfway house for recovering alcohol and drug abusers," "home for individual residential care," and "residential facility for groups." The measure clarifies that cities and counties are not required to adopt the State's definitions for the listed terms and are not required to include a term if that city's or county's ordinances do not refer to such facilities.

The bill is effective on July 1, 2011.

S.B. 400 (Chapter 508)

Senate Bill 400 establishes a process by which a State agency engaged in activities related to economic development and population research may obtain, at no charge, the parcel datasets and digital parcel base map of a county. The bill requires a county assessor to provide each year to the State Demographer, at no charge, the fiscal year-end parcel datasets. The bill also requires a county that maintains or possesses a digital parcel base map of the county to provide annually, at no charge, the fiscal year-end digital parcel base map to the State Demographer.

The county and the county assessor may provide this information in any electronic or digital format the county and the assessor deem appropriate.

Not more than once each year, the State Demographer must, upon request, provide the parcel datasets and digital parcel base map at no charge to a State agency engaged in economic development and population research. The State agency receiving the parcel datasets and digital parcel base map must, in turn, provide at no charge a summary of the research produced from the information to the county that originally provided the information and the Commission on Economic Development. A State agency that receives this data must keep it confidential and the State Demographer shall not knowingly redistribute this information to any person or agency that is not authorized to receive it. Finally, the bill makes civil and criminal penalties relating to the unlawful use and release of confidential data in a county assessor's files applicable to an employee or agent of a State agency obtaining confidential information from the State Demographer.

The bill is effective on July 1, 2011.

Bills Applying to Specific Local Entities

A.B. 42 (Chapter 85)

Assembly Bill 42 allows a county whose population is less than 45,000 (currently Churchill, Esmeralda, Eureka, Humboldt, Lander, Lincoln, Mineral, Nye, Pershing, Storey, and White Pine Counties) to lease real property without obtaining an appraisal if the property was acquired from the federal government. In addition, the property must be restricted from being sold and subject to reversion to the federal government upon demand.

The bill is effective on May 24, 2011.

A.B. 45 (Chapter 86)

Assembly Bill 45 sets forth the hours during which the office of the district attorney must be open and a list of the duties of a district attorney. In counties whose population is less than 9,000 (currently Esmeralda, Eureka, Lander, Lincoln, Mineral, Pershing, and Storey Counties), the board of county commissioners may reduce the hours that the office is required to be open.

The bill deletes the reference to the number of votes cast in the preceding congressional election, as it is an obsolete reference to counties with a population less than 700. Previously, the statute on district attorneys prescribed full-time office hours only for counties that had cast more than 2,500 votes in the preceding congressional election. The statute was therefore silent as to the required hours for the seven counties which had not cast more than 2,500 votes in the last congressional election (Esmeralda, Eureka, Lander, Lincoln, Mineral, Pershing, and Storey Counties).

A.B. 97 (Chapter 32)
Assembly Bill 97 amends the Sparks City Charter to: (1) authorize the City Manager to appoint department heads and other persons in executive, administrative, or professional positions, and to revise the organizational chart and listing of appointive positions; (2) add prohibitions on certain types of discrimination; and (3) provide for the selection of a Mayor pro tem.

The bill is effective on July 1, 2011.

A.B. 103 (Chapter 16)
Assembly Bill 103 changes the qualifications for appointment to the Airport Authority of Carson City. The bill expands the eligible area for manufacturing representatives from the surrounding Airport industrial area to a 3-mile radius around the Airport. If no qualified manufacturing representative comes forward, the Carson City Board of Supervisors is allowed to appoint a member representing the general public.

The bill is effective on April 12, 2011.

A.B. 198 (Chapter 262)
Assembly Bill 198 includes the Nevada Rural Housing Authority within the definition of a "local government" for the purpose of allowing a local government in a county whose population is less than 100,000 (currently all counties other than Clark and Washoe Counties) to make a loan to the Authority. The Authority is also authorized to enter into contracts with the State or local governments to provide services anywhere in the State so long as those services do not include certain weatherization services, the making of mortgage loans or mortgage credit certificates, the allocation of low-income housing tax credits, or the issuance of bonds to finance a multifamily housing project.

The bill permits the Housing Authority commissioner who is appointed to represent recipients of assistance, but who stops receiving such assistance during his or her term, to complete that term provided the commissioner continues to reside in the Authority's area of operation.

The bill is effective on July 1, 2011.

A.B. 237 (Chapter 135)
Assembly Bill 237 allows Washoe County to participate in the County Bond Bank when issuing bonds or other securities for the County's program to assist persons hooking up to a municipal water or sewer system. Revenue from general property taxes may not be used to repay special obligation bonds issued for this assistance program. The bill limits any loans financed by such bonds to natural persons. For securities issued under this assistance program, the bill raises the limit on interest rates by 2 percent so that the total limit is 5 percent over the Index of Twenty Bonds (for general obligation bonds) and the Index of Revenue Bonds (for special obligations).

The bill is effective on May 29, 2011.

A.B. 238 (Chapter 268)
Assembly Bill 238 allows a county to refund, as part of a lending project, municipal securities issued on or after October 1, 1999, by a water authority in Washoe County for an infrastructure project involving capital improvements to a water system.

The bill is effective on June 4, 2011.

A.B. 262 (Chapter 39)
Assembly Bill 262 provides that the District Attorney of Storey County will begin serving, ex officio, as the Public Administrator of the County, starting July 1, 2011.

The bill is effective on July 1, 2011.

A.B. 265 (Chapter 312)
Assembly Bill 265 clarifies that a collective bargaining agreement may modify the statutory provisions relating to suspension of a peace officer without pay. The bill requires that notice be given to an officer who is going to be interviewed as a witness and that he or she be allowed to arrange for the presence and assistance of a representative or, upon request, two representatives, at the interview. Any information a representative obtains from the peace officer who is a witness in an investigation is confidential and must not be disclosed. The time during which an officer who is the subject of an investigation attends an interview or interrogation will be deemed to be part of the officer's regular working hours but, if the proceeding is scheduled when the officer is off duty, the officer must be paid for that time. If, during an interrogation or hearing, evidence is found that may be the basis for additional misconduct charges, the proceeding must be stopped and the officer given a new notice. Finally, the bill prohibits certain statements from being used against a peace officer in a subsequent criminal proceeding.

The bill is effective on July 1, 2011.

A.B. 572 (Chapter 497)
Assembly Bill 572 revises provisions of the Clark County Sales and Use Tax Act of 2005 relating to the approval and expenditure of revenue received by a local government from the proceeds of this tax. Under certain circumstances, each local governmental body may approve expenditures from proceeds of this tax if the body projects a decrease in revenue from other taxes during that fiscal year. The bill also establishes a procedure pursuant to which a county treasurer may approve the use by a police department of the proceeds of this tax that have been allocated to another police department.

Finally, A.B. 572 requires that certain reports concerning expenditures pursuant to the Clark County Sales and Use Tax Act be submitted to the Department of Taxation instead of the Legislature.

This bill is effective on June 17, 2011.

S.B. 25 (Chapter 158)

Senate Bill 25 revises the number of justices of the peace in Clark County. For townships with populations under 1.1 million, one justice of the peace is required for each 100,000 residents or fraction thereof, until the township has four justices of the peace. Thereafter, another justice is added for each 125,000 residents or fraction thereof, over a population of 300,000.

In a township with a population of 1.1 million or more, one justice of the peace is required for each 100,000 residents or fraction thereof, up to a population of 1.1 million. Thereafter, another justice of the peace is added for each 125,000 population of the township or fraction thereof.

This measure is effective on January 1, 2012.

S.B. 110 (Chapter 521)

Senate Bill 110 establishes a new business license category and fee structure in Clark County and the cities of Henderson, Las Vegas, and North Las Vegas. The measure is specific to contractors licensed pursuant to Chapter 624 ("Contractors") of the *Nevada Revised Statutes* and allows such contractors to obtain a single business license for use throughout the Las Vegas Valley. The bill requires the county and cities to enter into an interlocal agreement for the establishment of such a business license and the necessary rights, obligations, and responsibilities associated with the license. The cities of Boulder City and Mesquite are given the option of entering into such an agreement.

Clark County and the affected cities must adopt ordinances that: (1) prescribe the business license process; (2) set the licensing fees; and (3) provide any other necessary requirements. In order for a person to be eligible to obtain the business license, he or she must meet the requirements in the ordinance and satisfy other requirements relating to the maintenance of the business in one location within the unincorporated county or one of the cities. In addition, such a contractor is subject to all other licensing and permitting requirements of the State, counties, and cities in which the licensee does business. The bill permits electronic attestation of compliance with insurance requirements and submission of the contractor's entity number assigned by the Secretary of State to validate compliance with other requirements. Finally, S.B. 110 allows a city or county to issue a license to a food establishment contingent upon the establishment obtaining the license required by the applicable health authority.

The bill is effective on June 17, 2011. Clark County and the cities in Clark County whose populations are 150,000 or more must enter into the required interlocal agreements and enact the required ordinances on or before one year after the effective date of the measure.

S.B. 137 (Chapter 196)

Senate Bill 137 requires the Regional Transportation Commission (RTC) in Clark County to designate, on or before December 31, 2011, 15 bus stops at which a bus turnout must be constructed by December 31, 2014. These turnouts must be constructed on land owned by the State or a local government and must be funded by the RTC. The bill requires the RTC to

establish a technical advisory committee to meet and work cooperatively with utility companies and franchise holders who may be impacted by the construction of a bus turnout specified in the bill. Finally, S.B. 137 requires the RTC to submit a report to the 2013 Nevada Legislature regarding the designation and construction of these bus turnouts.

Senate Bill 173 of the 2009 Legislative Session (Chapter 413, *Statutes of Nevada*) required the RTC in Clark County to designate, on or before December 31, 2009, ten bus stops at which a bus turnout must be constructed by the end of 2012. Originally, S.B. 173 called for the construction of additional bus turnouts after 2012 to be paid for by the member entities of the RTC; however, the Legislature agreed to evaluate the progress of the construction of these initial ten before requiring additional bus turnouts.

The bill is effective on June 1, 2011.

S.B. 151 (Chapter 390)

Senate Bill 151 requires a regional transportation commission in a county of 700,000 or more (currently only Clark County) to establish a regional rapid transit authority. The authority is required to analyze various considerations concerning the development of a regional rapid transit system, to develop a plan for such a system, and to report annually to the Legislature on its progress.

This bill is effective on June 15, 2011.

S.B. 232 (Chapter 104)

Senate Bill 232 removes four tracts of nonfederal land from the defined boundaries of the Spring Mountains National Recreation Area that may be used only for facilities and operations related to outdoor recreational activities. The bill sets forth a number of development restrictions on the land. Specifically, a local government shall not authorize the establishment of:

- A hotel, inn, motel, motor court, boardinghouse, or lodging house;
- A gas station retailer;
- A store which is principally devoted to the sale of consumable products or food for human consumption off the premises of the land, except for the operation of a snack bar;
- A restaurant franchise; and
- Any residential development of more than one home per two acres.

Finally the bill provides that, notwithstanding any provision of law to the contrary, the Nevada Gaming Commission shall not issue a license for any land described in the bill.

S.B. 262 (Chapter 481)

Senate Bill 262 requires the Committee on Local Government Finance to prepare a feasibility study on the incorporation of the City of Laughlin and submit that report to the Board of County Commissioners in Clark County and the Legislative Commission. The Board of County Commissioners and the Legislative Commission must review the report and determine whether the incorporation is fiscally feasible. If either the Board of County Commissioners or the Legislative Commission determines that the incorporation is fiscally feasible, an election on the question of incorporation must be held. The election must also serve as the primary election for candidates of the City Council and Mayor. The bill sets forth a charter for the City of Laughlin should the question for incorporation be approved and creates a Charter Committee to recommend amendments to the charter. The elected City Council is authorized to perform various functions, including preparing and adopting a budget, preparing and adopting ordinances, and negotiating and preparing personnel contracts before the effective date of the incorporation. Finally, S.B. 262 allows the Board of County Commissioners in Clark County to accept gifts, grants, and donations to pay for expenses related to the incorporation and may use funds from the Fort Mohave Valley Development Fund to cover those costs not covered by the gifts, grants, and donations.

If the voters approve the ballot question for incorporation, the portion of the bill setting forth the charter for the City of Laughlin is effective on July 1, 2013. The remainder of the bill is effective on June 16, 2011.

S.B. 358 (Chapter 235)

Senate Bill 358 removes the exemption established for the Regional Transportation Commission of Southern Nevada from giving priority of right in vending operations to persons who are blind or visually impaired.

The bill is effective on June 2, 2011. Any existing vending stand contracts must comply with the provisions of this measure on and after July 1, 2011.

S.B. 381 (Chapter 359)

Senate Bill 381 revises the method by which certain counties issue marriage licenses. In a county with at least 100,000 residents but fewer than 700,000 residents (currently Washoe County), in which a commercial wedding chapel has been in business for five years or more, the bill requires the county commission either to ensure that a marriage license bureau is open daily from 8 a.m. to midnight, including holidays, or provide for a program in which a chapel that has been in business for five years or more may issue marriage licenses when the marriage license bureau is closed. In a county whose population is less than 100,000 (currently all counties other than Clark and Washoe Counties), the bill allows the board of county commissioners to establish such a program but does not require it to do so.

Senate Bill 381 requires a chapel that is authorized to issue marriage licenses to file a registration form and a $50,000 performance bond with the county clerk, refer any application for a marriage license requiring the signature of a parent or guardian to the county clerk, and comply with the same statutory requirements as the county clerk. The bill requires the chapel

to collect license fees and remit them to the clerk, and it provides that the chapel's marriage license records are public records.

Finally, S.B. 381 makes permanent the authority for county offices to deviate from the required hours of operation, if approved by the respective board of county commissioners.

This measure is effective on June 13, 2011, and expires by limitation on June 30, 2013.

S.B. 393 (Chapter 116)

Senate Bill 393 provides that when an unincorporated town in a county whose population is 700,000 or more (currently Clark County) annexes territory, the territory annexed along with its inhabitants and property are subject, beginning in the fiscal year following the effective date of annexation, to all debts, laws, ordinances, and regulations in force in the annexing town. The territory and its inhabitants are entitled to the same privileges and benefits as other parts of the annexing unincorporated town.

The bill is effective on July 1, 2011.

S.B. 396 (Chapter 108)

Senate Bill 396 changes the governmental agency entrusted to administer and distribute the additional funds generated by the sale of special license plates to support the natural environment of the Mount Charleston area. The bill provides that the funds must be administered by the Board of County Commissioners of Clark County, with the advice of the Mount Charleston Town Advisory Board, rather than by the Division of State Lands, State Department of Conservation and Natural Resources.

The bill is effective on July 1, 2011.

S.B. 432 (Chapter 504)

Senate Bill 432 allows the regional transportation commissions in Clark and Washoe Counties to enter into an interlocal agreement with the county allowing the regional transportation commission to issue revenue bonds and other revenue securities for street and highway construction and maintenance, and establishment and maintenance of a public transit system. If the Clark County Commission finds that ending the portion of the sales tax imposed for water and wastewater infrastructure, and the related issuance of bonds, is not advisable, the bill authorizes the Clark County Commission, by a two-thirds affirmative vote, to extend the sales tax and the issuance of bonds beyond the deadlines and revenue cap in statute.

The measure provides for general obligation bonds for water or wastewater facilities to mature in 40 years. For bonds that pay compound interest, repayment must start no later than the 15th year after issue.

The bill is effective on July 1, 2011.

NOTE: See also Assembly Bill 2 (Chapter 9) of the 26th Special Session.

Financial Administration

A.B. 62 (Chapter 90)

Assembly Bill 62 authorizes the Attorney General to provide certain services to a county or to certain occupational and professional licensing entities and to charge for providing such services.

The bill authorizes the Attorney General to charge a county costs for assisting in the prosecution of a category A or B felony. The costs must be agreed upon by the Attorney General and the district attorney for the county receiving assistance.

The measure authorizes the Attorney General to charge a fee to a regulatory body for providing training to a new member of a regulatory body.

The Board of Homeopathic Medical Examiners, the State Board of Oriental Medicine, and the Board of Psychological Examiners are authorized to retain the Attorney General to investigate a complaint against a homeopathic physician, a doctor of Oriental medicine, or a psychologist, respectively. The Attorney General may charge the Boards for all services related to the investigation.

Assembly Bill 62 repeals the requirement of the Board of Dispensing Opticians to submit a biennial report to the Attorney General.

This bill is effective on July 1, 2011.

A.B. 63 (Chapter 91)

Assembly Bill 63 permits the appointment of a special deputy to represent a regulatory body in cases where the Attorney General has determined that it is impractical or a conflict of interest for the Attorney General to continue representation. The cost of the special deputy will be paid by the regulatory body. If a district attorney requests the assistance of the Attorney General in a criminal case and the Attorney General determines that handling the case would be impractical or a conflict of interest, a special prosecutor may be appointed with the concurrence of the district attorney and the board of county commissioners. Compensation for a special prosecutor for category A or B felonies will be paid by the county under the terms of an agreement between the district attorney and the Attorney General.

Local governments are no longer required to submit interlocal agreements to the Attorney General for review but, if they choose to do so and the review is completed within 30 days, the local governments that submitted the agreement will be charged the cost of the review.

The bill also permits a district or city attorney to accept a designation by the Attorney General to file a claim or to intervene in a case brought under the False Claims Act in Chapter 357 ("Submission of False Claims to State or Local Government") of the *Nevada Revised Statutes*.

If there is a recovery in the case, 33 percent of the recovery must be paid into the general fund of the county or city that employs the attorney.

The bill is effective on July 1, 2011.

A.B. 166 (Chapter 37)

Assembly Bill 166 prohibits a municipality from holding a special election on an emergency basis if the reason for the special election is to refund general obligation bonds.

The bill is effective on May 12, 2011.

A.B. 330 (Chapter 452)

Assembly Bill 330 requires State agencies to report to the Chief of the Budget Division in the Department of Administration on privatization contracts. The reports shall include information on the number and duration of such contracts along with a cost comparison of using private versus public employees. The bill also declares that privatization contracts are public records.

Local governments must provide the same disclosures on privatization contracts when preparing their tentative budgets. Other governmental entities subject to the disclosure requirement in their tentative budgets include transportation, parks and recreation, library, hospital, and fire protection districts.

The bill is effective on July 1, 2011.

A.B. 471 (Chapter 307)

Assembly Bill 471 limits the loan or transfer of money from an enterprise fund unless the transaction: (1) complies with provisions for medium-term obligations; (2) is necessary to pay for obligations related to the purpose of the enterprise fund; (3) is used for a cost allocation to pay for employees and other costs related to the fund's purpose; or (4) dissolves the fund. If the loan or transfer is made as a medium-term obligation and is not repaid in five years, the recipient must notify the Committee on Local Government Finance of the amount and purpose of the transaction along with an estimated date of repayment. Enterprise fund fees may only be increased if the local governing body approves the increase based on certain determinations or the fees are imposed on public utilities for public rights-of-way. The bill requires the governing body, upon adoption of any fee increase, to provide to the Department of Taxation an executed copy of the action increasing the fee. However, this requirement does not apply to the governing body of a federally regulated airport.

Assembly Bill 471 also requires the Committee on Local Government Finance to adopt regulations setting forth the extent to which general, overhead, and administrative expenses may be allocated to an enterprise fund. The bill sets forth a procedure to assist a local government that has been using an enterprise fund to subsidize its general funds for the past five years by requiring the local government to develop a plan, no later than July 1, 2012, to cease such subsidization by July 1, 2021. After July 1, 2021, no general fund subsidization

shall occur from the enterprise fund. Finally, A.B. 471 requires the Committee on Local Government Finance to submit biennial reports to the Legislature regarding compliance with the restrictions on use of enterprise funds.

Regulations by the Committee on Local Government Finance addressing certain allocations to an enterprise fund must be adopted no later than January 1, 2012. The section of the bill that removes the existing statutory provisions authorizing a local government to subsidize its general fund with enterprise funds is effective on July 1, 2021, thereby allowing the local government to implement the plan required in the bill to cease the general fund subsidy. The remainder of the bill is effective on July 1, 2011.

S.B. 65 (Chapter 518)

Senate Bill 65 changes the requirements for cities and counties applicable to the publication of quarterly financial statements. The bill provides that only a summary statement showing the total amounts of receipts, disbursements, and bills must be published quarterly in a newspaper of general circulation for at least five consecutive days. A more detailed financial statement must be maintained and updated quarterly on the county's or city's website, if available. The measure requires the quarterly statement to include instructions for the public indicating: (1) where on the county's or city's website the statement can be viewed; (2) a telephone number the public may call to obtain financial documents; and (3) an address of the city or county offices where the public may view the statements. The Internet statement must also contain contact information for city and county offices. The Committee on Local Government Finance is required to adopt regulations no later than January 15, 2012, prescribing the format of the financial statement to be posted on the Internet. Finally, the bill clarifies that the documents and receipts that support the local financial transactions in the quarterly statements are considered public records.

This bill is effective on June 17, 2011, for the purpose of adopting regulations and performing other preparatory tasks and on January 15, 2012, for all other purposes.

S.B. 75 (Chapter 423)

Senate Bill 75 requires the State Treasurer to form an independent corporation for public benefit to act as a limited partner of limited partnerships or as a shareholder or member of limited-liability companies that provide private equity funding to businesses that engage in certain industries. These industries include but are not limited to:

- Health care and life sciences;
- Cyber security;
- Homeland security and defense;
- Alternative energy;

- Advanced materials and manufacturing; and
- Information technology.

The members of the corporation must have at least ten years of experience in the fields of investment, banking, or finance. Members must comply with certain ethics standards and meetings of the corporation are subject to the Open Meeting Law.

The State Treasurer is required to adopt regulations addressing specifically identified issues, including providing assurance that businesses receiving venture capital investments have a presence in the State. The Treasurer may, by regulation, establish a Business Leadership Council and adopt further regulations as needed.

The bill authorizes the State Treasurer to transfer an amount not to exceed $50 million from the State Permanent School Fund to the independent corporation for investment if the State Treasurer first obtains a judicial determination that such an investment does not violate the provisions of Section 9 of Article 8 of the *Nevada Constitution*. At least 70 percent of the investments made by the independent corporation must be provided to businesses located or seeking to locate in Nevada.

S.B. 109 (Chapter 200)

Senate Bill 109 excludes from the definition of "revenue" proceeds from the interstate sale of natural gas to a wholesale provider of electric energy for the purposes of cities and counties imposing the business license fee on public utilities.

This bill is effective on July 1, 2011.

S.B. 506 (Chapter 478)

Senate Bill 506 changes three distinct areas of local government finance. First, the bill revises the required amount of the reserve that must be established and maintained for payment of the outstanding debts of a school district. Second, it allows a local governing body to modify ordinances related to in-progress or completed local improvement projects. Third, it provides for the creation of a toll road in connection with the Boulder City Bypass Project.

With regard to the reserve amounts that must be established and maintained for payment of the outstanding debts of a school district, the bill changes the amount of the required reserves to the lesser of: (1) 10 percent of the outstanding principal; or (2) 25 percent of the amount of principal and interest on all outstanding bonds for Clark County and Washoe County. For the other 15 counties, the amount is the lesser of: (1) 10 percent of the outstanding principal; or (2) 50 percent of the amount of principal and interest on all outstanding bonds.

Senate Bill 506 allows certain modifications to be made to a local improvement project after it has started and assessments have been levied. A local government may make changes to the project without holding a public hearing under certain circumstances.

The bill requires the Regional Transportation Commission of Southern Nevada (RTC) to enter into a public-private partnership to plan, design, construct, improve, finance, operate, and maintain a demonstration project for a toll road in connection with a proposed bypass around Boulder City. The RTC may establish a schedule of fees, fines, and penalties related to the use of the facility. The bill subjects contracts to several conditions, including requirements that all money received by the RTC be deposited in the State Highway Fund and separately accounted for to ensure it is used only on that facility and that prevailing wages be paid to workers engaged in construction on the demonstration project. The RTC must periodically report to the Legislature on the status of the demonstration project.

The provisions authorizing school districts to determine the reserve amount for payment of outstanding debts are effective on June 16, 2011. The remainder of the bill is effective on July 1, 2011.

Improvement and Special Districts

A.B. 168 (Chapter 40)

Assembly Bill 168 allows the creation of a general improvement district that includes property within seven miles of an unincorporated town with a town advisory board or citizens' advisory council so long as the property is not within seven miles of a city or an unincorporated town with a town board.

A.B. 376 (Chapter 505)

Assembly Bill 376 requires an independent auditor to review claims submitted in connection with sales tax anticipated revenue financing (STAR bond financing) or reimbursement from public funding. For tourism improvement districts (TIDs) created on or after July 1, 2011, the bill prohibits the use of public funding for "soft" costs of development and prohibits pledging sales tax revenues from an existing business that relocates into the district from within a 3-mile radius of the district. The bill also prohibits STAR bond financing to any governmental entity for any project within a TID if any nongovernmental entity is or was entitled to receive such financing under the original financing agreements for the initial projects in the TID. This prohibition does not apply to the financing or reimbursement to a school district or governmental entity that is or was entitled to such financing under the original financing agreements. In addition, STAR bond financing for any project not part of the original financing agreements must not be used without the consent of all the persons or entities that were entitled to receive such financing under the original agreements.

The measure sets forth the procedures, with certain exceptions, to be followed by a contractor when soliciting and selecting bids from subcontractors on projects receiving public financing or receiving the benefits of infrastructure and other improvements financed with public funds. When entering into contracts for projects in the district, the parties shall include the same stipulations that are required in a contract for a public work, including the payment of prevailing wages.

The bill requires each local government with a TID to submit an annual report to the Legislature on the status of each project in the district and an assessment of the district's financial impact on local governmental services. The Department of Taxation must also collect and report semiannually to the Legislature certain information from each business in a district. When selecting an independent consultant to prepare a report to a governing body on a proposed district, the governing body must select an out-of-state consultant from a list provided by the Commission on Tourism.

Assembly Bill 376 authorizes the City of Reno to create by ordinance a special improvement district to finance capital improvement projects for publicly owned facilities relating to tourism and entertainment. If adopted, such an ordinance must impose a $2 per night surcharge on hotel rooms in the district that are located on gaming properties. The bill also revises the membership of the stadium authority in Washoe County and allows the authority to recommend to the Reno City Council to impose a surcharge on items or services related to the minor league baseball stadium project. Any such surcharge must be approved by a two-thirds vote of the Council and must be used solely to pay the costs to acquire, lease, operate, and maintain the stadium project or to pay the principal or offset the costs associated with bonds issued to fund the project. The surcharge shall only be charged for 20 years, or until the bonds for which it is designed to offset are fully paid, whichever is later.

The measure also requires the City of North Las Vegas to conduct a wastewater study that includes consideration of a joint pipeline with the Clark County Water Reclamation District. If the City determines that a joint pipeline is not feasible, then the City must prepare an environmental study and a management plan to address the flood control channel located in the City. The City of North Las Vegas must submit a report on the status of its plans to the Legislature by February 1, 2013.

Finally, A.B. 376 authorizes school districts to determine the amount in a reserve account for payment of the outstanding debts of the school district. For Clark County and Washoe County, the bill changes the amount of the required reserves to the lesser of 10 percent of the outstanding principal, or 25 percent of the amount of principal and interest on all outstanding bonds. For the other 15 counties, the amount is 10 percent of the outstanding principal, or 50 percent of the amount of principal and interest on all outstanding bonds, whichever is less.

Provisions relating to the surcharge on hotel rooms, the school district reserve accounts, the wastewater study, and the selection of independent consultants are effective on June 17, 2011. The remaining provisions are effective on July 1, 2011.

S.B. 92 (Chapter 531)

Senate Bill 92 expands the permissible purposes for which money may be expended from a development revolving fund to include use by a redevelopment agency for the improvement, with certain limitations, of educational facilities in a city or county with a redevelopment area within its boundaries. The bill also requires a redevelopment agency to file a report with its

governing agency and with the Director of the Legislative Counsel Bureau and sets forth the required contents of the report. In the City of Las Vegas, where there is an existing 18 percent set-aside of the revenue from certain taxes in redevelopment areas for the increase or preservation of low-income housing units, the bill permits the use of one-half of the set-aside for the improvement of educational facilities within the redevelopment area.

The report required to be filed by the redevelopment agency must include the:

- Legal description of the boundaries of the redevelopment agency;
- Date the development plan for the redevelopment area was adopted;
- Scheduled termination date of the plan;
- Total sum of the assessed value of the taxable property in the redevelopment area;
- Combined overlapping tax rate of the redevelopment area;
- Property tax rate of the redevelopment area;
- Property tax revenue received from tax increment areas within the redevelopment area;
- Copies of any memoranda of understanding that the agency enters into during the fiscal year in which the redevelopment plan was adopted; and
- Amortization schedule for any debt incurred and the reasons for incurring the debt.

This bill is effective on July 1, 2011.

Purchasing and Public Works

A.B. 144 (Chapter 20)

Assembly Bill 144 adds five criteria that must be met to qualify for the 5 percent bidding preference on State and local public works projects. The applicant must submit a signed affidavit certifying that the criteria will be met for the duration of the project. The additional criteria are:

- At least 50 percent of the workers must have a Nevada driver's license or identification card;
- Vehicles must be registered in Nevada or be partially apportioned to Nevada;
- At least 50 percent of the design professionals working on the project must have a Nevada driver's license or identification card;

- At least 25 percent of the suppliers of the materials used must be located in Nevada; and
- Certain payroll records must be maintained and available in Nevada.

The bill also requires the contractor to maintain, for all workers on the project, a list of the driver's license and identification card numbers.

The public works contract must contain the five criteria and provide that failure to comply with the criteria constitutes a material breach entitling the public body to liquidated damages equal to 10 percent of the contract's cost. The contract must also contain a provision to apportion the liability for damages for a material breach between the contractor and subcontractor in proportion to each party's liability for the breach. A contract not in compliance with this bill shall be void. A contractor who receives a preference and breaches the contract shall be penalized as follows: (1) if the cost of the contract exceeds $5 million, the contractor shall lose the preference certification for five years; or (2) if the contract exceeds $25 million, the contractor shall be barred from bidding on public works projects for one year.

A person may file a written objection with the public body to a proposed or awarded contract, along with supporting proof, alleging that the criteria are not being met. The public body must review the objection and supporting proof and determine whether the criteria are being met. If the public body determines the criteria are not being met, the contract may be awarded to another bidder or the public body may seek liquidated damages. Breaches shall be reported to the State Contractors' Board, and the information shall be retained for at least six years.

The bill is effective on April 27, 2011.

NOTE: See also Assembly Bill 574 (Chapter 422).

A.B. 413 (Chapter 289)

Assembly Bill 413 reduces the maximum amount of retainage that may be withheld at the start of a public work to 5 percent. After half the project has been completed and the contractor is in compliance with the contract and applicable laws and codes, the public body may not withhold more than 2.5 percent of future progress payments. The public body may, however, pay to the contractor any remaining amount of retainage withheld if the public body determines that satisfactory progress has been made on the project and all subcontractors have successfully completed their portion of the work. If this retainage is paid to the contractor, the contractor is required to pay to the subcontractor the portion of any retainage he or she has withheld for the subcontractor's part of the project. A similar retainage payment is required by a subcontractor to any of his or her subcontractors.

Assembly Bill 413 also provides that if the contractor is not in compliance after half the project is complete and the public body has withheld all or a portion of the initial retainage, the public body may retain up to 5 percent of future progress payments and may continue to hold

the initial retainage amount. These same retainage terms and limits apply to contractors and subcontractors.

The bill is effective on October 1, 2011, and expires by limitation on July 1, 2015.

A.B. 574 (Chapter 422)

Assembly Bill 574 amends A.B. 144, enacted earlier in the 2011 Session, which provides for a 5 percent bidding preference on public works projects subject to five specific conditions. Assembly Bill 574 adds an exception to the condition that at least 25 percent of the suppliers of the materials used on the project be located in Nevada if the public body requires materials or equipment that cannot be obtained in this State.

Each contract between the public body, contractors, design-build team, subcontractors, and suppliers, or any combination thereof, must impose liability for liquidated damages on the party who fails to comply with one of the conditions applicable to the preference. The public body may enforce this liability directly against the party responsible for the breach. The amount of liquidated damages that may be collected is reduced from the lesser of 10 percent or $50,000 to 1 percent of the cost of the largest contract to which the responsible person is a party.

The bill is effective on June 15, 2011.

S.B. 268 (Chapter 529)

Senate Bill 268 allows a design professional to qualify for a 5 percent bidder's preference when competing for a public works project upon submission of proof of payment of the modified business tax in an amount not less than $1,500 annually for three years. A design professional who acquires a practice that is eligible for the preference, and who employs a design professional who is a Nevada resident, may also qualify for the preference. The bill requires a public body or Nevada's Department of Transportation (NDOT) to publicize certain information on the selection of a design-build team, including the identity of any finalists who received the bidder's preference. The State Public Works Board and each local government are required to report on contracts involving this preference to the Legislative Counsel Bureau on a form approved by the Committee on Local Government Finance.

The measure lowers the threshold for use of a design-build team from $10 million to $5 million, and it modifies provisions relating to the negotiation of design-build contracts.

The bill requires a contractor who replaces a subcontractor on a project to do so without increasing the bid. The deadline for filing a notice of protest is changed from five business days after the bids were opened to five business days after the issuance of a recommendation to award.

If a contractor substitutes subcontractors for reasons not permitted in statute, the contractor must forfeit 1 percent of the total contract amount as a penalty. If a contractor substitutes a

subcontractor for work the contractor was to perform, the contractor must forfeit the lesser of 2.5 percent of the total contract amount or 35 percent of the engineer's estimate of the affected portion of the project.

Senate Bill 268 revises provisions governing the use of construction managers at risk including setting forth procedures for scoring and selecting a construction manager at risk and for the selecting and substituting of subcontractors by the construction manager at risk. The bill clarifies that the selection of a subcontractor does not have to be based solely on cost. The changes relating to construction managers at risk only apply to contracts entered into after July 1, 2011.

The measure also permits NDOT to use construction managers at risk for a period of two years starting on July 1, 2011.

A contract provision that requires a contractor to waive or release a claim for damages due to a delay that is effectively an abandonment caused by the fraud, bad faith, or active interference of the public body; a significant addition to the scope or duration of the project; or a provision that requires a contractor or a public body to be liable for consequential damages, is declared void and unenforceable. Liquidated damages clauses are not prohibited.

Provisions relating to the adoption of regulations and preparatory tasks are effective on June 17, 2011. Provisions relating to the bidding preference are effective on October 1, 2011. Provisions relating to construction managers, penalties, the design-build threshold, and similar matters are effective on July 1, 2011. The provision that terminates the authority of NDOT to use construction managers at risk is effective on July 1, 2013.

MILITARY

A.B. 100 (Chapter 343)

Assembly Bill 100 enacts the Uniformed Military and Overseas Absentee Voters Act, which authorizes members of the Armed Forces of the United States, their spouses and dependents, and certain other Nevada electors who reside outside the country, to request forms for voter registration and absent ballots, and the federal form providing for simultaneous voter registration and request for an absent ballot. The Act also provides for the return of voted ballots by electronic means. The bill repeals conflicting provisions of State law addressing these matters and makes other minor technical corrections as necessary.

The provisions of this measure apply to every primary, general, or special election in which a candidate for federal election appears on the ballot. If a voter covered by this bill indicates on the federal write-in absentee ballot that he or she is residing overseas indefinitely, the voter may only use the federal write-in absentee ballot to vote for federal offices.

A.B. 277 (Chapter 352)

Assembly Bill 277 requires the Department of Motor Vehicles (DMV) to make the existing special license plates for veterans available to female veterans with an optional image representative of female veterans. The image to be used for the license plate shall be provided to the DMV by the Nevada Veterans' Services Commission.

The bill provides that a female veteran who has suffered a 100 percent service-connected disability and who receives compensation from the United States for that disability may be issued a special "Disabled Female Veteran" license plate from the DMV. A holder of this plate is entitled to the same benefits as a holder of a "Disabled Veteran" plate, including the right to park in a parking space designated for persons who are handicapped.

A.B. 295 (Chapter 45)

Assembly Bill 295 authorizes a person designated on a United States Department of Defense Record of Emergency Data, DD Form 93, to order the burial or cremation of the remains if the decedent was a member of the Armed Forces on active duty at the time of death. This provision adds to the current order of priority for the disposition of human remains.

A.B. 420 (Chapter 145)

Assembly Bill 420 requires the county recorder to maintain personal information related to the military service of a Nevada National Guard member as confidential but allows disclosure of that information to a person designated in writing by the National Guard member or, upon the National Guard member's death, by the widow or widower, parent, child, sibling, guardian, or personal representative.

The protection against termination of employment due to service in the National Guard is expanded to include periods of time during which the National Guard member is assembling or participating in training. The bill also prohibits service of a civil or administrative proceeding

during certain periods of training and when called to active duty. Any such proceeding during the period of training or active duty is stayed.

The bill grants an additional five points on a competitive examination for State employment for a member of the Nevada National Guard who submits a letter of recommendation from the commanding officer of his or her unit.

The bill is effective on July 1, 2011.

S.B. 154 (Chapter 321)
Senate Bill 154 requires the Department of Motor Vehicles to develop a special license plate for family members of a person who died as a result of injuries sustained while on active duty in the Armed Forces of the United States.

S.B. 445 (Chapter 264)
Senate Bill 445 extends the authority of the Office of the Military to rent out any facility under its jurisdiction, with the rent proceeds deposited in the State General Fund for credit to the Office. The measure also sets forth the required contents of any rental agreement entered into between the Office of the Military and the renter.

The bill is effective on July 1, 2011.

Veterans

A.B. 124 (Chapter 7)
Assembly Bill 124 requires a funeral director who obtains possession of the unclaimed human remains of a person who might be a veteran to report the name of that person to Nevada's Office of Veterans' Services (NOVS) within one year after obtaining possession of the remains. The NOVS must determine whether the deceased person is a veteran who is eligible for interment in a national cemetery or veterans' cemetery and notify the funeral director. The funeral director must arrange for the proper disposition of the veteran's remains. The funeral director is not liable for any act or omission in complying with these requirements.

A.B. 245 (Chapter 408)
Assembly Bill 245 allows a veteran or a disabled veteran to transfer his or her partial exemption from the governmental services tax to his or her current spouse. The transfer must be made by an affidavit filed in the county in which the veteran or disabled veteran would otherwise claim the exemption. The transfer expires upon the earlier of: (1) termination of the marriage; (2) death of the veteran or disabled veteran; or (3) the revocation of the transfer.

The bill is effective on July 1, 2011.

S.B. 280 (Chapter 105)

Senate Bill 280 clarifies that the money deposited in the Gift Account for Veterans from fees collected from holders of Nevada's veterans' license plates may be used for both: (1) veterans' outreach programs; and (2) services benefitting veterans and their families.

This bill is effective on May 24, 2011.

NATURAL RESOURCES AND PUBLIC LANDS

A.B. 306 (Chapter 142)
Assembly Bill 306 provides that each county in a conservation district will appoint its own representative to the district's board of supervisors.

This bill is effective on July 1, 2011.

A.B. 368 (Chapter 143)
Assembly Bill 368 includes several provisions concerning brands and brand inspections. The bill requires the State Department of Agriculture to provide electronic versions of certain books and supplements regarding brands.

The bill further allows a person to bring a saddle horse into and out of the State without a brand inspection or livestock movement permit under certain circumstances. The person must present a certificate of health for the horse and a bill of sale or other proof of ownership upon request. Horses transported under the provisions of the bill may remain in the State for a maximum of 15 days, or fewer days if specified by the Department, and may not be transported into or from the State more than once during that period. For the purposes of the bill, a saddle horse is defined as a horse that is ridden or otherwise used by a person while competing or participating in a rodeo, horse show, or other contest of skill other than a bucking event.

This bill is effective on July 1, 2011.

A.B. 451 (Chapter 146)
Assembly Bill 451 repeals State statutes regarding the Advisory Council on the Metric System and Metric System Trust Fund.

This bill is effective on May 29, 2011.

S.B. 493 (Chapter 449)
Senate Bill 493 creates the Mining Oversight and Accountability Commission whose duties include oversight of the activities of the various State agencies that have responsibility for the taxation, operation, safety, and environmental regulation of mines and mining in this State.

The following agencies are subject to supervision by the Oversight Commission and must submit annual reports to the Oversight Commission:

- Nevada Tax Commission and Department of Taxation;
- Division of Industrial Relations of the Department of Business and Industry;
- Commission on Mineral Resources and its Division of Minerals;

- Bureau of Mines and Geology of the Nevada System of Higher Education; and
- Division of Environmental Protection of the State Department of Conservation and Natural Resources.

Several of these entities are required to attend meetings of the Commission. Certain regulations of the supervised entities relating to mines are not effective until reviewed by the Oversight Commission prior to submittal to the Legislative Commission.

Senate Bill 493 also eliminates the costs of fire insurance and marketing as deductions when calculating net proceeds of mines for purposes of taxation. For Calendar Year (CY) 2012 and CY 2013, the costs of health and industrial insurance may not be deducted. The deduction for the costs of extraction is limited to direct costs for activities in Nevada, and the deduction for developmental work is limited to the work necessary for the operation of a mine or group of mines. The bill clarifies that employee housing costs and payments of federal, local, and State taxes are not expenses for the purpose of determining net proceeds. The bill also includes technical clarifications of other deductions. The changes to the deductions and allowed expenses apply starting CY 2012.

The Department of Taxation is required to report annually to the Oversight Commission on the expenses and deductions of each mining operation in the State and must submit a comprehensive audit program for each mining operator at the first meeting of the Oversight Commission.

The Oversight Commission may ask the Legislative Commission to direct the Legislative Auditor to undertake an audit or investigation of the supervised entities with respect to mining issues.

Finally, the measure repeals the mining claim fees enacted in the 26th Special Session in 2010. Entities that paid the fees may apply to the Department of Taxation for a credit against the modified business tax they owe or for a refund.

The bill is effective on June 16, 2011, except for the temporary elimination of the insurance deductions, which is effective on January 1, 2012, and expires on December 31, 2013.

Domestic Animals

A.B. 515 (Chapter 420)

Assembly Bill 515 makes various changes regarding the Nevada Junior Livestock Show Board. It provides that Board members serve without compensation and are not entitled to the per diem and travel expenses provided for State officers and employees generally. The measure removes a requirement that one member of the Board be a member of the staff of the State Board for Career and Technical Education. Instead, the bill stipulates that one Board member must be a secondary agriculture educator nominated by the agriculture education

program professional at the Department of Education. Further, A.B. 515 removes a requirement that one Board member must be a person whose interest is in horses, and instead requires that one Board member must be a person whose interest is in general agriculture. The bill also removes requirements that the Board conduct, regulate, and possess and care for the property of the Nevada State Horse Program.

Finally, A.B. 515 repeals the requirement that the promotion of livestock be funded by direct legislative appropriation from the State General Fund.

This bill is effective on July 1, 2011.

S.B. 17 (Chapter 185)

Senate Bill 17 authorizes the owner of an animal to donate a drug dispensed for the animal but that will not be used by that animal, if certain conditions are met. The drug must be donated to a licensed veterinarian or a facility where veterinary medicine is practiced. The veterinarian may reissue the drug free of charge under certain conditions, including economic need, but in no event may the reissued drug be sold or resold. Other restrictions apply to reissuance, including that the:

- Drug not be a controlled substance;
- Drug's usefulness has not expired; and
- Name of the original animal and its owner are obliterated before reissuance.

A veterinarian must also comply with certain handling and record keeping requirements.

A licensed veterinarian or veterinary medicine facility is not subject to civil or criminal liability or disciplinary action by a professional licensing board for any loss, injury, or death resulting from a drug if reasonable care is exercised in the donation, acceptance, distribution, or dispensation of the drug. Similarly, a drug manufacturer receives civil and criminal immunity if it operates under the same standard of care.

A donated drug may not be reissued for use in an animal that is used for human consumption or if the animal is ordinarily consumed by other animals that are used for human consumption.

This bill is effective on May 31, 2011, for the purpose of adopting regulations, and on October 1, 2011, for all other purposes.

S.B. 223 (Chapter 284)

Senate Bill 223 provides that if a person makes a report to animal control or law enforcement regarding abuse of an animal, the report must remain confidential except to appropriate law enforcement or government agencies for the purposes of a criminal investigation or prosecution. The bill also provides that the intentional torturing or unjustifiable maiming,

mutilating, or killing of a companion animal or any cat or dog is punishable as a category D felony. If the act is done to threaten, intimidate, or terrorize another person, the punishment is a category C felony. Finally, S.B. 223 clarifies that a person who separates a dog or cat from its mother before it is 8 weeks old or is accustomed to taking food or nourishment other than by nursing, is guilty of a misdemeanor.

S.B. 299 (Chapter 281)

Senate Bill 299 provides a definition of "breeder" and requires the board of county commissioners in each county and the governing body of each incorporated city, if their jurisdiction to enact and enforce ordinances relating to animals is not limited by an interlocal agreement, to adopt an ordinance requiring certain commercial breeders of dogs and cats to obtain a breeder permit. The permit must specify the premises at which the person may act as a breeder and also must include a permit number, which must be displayed in certain locations. The bill provides that an authorized agent may enter and inspect the specified premises of a breeder during any reasonable hour for the purpose of enforcing the ordinance.

Senate Bill 299 also provides that a breeder shall not sell a dog or cat unless the dog or cat has a microchip inserted and has all required rabies vaccinations that are appropriate based on the age of the animal. The bill stipulates that a female dog may not be bred before she is 18 months old or more than once a year. Finally, S.B. 299 makes changes concerning specifications for primary enclosures and temperature variances as they relate to standards of care for dogs and cats.

S.B. 309 (Chapter 431)

Senate Bill 309 authorizes a person to remove from his or her property livestock for which the person has, by contract, provided care or shelter. After appropriate notification and under specific circumstances, the livestock is deemed to be abandoned and the person may:

- Sell the livestock;
- Give the livestock to a society for the prevention of cruelty to animals;
- Return the livestock to the owner at the owner's present address;
- Transfer the livestock to another facility; or
- Bring a civil action to require the owner to remove the livestock.

If the owner fails to remove the livestock, the person providing care and shelter for the livestock may charge and collect reasonable and actual costs incurred in removing the livestock.

The bill provides that a person may either pursue the remedies provided under the bill or pursue another remedy allowed by law, but may not pursue both.

Environmental Matters

S.B. 12 (Chapter 153)

Senate Bill 12 repeals statutory provisions that require certain facilities that generate electricity to report greenhouse gas emissions to the State Environmental Commission and voids any regulations adopted pursuant to those provisions.

These reporting requirements duplicate the federal reporting requirements.

This bill is effective on May 29, 2011.

S.B. 271 (Chapter 530)

Senate Bill 271 provides for the withdrawal of the State of Nevada from the Tahoe Regional Planning Compact under certain circumstances. This withdrawal will take effect on October 1, 2015, unless the governing body of the Tahoe Regional Planning Agency (TRPA) adopts an updated Regional Plan and certain proposed amendments to the Compact. These amendments include: (1) the removal of the supermajority requirement for the governing body of the Agency to vote on matters considered by the TRPA; (2) requiring the Regional Plan of the TRPA to consider the Lake Tahoe Basin's changing economic conditions; and (3) adding language to the Compact providing that a person who challenges the Regional Plan has the burden of proof to show that the plan violates the Compact. The Governor may issue a proclamation extending this withdrawal deadline to October 1, 2017.

The bill specifies that if Nevada withdraws from the Compact, the Nevada TRPA will assume the duties and powers currently held by the bistate Agency for the portion of the Lake Tahoe Basin within this State; any approval for a project that was issued by the TRPA remains valid.

Finally, S.B. 271 requires the Legislative Committee for the Review and Oversight of the Tahoe Regional Planning Agency and the Marlette Lake Water System to prepare a report detailing certain issues relating to Nevada's participation in the Compact. The Legislative Committee must appoint a delegation to work with a like delegation from the California Legislature to discuss possible changes to the Compact. Additionally, this bill authorizes the Legislative Committee to submit to the 77th Session of the Legislature a bill draft request that would have the effect of preventing Nevada's withdrawal from the Compact, if the Legislative Committee determines that Nevada should remain a party to the Compact.

Provisions regarding the proposed amendments to the Tahoe Regional Planning Compact become effective upon proclamation by the Governor of the State of Nevada that the State of California and the United States Congress have enacted and approved the amendments. The remainder of the bill is effective on June 17, 2011. Provisions regarding the activities of the Legislative Committee for the Review and Oversight of the Tahoe Regional Planning Agency and the Marlette Lake Water System expire by limitation on January 1, 2013.

S.B. 417 (Chapter 254)
Senate Bill 417 requires certain regulations concerning recycling that are adopted by the State Environmental Commission and the Division of Environmental Protection in the State Department of Conservation and Natural Resources to include provisions for the placement of recycling containers on the premises of apartment complexes and condominiums where services for the collection of solid waste are provided.

This bill is effective on June 4, 2011, for purposes of adopting regulations, and on October 1, 2011, for all other purposes.

S.B. 438 (Chapter 437)
Senate Bill 438 authorizes the issuance of general obligation bonds of not more than $12 million to provide money to carry out certain environmental improvement projects included in the second phase of the Environmental Improvement Program for the Lake Tahoe Basin.

The bill is effective on July 1, 2011.

Water

A.B. 73 (Chapter 113)
Assembly Bill 73 authorizes the State Engineer to enter upon lands where water is being diverted or used, or dams or other obstructions are located, to investigate or carry out his or her duties. Entry is limited to reasonable hours of the day.

The bill clarifies that certificated rights are subject to forfeiture and, if an extension of the time to work a forfeiture is granted, the State Engineer may declare a water right forfeited 30 days after the extension expires. A legislative declaration states that these amendments to the forfeiture provisions are consistent with past practice and, to promote stability, clarify rather than change the application of the current law.

With respect to granting credit to public water systems for the abandonment of domestic wells, the bill deletes the requirement that the State Engineer had denied a municipal application for groundwater and eliminates the requirement for a public hearing before granting such credits.

The bill is effective on May 24, 2011.

A.B. 114 (Chapter 385)
Assembly Bill 114 creates a fee of $750 for an application to the State Engineer to change the point of diversion or place of use of an existing water right for irrigation purposes.

The bill is effective on July 1, 2011.

A.B. 115 (Chapter 166)

Assembly Bill 115 extends the time within which the State Engineer may act on an application to appropriate water for beneficial use from one to two years. The bill deletes the requirement for a protestant to approve the postponement of an application and adds additional grounds for postponement of an application. An application that has not been approved or rejected, or on which a hearing has not been held within seven years, must be republished and the protest period reopened. The bill clarifies that applications remain active until either approved or rejected. Additional technical amendments include reordering certain existing sections of the statutes, eliminating unused definitions, and deleting redundant provisions. The measure states that the amendments only apply to applications filed on or after July 1, 2011.

The bill is effective on July 1, 2011.

A.B. 410 (Chapter 510)

Assembly Bill 410 requires protests by governmental entities of certain water applications to be verified by affidavit. The bill affects protests of applications to the State Engineer to change the point of diversion or the manner or place of use, within the same basin, of an existing water right. The verification of the protest must be made by the person who is in charge in the State of Nevada for that governmental entity.

The bill is effective on July 1, 2011.

A.B. 419 (Chapter 265)

Assembly Bill 419 permits the State Engineer to designate a groundwater basin as a critical management area if the withdrawals consistently exceed the perennial yield of the basin. If a petition for designation is submitted by a majority of the holders of certificates or permits to appropriate water, the State Engineer shall issue such a designation. If a basin has been designated as a critical management area, a petition may be submitted by a majority of the holders of certificates or permits to appropriate water, for the approval of a groundwater management plan. The bill sets forth certain criteria that the State Engineer may consider when reviewing a groundwater management plan. Notice must be given by publication and on the Internet prior to approval of a management plan. If a basin has been designated as a critical management area for at least ten consecutive years, the State Engineer shall order all withdrawals of groundwater to be restricted based on priority unless a groundwater management plan has been approved.

An approved groundwater management plan is added to the list of factors that the State Engineer shall consider when reviewing a request for an extension of time to avoid forfeiture.

The bill is effective on July 1, 2011.

A.B. 422 (Chapter 180)
Assembly Bill 422 authorizes a public body to lease its water rights to persons who are using groundwater in excess of that permitted by the State Engineer.

The bill also changes the term of a member of the Advisory Committee for the Management of Groundwater in the Las Vegas Valley Groundwater Basin from two to four years and allows the Advisory Committee to meet once a year. The requirement that the Chair be elected by the members of the Committee is deleted. In lieu of the prior reporting requirements, the Southern Nevada Water Authority must prepare a report every two years for submittal to the Legislature prior to each regular session. With respect to the program for abandoning a well and connecting to a municipal water system, the bill gives discretion to the Authority as to what provisions may be included in an agreement between the Authority and a property owner.

The bill is effective on July 1, 2011.

S.B. 361 (Chapter 277)
Senate Bill 361 authorizes a person to apply to the State Engineer for the issuance of a temporary permit to appropriate water to establish fire-resistant vegetative cover in an area that has been burned by a wildfire or to prevent or reduce the impact of a wildfire. The duration of such a temporary permit is limited to one year. The bill exempts such an application from several requirements in existing law for applications for permits concerning water rights, including publication of notice of the application in a newspaper. Finally, S.B. 361 requires the State Forester Firewarden, upon the request of the State Engineer, to review the plan for establishing the vegetative cover that is required to be submitted by the applicant for the temporary permit.

The bill is effective on June 10, 2011.

Wildlife

A.B. 19 (Chapter 130)
Assembly Bill 19 expands the availability of special group fishing permits to include nonprofit organizations that operate for the benefit of any children, not just disadvantaged or at-risk children. The bill also provides for an annual fishing license that would allow non-Nevada residents to fish solely in the reciprocal waters of the Colorado River, Lake Mead, Lake Mohave, Lake Tahoe, and Topaz Lake.

This bill is effective on May 29, 2011, for the purpose of adopting regulations relating to special fishing permits, and on March 1, 2012, for all other purposes.

A.B. 167 (Chapter 387)
Assembly Bill 167 enacts various provisions regarding protecting State waters from aquatic invasive species. The bill provides that a person who knowingly or intentionally introduces an aquatic invasive species or injurious aquatic species into any waters of the State is guilty of a

misdemeanor for the first offense and a category E felony for any subsequent violation. The bill also provides for a civil penalty upon conviction for such an act.

The measure requires boaters to decontaminate any vessel or conveyance used on an impaired body of water before entering another body of water in the State. The bill further requires boaters to comply with inspection and decontamination programs approved by the Department of Wildlife, and it provides for certain measures of enforcement. The bill allows a peace officer to stop and inspect a vessel or conveyance under certain circumstances, and it also allows the Department of Wildlife to set up inspection stations.

Finally, A.B. 167 directs the Board of Wildlife Commissioners to establish an aquatic invasive species fee to be paid yearly by boaters. For residents of Nevada, the fee must not exceed $10 for a motorboat and $5 for any other vessel. For nonresidents, the fee is $20 for a motorboat and $10 for any other vessel. Boaters will receive a decal as proof of payment, and they must display the decal in order to operate a vessel on the waters of the State.

Provisions of the bill regarding penalties for knowingly or intentionally introducing aquatic invasive species are effective on July 1, 2011. The remainder of the bill's provisions are effective on June 15, 2011, for the purpose of adopting regulations and performing preparatory administrative tasks, and on January 1, 2012, for all other purposes.

A.B. 322 (Chapter 295)

Assembly Bill 322 revises the qualifications for the member of the Board of Wildlife Commissioners who is appointed based on conservation involvement. The measure also gives the Governor greater discretion in appointing the Director of the Department of Wildlife by removing a requirement that the Governor choose from nominees provided by the Board of Wildlife Commissioners. Finally, the bill establishes the Dream Tag program by statute and provides that the Department of Wildlife will administer that program.

Provisions regarding the conservation member of the Board of Wildlife Commissioners and the appointment of the Director of the Department of Wildlife are effective on June 10, 2011. Provisions regarding the Dream Tag program are effective on July 1, 2011.

A.B. 503 (Chapter 473)

Assembly Bill 503 provides that in any year, not more than 18 percent of the money credited to the Wildlife Obligated Reserve Account may be used to monitor wildlife and its habitat for the purposes of habitat rehabilitation and restoration.

This bill is effective on July 1, 2011.

A.B. 525 (Chapter 496)

Assembly Bill 525 combines the Wildlife Account and the Wildlife Obligated Reserve Account in the State General Fund into one account designated the Wildlife Fund Account. The bill requires the Department of Wildlife to establish the Wildlife Trust Fund for the purpose of

accepting any gift, donation, bequest, or devise from any private source. The money in the Fund must be expended as the donor specified, or, if not specified by the donor, at the discretion of the Director of the Department. The bill provides that the money in the Fund is private and exempts the expenditure of money from the provisions of the State Purchasing Act. Finally, the Director is required to report the income and expenditures of the Fund to various entities.

This bill is effective on July 1, 2011.

S.B. 102 (Chapter 257)

Senate Bill 102 imposes a civil penalty of not less than $5,000 nor more than $30,000 for unlawfully killing or possessing a trophy big game mammal. The bill imposes a civil penalty against a person for unlawfully killing or possessing a moose. The measure also revises the maximum amount of a civil penalty for hunting, fishing, or trapping without a license from $250 to the amount of the fee for the required license or permit. Finally, S.B. 102 requires the Board of Wildlife Commissioners to adopt regulations for the taking of antlers naturally shed by big game mammals.

Senate Bill 102 is effective on June 4, 2011, for the purposes of adopting regulations, and the provisions relating to civil penalties are effective on October 1, 2011.

S.B. 226 (Chapter 241)

Senate Bill 226 requires the Board of Wildlife Commissioners to adopt regulations governing the trapping of fur-bearing mammals in residential areas in counties whose population is 100,000 or more (currently Clark and Washoe Counties). The regulations must be adopted by December 31, 2012.

This bill is effective on June 3, 2011, for the purpose of adopting regulations, and on January 1, 2013, for all other purposes.

PUBLIC SAFETY

A.B. 30 (Chapter 83)
Assembly Bill 30 expands the list of divisions or offices within the Departments of Motor Vehicles (DMV) and Public Safety (DPS) that may be authorized to obtain permits from the DMV to own and operate authorized emergency vehicles. This bill expressly authorizes the issuance of such permits for vehicles owned and operated by the Capitol Police Division, the Investigation Division, the State Fire Marshal Division, the Training Division, the Office of the Director of the DPS, and enforcement vehicles for emissions and special fuel programs in the DMV. The bill also transfers from the DMV to the DPS the statutory authority to establish standards for certain equipment for emergency vehicles and to issue permits for those vehicles.

This bill is effective on May 24, 2011.

A.B. 98 (Chapter 216)
Assembly Bill 98 creates a new chapter in the *Nevada Revised Statutes* relating to service in Nevada by volunteer health practitioners and veterinarians during an emergency or during training for an emergency. The Division of Emergency Management in the Department of Public Safety may create a registration system for volunteer health practitioners and veterinarians and regulate the activities of such persons in an emergency, including the adoption of regulations. The bill sets forth provisions limiting the eligibility, activities, and liability of such volunteers and provides that the volunteers are eligible for workers' compensation and occupational disease benefits in the same way as other volunteers in Nevada.

The bill is effective on June 2, 2011, for the purpose of adopting regulations and on October 1, 2011, for all other purposes.

A.B. 358 (Chapter 293)
Assembly Bill 358 requires the Administrator of the Manufactured Housing Division of the Department of Business and Industry to adopt regulations prescribing safety standards for the construction, transportation, installation, inspection, maintenance, repair, and use of a portable building. Additionally, A.B. 358 exempts a portable building from regulation as a commercial coach.

A.B. 384 (Chapter 291)
Assembly Bill 384 exempts an engineer from the State law requiring the ringing of the bell or sounding of the whistle while driving a locomotive through a quiet zone established pursuant to federal regulations.

A.B. 549 (Chapter 474)
Assembly Bill 549 increases the number of voting members the Governor must appoint to the Nevada Commission on Homeland Security from 14 to 16. One of the new members must be recommended by the Inter-Tribal Council of Nevada, Inc., and must represent

Native American tribal nations in Nevada. The other new member must be a representative of the broadcaster community. The measure also adds the Chief of the Division of Emergency Management, Department of Public Safety, as a nonvoting member of the Commission.

The bill requires the Commission on Homeland Security to make recommendations to the Governor, the Legislature, and other political subdivisions with respect to actions and measures that may be taken to protect State residents and visitors. The Commission must also make recommendations to the Governor, through the Division of Emergency Management, on the use of State Homeland Security Grant Programs and Urban Area Security Initiative funding received by the State of Nevada. In addition, the Commission must submit an annual briefing to the Governor assessing the preparedness of the State to counteract, prevent, and respond to potential acts of terrorism and related emergencies.

The measure also expands the Governor's authority to determine by executive order that certain documents relating to homeland security are confidential and requires the Governor to review these documents every ten years to assess their continued need to remain confidential. The types of documents that could be made confidential include vulnerability assessments and emergency response plans of utilities, public entities, and private businesses. The bill provides that documents subject to the Governor's order of confidentiality, with the exception of vulnerability assessments, may be inspected by and released to the Legislative Auditor when conducting a postaudit and that any such information inspected by or released to the Legislative Auditor remains confidential and not subject to subpoena or discovery. Finally, A.B. 549 specifies that any employee of the Audit Division of the Legislative Counsel Bureau who is conducting an audit that includes access to vulnerability assessments must be properly cleared through federal criteria or through a State or local background check.

S.B. 140 (Chapter 523)

Senate Bill 140 prohibits the operator of a motor vehicle from manually typing, entering, or reading text using a cellular telephone or similar device. It also prohibits a driver from engaging in voice communications using such a device unless it is used with a hands-free accessory. The bill exempts certain emergency and law enforcement personnel and other persons acting within the course and scope of their employment from these restrictions. Use of a wireless communications device is also allowed by any driver to report or request assistance in an emergency, safety hazard, or criminal activity and under other limited circumstances. A violation of the law is a misdemeanor and subject to graduated fines; for a third or subsequent offense a driver's license could be suspended. These penalties will be enforced beginning on January 1, 2012. During the period of October 1, 2011, to December 31, 2011, law enforcement officials may only issue a verbal or written warning.

S.B. 245 (Chapter 184)

Senate Bill 245 creates the Statewide Alert System for the Safe Return of Missing Endangered Older Persons. The System is composed of a voluntary partnership among the Department of Public Safety, the Department of Transportation, State and local law enforcement agencies, media outlets, and other public and private organizations to assist in the search for and safe return of missing endangered older persons.

The bill defines the term "missing endangered older person" for the purposes of the System to mean a person who is 60 years of age or older whose whereabouts are unknown and:

- Who has been diagnosed with a medical or mental health condition that places the person in danger of serious physical harm or death; or

- Who is missing under suspicious or unexplained circumstances that place the person in danger of serious physical harm or death.

The Department of Public Safety is required to: (1) adopt regulations governing the operation of the System; (2) develop a plan for carrying out the System which sets forth the components of the System; (3) administer the System; (4) supervise and evaluate any training associated with the System; (5) monitor, review, and evaluate the activations of the System for compliance with the provisions of this bill; and (6) conduct periodic tests of the System.

The measure also prescribes the circumstances under which the System may be activated, and it provides immunity from civil liability for certain persons and organizations that participate in the System. Finally, the measure provides a penalty for intentionally making any false or misleading statement to cause a law enforcement agency to activate the System.

The measure is effective on May 31, 2011, for the purpose of adopting regulations, and on January 1, 2012, for all other purposes.

Police and Fire Protection

A.B. 304 (Chapter 237)

Assembly Bill 304 prohibits a person from acting as a fire performer or apprentice fire performer without a certificate of registration from the State Fire Marshal. The bill also sets 21 years as the minimum age for a fire performer and 18 years as an apprentice fire performer. An apprentice fire performer must be supervised by a certified fire performer. The State Fire Marshal is required to adopt any necessary regulations no later than December 31, 2011.

The bill is effective on June 2, 2011, for purposes of adopting regulations, and on January 1, 2012, for all other provisions.

A.B. 526 (Chapter 467)

Assembly Bill 526 requires the State Fire Marshal to adopt a prioritized schedule to inspect or cause to be inspected State buildings. The bill provides that the State Fire Marshal may order compliance with any laws or regulations adopted by the State to protect employees, the general public, and State property against fire. Finally, the State Fire Marshal shall adopt regulations that establish the criteria for prioritizing inspections of State facilities.

The bill is effective on July 1, 2011.

S.B. 439 (Chapter 438)
Senate Bill 439 merges the State Board of Fire Services and the Fire Services Standards and Training Committee and restructures the State Board of Fire Service to an 11-member board, of which 1 member, the State Fire Marshal, must serve in a nonvoting capacity. The restructured Board is charged with duties similar to those of the original State Board of Fire Services and with making recommendations to the State Fire Marshal and to the Legislature concerning necessary legislation in the fields of fire fighting and fire prevention. The Board shall, when requested by the Director of the Department of Public Safety, recommend no fewer than three persons for appointment as State Fire Marshal and shall hear appeals of orders and decisions of the State Fire Marshal.

The provision in the measure addressing the term of office of any person currently serving on the State Board of Fire Services is effective on June 16, 2011. The remaining provisions are effective on July 1, 2011.

Weapons and Firearms

A.B. 143 (Chapter 165)
Assembly Bill 143 makes a concealed semiautomatic firearm permit applicable to all such firearms and eliminates the requirement for an applicant to demonstrate competence with each specific semiautomatic firearm to which a permit applies. The measure also makes confidential the identity of a permittee, information a sheriff obtains in the course of investigating a permittee, and any records regarding the restoration, revocation, or suspension of a permit.

A.B. 217 (Chapter 38)
Assembly Bill 217 repeals provisions relating to the sales of rifles and shotguns to residents of Nevada and contiguous states in accordance with the federal firearms control law.

This bill is effective on July 1, 2011.

A.B. 282 (Chapter 490)
Assembly Bill 282 makes several changes to the statutes relating to permits to carry concealed firearms. The bill makes a concealed semiautomatic firearm permit applicable to all such firearms and eliminates the requirement for an applicant for a permit to demonstrate competence with each specific semiautomatic firearm to which a permit applies. It requires a sheriff to conduct an investigation of an applicant for permit renewal, and it requires an investigation of an applicant for a permit or a renewal to include a report from the National Instant Criminal Background Check System.

The measure prohibits the Division of State Parks, State Department of Conservation and Natural Resources, from adopting any regulation concerning the possession of firearms in State parks or recreational facilities that is more restrictive than the laws of Nevada relating to the possession of firearms and lawful resistance to prevent an offense against a person or property.

The bill also makes confidential the identity of a permittee, information a sheriff obtains in the course of an investigation, and any records regarding the restoration, revocation, or suspension of a permit.

Finally, A.B. 282 provides that the fees charged to obtain certain reports concerning the criminal history of an applicant for a new or renewed concealed carry permit must be equal to the rate charged by the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation to obtain such reports.

This measure is effective on July 1, 2011.

S.B. 126 (Chapter 319)

Senate Bill 126 revises requirements for concealed firearms permits to allow a person to complete one application and obtain one permit to carry all revolvers and semiautomatic firearms the person owns. The bill provides that applicants must not be required to list each firearm they own on their applications, and they must demonstrate competence with revolvers, semiautomatic firearms, or both, as applicable. The bill requires the permit to list each category of firearm to which the permit applies, and it makes the permit valid for any firearm in that category that the permittee owns or obtains.

S.B. 302 (Chapter 106)

Senate Bill 302 provides that neither black powder nor smokeless gunpowder may be distributed to a person under the age of 18 years. In addition, if a distributor of smokeless gunpowder has a reason to believe it is being purchased for use other than in a rifle or shotgun, the distributor may not sell it to a person under the age of 21 years. The bill requires a distributor to ask for a declaration of the intended use of both types of powder in order to ensure compliance. It provides a misdemeanor penalty and a fine of up to $500.

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REAPPORTIONMENT AND REDISTRICTING

A.B. 545 (Chapter 253)

Assembly Bill 545 revises the general provisions of the *Nevada Revised Statutes* (NRS) concerning population thresholds of local governments. The measure makes adjustments throughout NRS to the population classifications of cities and counties based on the results of the 2010 decennial census conducted by the Bureau of the Census of the United States Department of Commerce.

The bill is effective on July 1, 2011.

A.B. 570 (Chapter 276)

Assembly Bill 570 revises the districts from which the Board of Regents of the University of Nevada are elected.

The measure retains a 13-member Board. The ideal population in each Board district is 207,735. The overall range of population deviation is 0.41 percent. The plan includes nine Board of Regents districts wholly in Clark County, one district partially in Clark County, one district wholly in Washoe County, one district in parts of Pershing and Washoe Counties, and one district containing the remaining rural counties.

The bill provides for the use of the term "reelect" in the 2012 General Election under certain circumstances. The measure also includes a severability clause.

Provisions in the bill relating to members of the Board of Regents who were elected at the 2008 or 2010 General Election serving out their terms are effective on January 1, 2012, as are provisions relating to the use of the term "reelect." Sections of the bill revising boundaries of the Districts of the Board of Regents are effective on January 1, 2012, for the purposes of filing for office and for nominating and electing members of the Board of Regents, and on January 8, 2013, for all other purposes.

RESOLUTIONS AND MEMORIALS

Assembly Joint Resolutions

A.J.R. 1 (File No. 31)
Assembly Joint Resolution No. 1 proposes to amend the *Nevada Constitution* by adding a new provision that would grant the Legislature the ability to determine in statute the value of improvements to real property for the purposes of taxation upon the transfer, sale, or other conveyance of the property as the Legislature determines to be appropriate.

If approved in identical form by the 2013 Legislature, this measure will be submitted to the voters for final approval or disapproval at the 2014 General Election.

A.J.R. 5 (File No. 46)
Assembly Joint Resolution No. 5 urges the federal government to engage in discussions with the State of Nevada and Clark and Nye Counties regarding the mitigation and containment of water contamination that resulted from nuclear testing and storage activities at the Nevada National Security Site. The resolution further urges discussion of the restoration of any water contaminated due to these activities.

The resolution is effective on June 16, 2011.

A.J.R. 6 (File No. 38)
Assembly Joint Resolution No. 6 urges the Secretary of Transportation to designate U.S. Highway No. 93 from Phoenix, Arizona, to Las Vegas, Nevada, as a future Interstate System route as part of a proposed Interstate 11.

This resolution is effective on June 2, 2011.

A.J.R. 9 (File No. 21)
Assembly Joint Resolution No. 9 urges Congress to enact the Unemployment Insurance Solvency Act of 2011. The proposed federal legislation was introduced in Congress on February 17, 2011, to offer fiscal relief to the states that have borrowed money from the federal government for the payment of unemployment insurance benefits during this difficult economic crisis.

The resolution is effective on April 26, 2011.

Assembly Joint Resolution—75th Session

A.J.R. 5—75th Session (File No. 33)
Assembly Joint Resolution No. 5 proposes to amend the *Nevada Constitution* to provide that the Legislature may call itself into a special session on extraordinary occasions by a petition signed by two-thirds of the members of both houses. Such occasions include:

- Impeachment or removal proceedings against the Governor, Supreme Court Justices, or certain other State and judicial officers who have committed misconduct in office;
- Expulsion procedures against legislators who have committed misconduct in office;
- Unexpected conditions and financial emergencies; or
- Reconsideration of vetoed measures after the adjournment of a legislative session.

The measure stipulates that the Legislature may only address those issues named in the petition calling for the special session and limits most such sessions to 20 days. An exception is provided to the 20-day limit if a special session is called for the purpose of impeachment, removal, and expulsion procedures in order to allow for sufficient time for due process considerations. Finally, the resolution clarifies that a special session convened by the Legislature must be adjourned prior to "midnight on the clock," of the 20th day, linked to the actual measure of time being used and observed by the general population of Nevada during that special session.

This measure was approved in identical form during the 2009 and 2011 Sessions of the Legislature. The proposal will be submitted to the voters for final approval or disapproval at the 2012 General Election.

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 2011 Legislative Session.

A.C.R. 2 (File No. 5)
Assembly Concurrent Resolution No. 2 directs that 4.6 percent of each legislator's salary for the 76th Regular Session of the Nevada Legislature be withheld and paid to the State Treasurer for credit to the unrestricted balance of the State General Fund. This measure also stipulates that the salary of any legislator who did not vote in favor of passage of this resolution and who notifies the Director of the Legislative Counsel Bureau that the legislator does not wish to have the withholding made from his or her salary shall not be reduced.

A.C.R. 3 (File No. 25)
Assembly Concurrent Resolution No. 3 urges stakeholders to proactively protect and restore the population and habitat of the greater sage grouse in Nevada. These stakeholders include each State and local governmental agency, each user of public lands, each member of a conservation group, and any other person who is involved in activities to improve the population of the greater sage grouse. The resolution encourages continued efforts to acquire and use funding for that purpose. Copies of the resolution are to be distributed to the conservation groups that have participated in the effort to prevent the greater sage grouse from being listed as an endangered or threatened species.

A.C.R. 4 (File No. 11)
Assembly Concurrent Resolution No. 4 expresses support for economic development and the development of a highly skilled workforce in the sectors of logistics, supply chain management, and renewable energy technology in Nevada. The Legislature expresses its intent to promote Nevada as a distribution and transportation center and as a state that is at the forefront of renewable energy technology. Further, the Governor of Nevada is urged to promote economic development in the sectors of logistics, supply chain management, and renewable energy technology. Finally, the Legislature recognizes the need to prioritize the training and education of a highly skilled workforce in the aforementioned sectors and to promote the investment of private capital in logistics-related and renewable energy-related businesses in Nevada.

A.C.R. 7 (File No. 15)
Assembly Concurrent Resolution No. 7 honors the brave Nevadans who made the ultimate sacrifice through their service, dedication, and commitment to this country in the Global War on Terrorism, which was launched in response to attacks on the United States on September 11, 2001. This measure honors all Nevadans who lost their lives serving this country in the name of freedom and justice, and it memorializes the six Nevadans who have given their lives since the 75th Legislative Session.

A.C.R. 8 (File No. 22)
Assembly Concurrent Resolution No. 8 requests that the Governor develop and release an open, fair, and public process for the purpose of making an appointment to fill the upcoming vacancy in the United States Senate. The resolution proposes that the Governor establish a timeline of not less than one week for any qualified Nevadans to apply and submit their names formally for consideration for appointment as a temporary replacement, and that any such appointment be made only from those making such requests. The measure also requests that the information concerning those individuals who have formally requested consideration for appointment be made available to the public for a period of not less than one week for public comment to be received before any appointment is made.

A.C.R. 9 (File No. 24)
Assembly Concurrent Resolution No. 9 memorializes Nevada's first acupuncturist, Dr. Yee Kung Lok, who passed away on January 17, 2004, in Las Vegas. Dr. Lok is credited for Nevada becoming, in 1973, the first state in the nation to declare traditional Chinese medicine, including acupuncture, a learned profession and authorizing its practice.

Yee Kung Lok was born in Shanghai, People's Republic of China, on June 17, 1913, and in 1973, he came to Nevada with the ambition to legalize the practice of acupuncture. Dr. Lok quickly drew attention to his cause by conducting a demonstration of acupuncture in the spring of 1973, in a clinic in the Ormsby House hotel and casino in Carson City across the street from the Legislative Building. In the course of this demonstration, he treated more than 100 patients every day for 3 weeks, including half of Nevada's 60 legislators. Dr. Lok chose to settle in this State to continue helping Nevadans needing relief from their ailments and established a

successful practice. The resolution expresses the Legislature's condolences to Dr. Lok's wife, Chien Ching Lok, their children and spouses, as well as their grandchildren.

A.C.R. 10 (File No. 42)
Assembly Concurrent Resolution No. 10 directs the Legislative Committee on Health Care to create a task force to develop a State plan to address Alzheimer's disease. The measure provides that the Committee may fund the costs of the task force, to the extent that money is available, including money from gifts, grants, and donations.

The measure further provides that the Committee shall submit a report of the findings of the task force, the plan it has developed, and any recommended legislation to the 77th Session of the Nevada Legislature.

A.C.R. 11 (File No. 34)
Assembly Concurrent Resolution No. 11 amends the Joint Standing Rules of the Senate and Assembly for the 76th Session of the Nevada Legislature to extend the second House passage deadline from May 27, 2011, until May 30, 2011.

A.C.R. 12 (File No. 45)
Assembly Concurrent Resolution No. 12 directs the Legislative Commission to appoint an interim committee to conduct a study concerning the structure and operations of the Nevada Legislature. The interim committee must be composed of three members from the Assembly and three members from the Senate. The study must include, without limitation, an examination of the timing, frequency, and length of regular legislative sessions, including an examination of the efficiency and effectiveness of annual regular legislative sessions, legislative procedures and related matters, and legislator compensation.

Any recommended legislation proposed by the interim committee must be approved by a majority of the members of the Assembly and a majority of the members of the Senate appointed to the interim committee. The Legislative Commission shall submit a report of the results of the study and any recommendations for legislation to the 77th Session of the Nevada Legislature.

A.C.R. 13 (File No. 47)
Assembly Concurrent Resolution No. 13 provides for compensation at a rate of $35 per service to members of the clergy who performed religious services for the Assembly and Senate during the 76th Session of the Nevada Legislature, and it provides the sum of $2,000 to the coordinator of the clergy who facilitated these services.

NOTE: See also A.C.R. 1 (File No. 1) of the 26th Special Session.

NOTE: See also A.C.R. 2 (File No. 8) of the 26th Special Session.

Senate Joint Resolutions

S.J.R. 3 (File No. 41)
Senate Joint Resolution No. 3 urges Congress to enact legislation requiring the Secretary of the Interior to convey ownership of certain land to the State of Nevada to help fund education. The resolution notes that because the federal government owns such an extensive amount of the land in this State, Nevada is adversely affected in its ability to provide funding for a quality education to its residents.

This resolution is effective on June 6, 2011.

S.J.R. 4 (File No. 32)
Senate Joint Resolution No. 4 notes that Nevada has an abundance of natural resources and renewable resources that are located on public lands managed and controlled by the federal government. The resolution urges Congress to ensure that the public lands in Nevada, which are managed and controlled by the federal government, remain open to multiple uses. The resolution also urges Congress to enact legislation ensuring that the State of Nevada and the affected local governments in Nevada receive a portion of the revenue received by the federal government for activities conducted on the federal public lands in Nevada, including the reinstatement of federal laws and policies whereby local governments receive appropriate rents and royalties for activities that generate electricity from geothermal resources.

This resolution is effective on May 27, 2011.

S.J.R. 8 (File No. 27)
Senate Joint Resolution No. 8 notes that Nevada has vast deposits of minerals located throughout the State and that mining is an important industry in the State. The resolution observes that mining exploration and activities occur entirely or partially on federal land, and permits must be secured for those activities from the Bureau of Land Management and the United States Forest Service. The resolution urges Congress to direct various federal government agencies to expedite the permitting process for mineral exploration and the development of mines in this State.

This resolution is effective on May 19, 2011.

S.J.R. 14 (File No. 26)
Senate Joint Resolution No. 14 proposes an amendment to the *Nevada Constitution* to create an intermediate appellate court, known as the Court of Appeals, composed of three judges initially appointed to two-year terms by the Governor from nominees chosen by the Commission on Judicial Selection. Following initial appointment, the judges will be elected at the general election to serve a term of six years.

The Court of Appeals will have appellate jurisdiction in civil cases arising from the district courts and in criminal cases within the original jurisdiction of the district courts.

The Nevada Supreme Court will fix the appellate court's jurisdiction and provide for the review of appeals decided by the Court of Appeals. Finally, Nevada's Supreme Court must provide for the assignment of one or more judges of the Court of Appeals to devote part of their time to serve as supplemental district judges where needed.

If approved in identical form during the 2013 Session of the Legislature, the proposal will be submitted to the voters for final approval or disapproval at the 2014 General Election.

S.J.R. 15 (File No. 44)
Senate Joint Resolution No. 15 proposes to amend the *Nevada Constitution* by repealing Section 5 of Article 10, which imposes a separate tax on the net proceeds of minerals.

If approved in identical form during the 2013 Session of the Legislature, the proposal will be submitted to the voters for final approval or disapproval at the 2014 General Election.

Senate Concurrent Resolutions

S.C.R. 1 (File No. 35)
Senate Concurrent Resolution No. 1 expresses the Legislature's support for the Pine Forest Wilderness Study Area Working Group, which was commissioned by the Board of County Commissioners of Humboldt County to evaluate the Blue Lake and Alder Creek wilderness study areas and to make findings and develop recommendations for the Board to forward to the Nevada Congressional Delegation.

S.C.R. 2 (File No. 36)
Senate Concurrent Resolution No. 2 directs the Office of the Attorney General, the Agency for Nuclear Projects, and the State Department of Conservation and Natural Resources, to the extent that conducting such an investigation will not cost the agencies any additional money or resources, to conduct jointly an investigation into whether Nevada could potentially receive monetary compensation from the federal government for certain contaminations of the environment in Nevada. The specific environmental contaminations referenced are radioactive and other hazardous contaminants as a result of military exercises, nuclear weapons testing, and other activities conducted by the federal government in Nevada.

S.C.R. 3 (File No. 9)
Senate Concurrent Resolution No. 3 declares February 2011 as a month to honor Ronald Wilson Reagan for his many contributions to our country. Because the year 2011 marks the 100th anniversary of his birth, the Nevada Legislature urges the residents of the State of Nevada to celebrate this centennial month by reflecting on the life of this noble American who dedicated his life to the service of our great nation. President Reagan is recognized for his lifelong commitment to freedom and advancement of the public good, including his service as entertainer, union leader, corporate spokesman, Governor of California, and as the 40th President of the United States; for restoring accountability and common sense in government in the face of rampant inflation, high unemployment,

and public disillusionment; for facilitating unprecedented economic expansion, lowering crime and drug use, and reinvigorating America's Armed Forces; and for policies leading to the end of the Cold War and the demise of the Soviet Union.

S.C.R. 4 (File No. 10)

Senate Concurrent Resolution No. 4 rejects Initiative Petition No. 1, which would have imposed an additional sales and use tax in certain areas of larger counties in Nevada for the construction, improvement, equipment, operation, and maintenance of a sports and entertainment arena through public and private cooperation. This measure rejects Initiative Petition No. 1 on the grounds that it would have resulted in a disparate rate of sales and use taxation within a single county and that the revenues generated would not have been available for funding essential services such as education, public safety, and transportation. In accordance with Section 2 of Article 19 of the *Nevada Constitution*, the Legislature intends to propose for submission to the voters on the November 2012 General Election ballot a competing measure that the Legislature believes will better serve the interests of Nevada residents.

S.C.R. 5 (File No. 43)

Senate Concurrent Resolution No. 5 directs the Legislative Commission to appoint a committee to conduct an interim study of the system and laws governing the protection of children in Nevada.

S.C.R. 6 (File No. 16)

Senate Concurrent Resolution No. 6 memorializes Marie H. Soldo, who, though a native of New York City, had lived in Las Vegas from September of 1984 until the time of her passing on February 5, 2010. During that time, she served as the Executive Vice President of Government Affairs and Special Projects for Sierra Health Services in which capacity she represented not only Sierra Health Services, but also the Nevada Association of Health Plans and many other health care-related causes before the Nevada Legislature. Senate Concurrent Resolution No. 6 recognizes Ms. Soldo's passion for helping the underserved, as demonstrated by her contributing role in the development of health care programs in Africa, in helping children in Belize get specialized health care in the United States, and in her support of the St. John's University of Tanzania School of Nursing and its medical clinic in Tanzania, where she often traveled to work. The resolution expresses the condolences of the members of the 76th Nevada Legislature to Marie's friends and family, including her son Christopher Soldo Hamner and his wife Kristina.

S.C.R. 7 (File No. 20)

Senate Concurrent Resolution No. 7 memorializes Milton Glick, President of the University of Nevada, Reno, who passed away on April 16, 2011. During his tenure as President, Dr. Glick fostered a culture of excellence and led the University to unprecedented growth through campus expansion and construction, increased research funding, the recruitment of a record number of National Merit Scholarship students, and the elevation of the University to Tier 1 status in the prestigious annual rankings of *U.S. News & World Report*. The resolution further

notes that Dr. Glick's leadership led to the largest graduating class in the University's history in 2010, marking a 66 percent increase in the number of baccalaureate degrees awarded over the last ten years. This measure commemorates the remarkable legacy Dr. Glick leaves behind and his inspiring belief that education is the pathway to a better future for Nevada. Finally, S.C.R. 7 expresses the condolences of the members of the 76th Nevada Legislature to Dr. Glick's wife and family.

S.C.R. 8 (File No. 23)

Senate Concurrent Resolution No. 8 memorializes Enos LeRoy Arrascada, respected attorney and community leader, and a third generation Basque Nevadan, who passed away on December 15, 2009. The resolution commemorates Mr. Arrascada's lifelong passion for the law, having worked in his Reno-based legal practice until the day before he passed, and notes that he was considered one of the true gentlemen of the legal profession. This measure further praises Mr. Arrascada's civic-mindedness and his dedication to the State of Nevada, including his efforts as a founder and first President of the Reno Zazpiak Bat Basque Club; a former President of the Washoe County Bar Association, the Reno Host Lions Club, and the Reno Aquatic Club; a former Chairman of the Democratic Party of Washoe County; a founding member of the Nevada Trial Lawyers Association; and a member of the Humboldt Hunting Club, the Prospectors' Club, the Nevada Woodchucks, and the Gold and Silver coffee group. Finally, S.C.R. 8 expresses the condolences of the 76th Nevada Legislature to Ellen Arrascada, Mr. Arrascada's wife of 45 years, to their children and spouses, as well as to his mother Maxine Cook.

S.C.R. 10 (File No. 28)

Senate Concurrent Resolution No. 10 memorializes former State Senator Raymond C. Shaffer who began his impressive career as a State legislator in 1984 and worked tirelessly for 20 years to pass legislation relating to education, renewable energy, water issues, veterans' rights, and senior citizens' issues. The resolution notes Senator Shaffer's experience and wisdom, which were invaluable to the numerous committees he served on, including the Legislative Commission, and to his role as Senate Majority Whip in the 1991 Legislative Session. Born in Pennsylvania in 1932, Senator Shaffer served his country as a sergeant during the Korean War and was a life member of the Disabled American Veterans. In his professional life, Senator Shaffer worked for the public good as the Building Director of the City of North Las Vegas, until his retirement in 1989. In addition, he was deeply committed to issues he found to be of utmost importance, serving on the Western States Water Policy Committee and as a member of the North Las Vegas Township Democratic Club. The resolution expresses the 76th Legislature's condolences to Senator Shaffer's friends and family, including his wife Sharon, his children Cindy, Diane, James, Robin, and Thomas as well as his siblings, grandchildren, and great-grandchildren.

S.C.R. 11 (File No. 29)

Senate Concurrent Resolution No. 11 memorializes the career of military officer Colonel Jerry Bussell (Retired) who passed away on October 18, 2010. Born July 31, 1943, Jerry moved to Las Vegas at the age of 15 and later attended the University of Tennessee at Martin, going on

to build a military career and to become a staunch supporter of education. After serving in Vietnam and achieving the rank of Captain, Colonel Bussell transferred back to Las Vegas, and in 1972, he resigned his Regular Army commission to join the Nevada Army National Guard, rising to the rank of full Colonel in 1987. In the course of his career, he was awarded the Draper Armor Leadership Award, and for an unprecedented two consecutive years, his unit received the most coveted award in Armor, the Goodrich Riding Trophy.

Having retired from the military in 1993, Jerry was called back into service by Governor Kenny Guinn in 2002 to serve as Special Advisor for Homeland Security, then as Chair of the Nevada Commission on Homeland Security. Colonel Bussell had the opportunity to combine his military expertise with his enthusiasm for education when he became the Executive Director of Operations to implement the Telemedicine and Advanced Technology Research Center grant for the Division of Educational Outreach of the University of Nevada, Las Vegas, where his team developed a blended-learning approach to improve the military's Combat Life Saving training and methods for training all soldiers to treat battlefield injuries. The Colonel was also key in the establishment of the Nevada Patriot Fund (now the Nevada Military Support Alliance), which provides personal and financial assistance to the families of Nevada servicemen and women killed in the line of duty.

Among the numerous military awards he received, Colonel Bussell received the 2010 Distinguished Nevadan award, one of the highest honors bestowed by the Nevada System of Higher Education, for his many contributions to education in this State. The resolution expresses the Legislature's condolences to Pat Lundavall, Colonel Bussell's wife of 28 years.

S.C.R. 12 (File No. 30)

Senate Concurrent Resolution No. 12 memorializes Edmundo "Eddie" Escobedo, Sr., who passed away on October 15, 2010. After being honorably discharged from the U.S. Air Force, Mr. Escobedo moved to Las Vegas, and through hard work and planning, he entered the entertainment arena as a promoter of movie stars and performers in various arts. An owner of a movie theater, Mr. Escobedo was elected three times as President of the Spanish Pictures Exhibitors Association and, while serving in that role, was responsible for bringing to Las Vegas the annual conventions that are the Spanish version of the Oscars. The resolution further notes that in 1980, he and his eldest son began publishing a small weekly newspaper, *El Mundo*, which began with 16 pages and advertising that was practically given away, but today has a circulation of close to 40,000 and is an undisputed voice of Hispanics in Nevada. Due to the success of *El Mundo*, Eddie was chosen as President of the National Association of Hispanic Publications and President of the National Hispanic Press Foundation, and in that capacity, he raised large amounts of money for scholarships and internships. Other business endeavors in Las Vegas included co-ownership of a highly successful Spanish language radio station, investments in real estate, and construction of the Escobedo Professional Plaza. Among his many awards and honors are the Premio Ohtli, one of the highest awards given by the Mexican Government, the Gentleman of Excellence award for community leaders, the prestigious Lifetime Achievement Award from the National Association of Hispanic Publications, Hispanic of the Month by the City of

Las Vegas, and Hispanic of the Year by the Latin Chamber of Commerce. In 2005, he received the enduring honor of having a middle school named after him. The resolution expresses the Legislature's condolences to his beloved wife of over 50 years, Maria, and to his children Edmundo, Jr., Nicolas, Hilda, and Victor.

S.C.R. 13 (File No. 37)

Senate Concurrent Resolution No. 13 commends the Casey family for its dedication to helping children and families. In 1966, Jim Casey, along with his brothers George and Harry and sister Marguerite, created Casey Family Programs to help children who are unable to live with their birth parents. With field offices in 5 states, Casey Family Programs offers strategic consulting services to about half of the 50 states, including Nevada; provides state and federal lawmakers, counties, and Native American tribes with nonpartisan research and technical expertise; and assists in the crafting of policies and laws to improve the lives of at-risk children. Casey Family Programs has provided a unique tool to help youths combat problems arising from transitioning out of the foster care system by creating the Casey Life Skills website, which offers online assessments with instant feedback, customized learning plans, and learning resources as well as information regarding career planning, daily living, housing, and money management, social relationships, and work and study skills to enable youths to get the life skills necessary not only to survive, but to thrive on their own. Over the next decade, Casey Family Programs will continue to invest to fulfill the *2020 Strategy: A Vision for America's Children*, a plan for safely reducing the number of children in foster care by 50 percent, improving the lives of those who remain in foster care, and ensuring that children who grow up in foster care are prepared for independent living and have equitable access to education, employment, and mental health services. This measure expresses the Legislature's praise of Casey Family Programs for its dedication to improving the lives of children and families in the child welfare system.

NOTE: See also S.C.R. 1 (File No. 9) of the 26th Special Session.

STATE GOVERNMENT

A.B. 1 (Chapter 82)

Assembly Bill 1 requires certain governmental entities to file quarterly reports with the Interim Finance Committee (IFC) concerning the collection of taxes and fees. Reports must be filed by the Departments of Business and Industry; Employment, Training and Rehabilitation; Motor Vehicles; and Taxation; the Offices of the Secretary of State and the State Controller; and the State Gaming Control Board. The Department of Taxation is also required to report on the number of special districts that are granted an exemption from compliance with the Local Government Budget and Finance Act. The measure also requires the Commission on Economic Development and the Office of Energy to file quarterly reports with the IFC concerning abatements and exemptions granted. Reports must be filed starting July 1, 2011, and ending May 30, 2013.

The bill also requires each occupational and professional licensing board to file a report with the IFC and the Legislative Commission no later than December 1, 2011. The reports must contain, among other things: (1) the amount of money on hand and capital assets held as of October 1, 2011; (2) a statement of fees, the amount of fees collected, and the amount of fees not collected; (3) a listing of fee increases within the past year; and (4) a summary of expenditures during the past year.

Much of this bill is an extension of the reporting requirements passed in the 2009 Session in A.B. 193 (Chapter 238, *Statutes of Nevada*). The reports from the occupational licensing boards will be used by the Sunset Subcommittee proposed in A.B. 474 as part of its review of boards and commissions.

The bill is effective on May 24, 2011.

A.B. 15 (Chapter 3)

Assembly Bill 15 repeals the requirement that the Department of Administration compile and publish a biennial report containing various information on state departments and agencies and descriptions of recent trends in the population, economy, and environment of the State. The bill also repeals the requirement that the Department compile and publish a biennial statistical abstract containing information on state and local government, data provided by the federal government, and information on the business and economy of the State.

This bill is effective on March 17, 2011.

A.B. 56 (Chapter 119)

Assembly Bill 56 authorizes the Attorney General, acting through the Medicaid Fraud Control Unit, to issue a subpoena for documents, records, or materials for use in a civil action related to Medicaid fraud. The bill provides that a person who willfully fails or refuses to comply with a subpoena is guilty of a misdemeanor.

Assembly Bill 56 also authorizes the Attorney General to recover, by appropriate legal action, any reasonable costs or expenses incurred in conducting an investigation or prosecution related to Medicaid fraud, and to retain an amount not to exceed in the aggregate three times the amount of any money paid by this State which matches federal grant money for the Medicaid Fraud Control Unit.

This measure is effective on July 1, 2011.

A.B. 61 (Chapter 89)

Assembly Bill 61 creates the Substance Abuse Working Group in the Office of the Attorney General. In addition to the Attorney General who serves as the Chair, the Working Group consists of nine members appointed by the Attorney General. Members serve without compensation and are not entitled to per diem or travel expenses.

Issues to be studied include, but are not limited to, the effect of substance abuse on law enforcement and corrections, effectiveness of criminal and civil penalties, and resources and programs available for treatment and prevention. The Working Group must meet at least once every three months and shall report its findings and any recommendations to the Legislature no later than January 15 of each odd-numbered year.

The bill is effective on July 1, 2011, and expires by limitation on June 30, 2015.

A.B. 62 (Chapter 90)

Assembly Bill 62 authorizes the Attorney General to provide certain services to a county or to certain occupational and professional licensing entities and to charge for providing such services.

The bill authorizes the Attorney General to charge a county costs for assisting in the prosecution of a category A or B felony. The costs must be agreed upon by the Attorney General and the district attorney for the county receiving assistance.

The measure authorizes the Attorney General to charge a fee to a regulatory body for providing training to a new member of a regulatory body.

The Board of Homeopathic Medical Examiners, the State Board of Oriental Medicine, and the Board of Psychological Examiners are authorized to retain the Attorney General to investigate a complaint against a homeopathic physician, a doctor of Oriental medicine, or a psychologist, respectively. The Attorney General may charge the Boards for all services related to the investigation.

Assembly Bill 62 repeals the requirement of the Board of Dispensing Opticians to submit a biennial report to the Attorney General.

This bill is effective on July 1, 2011.

A.B. 63 (Chapter 91)

Assembly Bill 63 permits the appointment of a special deputy to represent a regulatory body in cases where the Attorney General has determined that it is impractical or a conflict of interest for the Attorney General to continue representation. The cost of the special deputy will be paid by the regulatory body. If a district attorney requests the assistance of the Attorney General in a criminal case and the Attorney General determines that handling the case would be impractical or a conflict of interest, a special prosecutor may be appointed with the concurrence of the district attorney and the board of county commissioners. Compensation for a special prosecutor for category A or B felonies will be paid by the county under the terms of an agreement between the district attorney and the Attorney General.

Local governments are no longer required to submit interlocal agreements to the Attorney General for review but, if they choose to do so and the review is completed within 30 days, the local governments that submitted the agreement will be charged the cost of the review.

The bill also permits a district or city attorney to accept a designation by the Attorney General to file a claim or to intervene in a case brought under the False Claims Act in Chapter 357 ("Submission of False Claims to State or Local Government") of the *Nevada Revised Statutes*. If there is a recovery in the case, 33 percent of the recovery must be paid into the general fund of the county or city that employs the attorney.

The bill is effective on July 1, 2011.

A.B. 174 (Chapter 29)

Assembly Bill 174 requires the Governor to proclaim annually June 19 as Juneteenth Day to commemorate the abolition of slavery in the United States. The proclamation shall call upon news media, educators, and certain government officers to bring the importance of this event and the contributions of African-Americans to the attention of Nevadans.

The bill is effective on May 12, 2011.

A.B. 257 (Chapter 459)

Assembly Bill 257 requires public bodies that are subject to the Open Meeting Law to provide at least two periods for public comment—one at the beginning of the meeting before any action items and one prior to adjournment. Alternatively, the public body may choose to include public comment after each action item on the agenda, but before the public body takes action on the item. Finally, the public body must, at some time before adjournment of the meeting, allow the general public to comment on any matter that is not specifically included as an action item on the agenda.

The bill is effective on July 1, 2011.

A.B. 365 (Chapter 202)

Assembly Bill 365 establishes a process for the participation of the Board of the Public Employees' Benefits Program (PEBP) in the selection of vendors. The Executive Officer of

PEBP is permitted to observe the activities of a committee appointed by the Chief of the Purchasing Division when the committee is awarding a contract related to PEBP.

The bill requires the submittal of contracts with licensed administrators to the Commissioner of Insurance for review and approval as to the licensing and fiscal status of the administrator and eliminates the Commissioner's review and approval of certain administrative charges.

With respect to groups of 300 or more that seek to leave the Program, the measure clarifies that any such group must include both the active and retired employees of the group.

The bill is effective on July 1, 2011.

S.B. 77 (Chapter 285)

Senate Bill 77 makes changes to provisions relating to notaries. The bill requires an applicant for appointment as a notary public to submit a complete set of fingerprints and a processing fee along with written permission authorizing the Secretary of State to forward those fingerprints to the Central Repository for Nevada Records of Criminal History. The measure requires a notary public to keep his or her stamp and notary journal in a secure location when the notary public is not using the stamp or journal. In addition, S.B. 77 prohibits a notary public from notarizing a document that is not completely filled out and signed and from making or noting a protest of a negotiable instrument in certain circumstances.

Senate Bill 77 also provides for the notarization of documents performed at the same time and for the same person. If the notary has personal knowledge of the identity of the person and the notary has notarized documents for that person within the previous six months, the notary may enter "known personally" in the notary journal in lieu of the person's signature. Finally, S.B. 77 provides that a notary public and his or her employer may be assessed a civil penalty of up to $2,000 for certain crimes and misconduct, and the bill requires the Secretary of State to post any notice revoking or suspending a notary on the Secretary of State's website.

Provisions regarding the submission of fingerprints by a notary applicant to the Secretary of State are effective on June 10, 2011, for the purpose of adopting related administrative regulations. The remainder of the measure is effective on January 1, 2012.

S.B. 82 (Chapter 331)

Senate Bill 82 requires the Chief of the Office of Information Security of the Department of Information Technology to investigate and resolve any security breach or unauthorized acquisition of computerized data that materially compromises the security, confidentiality, or integrity of an information system of a State agency or elected officer that uses the equipment or services of the Department. The bill also authorizes the Chief or the Director of the Department to inform the members of certain information technology and homeland security boards and commissions of such security breaches and unauthorized acquisitions.

Senate Bill 82 adds the Attorney General or his or her designee to the membership of the Information Technology Advisory Board, removes from the Board the Superintendent of Public Instruction, and increases, from one to three, the number of members who are appointed to the Board by the Governor as representatives of a city or county. The bill clarifies that the Department may provide services to local governmental agencies if the provision of services would result in reduced costs to the State for equipment and services. In addition, the measure adds certain security testing and monitoring of information systems to the duties of the Department, and it requires users of Department services to report security-related noncompliance and unauthorized access to their information systems or applications to the Office of Information Security within 24 hours after discovery.

The bill requires public bodies to publish advertisements for bids or proposals for design-build teams or energy retrofit coordinators on their websites, in addition to the newspaper.

This bill is effective on July 1, 2011.

S.B. 271 (Chapter 530)

Senate Bill 271 provides for the withdrawal of the State of Nevada from the Tahoe Regional Planning Compact under certain circumstances. This withdrawal will take effect on October 1, 2015, unless the governing body of the Tahoe Regional Planning Agency (TRPA) adopts an updated Regional Plan and certain proposed amendments to the Compact. These amendments include: (1) the removal of the supermajority requirement for the governing body of the Agency to vote on matters considered by the TRPA; (2) requiring the Regional Plan of the TRPA to consider the Lake Tahoe Basin's changing economic conditions; and (3) adding language to the Compact providing that a person who challenges the Regional Plan has the burden of proof to show that the plan violates the Compact. The Governor may issue a proclamation extending this withdrawal deadline to October 1, 2017.

The bill specifies that if Nevada withdraws from the Compact, the Nevada TRPA will assume the duties and powers currently held by the bistate Agency for the portion of the Lake Tahoe Basin within this State; any approval for a project that was issued by the TRPA remains valid.

Finally, S.B. 271 requires the Legislative Committee for the Review and Oversight of the Tahoe Regional Planning Agency and the Marlette Lake Water System to prepare a report detailing certain issues relating to Nevada's participation in the Compact. The Legislative Committee must appoint a delegation to work with a like delegation from the California Legislature to discuss possible changes to the Compact. Additionally, this bill authorizes the Legislative Committee to submit to the 77th Session of the Legislature a bill draft request that would have the effect of preventing Nevada's withdrawal from the Compact, if the Legislative Committee determines that Nevada should remain a party to the Compact.

Provisions regarding the proposed amendments to the Tahoe Regional Planning Compact become effective upon proclamation by the Governor of the State of Nevada that the State of California and the United States Congress have enacted and approved the amendments.

The remainder of the bill is effective on June 17, 2011. Provisions regarding the activities of the Legislative Committee for the Review and Oversight of the Tahoe Regional Planning Agency and the Marlette Lake Water System expire by limitation on January 1, 2013.

S.B. 442 (Chapter 393)

Senate Bill 442 authorizes the Administrator of the Division of State Parks of the State Department of Conservation and Natural Resources to establish concessions within the boundaries of any State park, and it creates the Fund for State Park Interpretative and Educational Programs and Operation of Concessions. The Fund is an enterprise fund for the use of the Division to receive all revenues derived from sales of concessions and vending machines operated within State parks and other special revenue generating activities. Money in the Fund may be expended for special interpretative or educational programs, special park projects that enhance the interpretative and educational mission of the Division, or any other purpose authorized by the Legislature or the Interim Finance Committee.

This bill is effective on July 1, 2011.

Administrative Rules and Procedures

A.B. 10 (Chapter 15)

Assembly Bill 10 clarifies that any interest earned on the Gift Fund for the State Library and Archives will be credited to the Gift Fund. The measure eliminates the Fund for the Support of the Division of Museums and History.

Before destroying a public record, the bill requires the custodian either to microfilm the record or save it in an electronic recordkeeping system. The standards applicable to retention of a microfilmed or electronic record are set forth in the measure.

The bill is effective on July 1, 2011.

A.B. 17 (Chapter 215)

Assembly Bill 17 clarifies that judicial review of decisions by the Public Utilities Commission of Nevada (PUCN) is exempt from Chapter 233B ("Nevada Administrative Procedure Act") of the *Nevada Revised Statutes*. The bill requires a party seeking judicial review to exhaust all administrative remedies before the party is entitled to seek judicial review of a final decision of the PUCN. The bill also specifies time frames during which certain documents, such as a petition for judicial review and the memorandum of points and authorities, must be served and filed with the court. Finally, A.B. 17 provides that a final decision of the PUCN is deemed reasonable and lawful until reversed or set aside by the court.

The bill is effective on June 2, 2011.

A.B. 37 (Chapter 79)

Assembly Bill 37 maintains the requirement for State offices to be open at least 40 hours each week but deletes the requirement that State offices be open during specific hours five days each week. Each State office must physically post its hours of operation at its office. Before changing office hours, a State office must give 30 days advance notice to the public by posting the new hours at the office or online, or by other means of public notice. The bill also deletes the requirement that the State Library and Archives be open eight hours a day and five days each week.

The provision relating to the State Library and Archives is effective on May 20, 2011. The remaining provisions are effective on July 1, 2011.

A.B. 59 (Chapter 383)

Assembly Bill 59 requires a public body to include, on its next agenda, an acknowledgement of the Attorney General's findings and conclusions relating to a violation of the Open Meeting Law. The Attorney General is authorized to issue subpoenas when investigating Open Meeting Law complaints. The measure also provides, with the exception of meetings of the State Board of Parole Commissioners when acting to grant, deny, continue, or revoke parole of a prisoner, that proceedings of a public body that are quasi-judicial in nature are subject to the Open Meeting Law.

Agendas must include "for possible action" next to agenda items on which action may be taken and must state if there are any time, place, or manner of restrictions on public comments. Agendas must also include notice that items may be taken out of order, may be combined, or may be removed. The bill clarifies that the statute requiring advance notice to persons whose character or competence is going to be considered at a meeting does not apply to job applicants. The measure also adds a civil penalty of not more than $500 for any member of a public body who participates in an action in violation of the Open Meeting Law with knowledge of the violation. The action may be brought by the Attorney General in any court and must be commenced within one year of the action in violation of the law.

Provisions of the bill addressing the proceedings of a public body that are quasi-judicial in nature are effective on January 1, 2012. The remainder of the bill is effective on July 1, 2011.

A.B. 179 (Chapter 272)

Assembly Bill 179 requires the appointing authorities of State agencies to provide permanent classified employees with a copy of the policy approved by the Personnel Commission explaining prohibited acts, violations and penalties, and the disciplinary process. Before taking certain disciplinary actions, an appointing authority must consult with the Attorney General or, for appointing authorities within the Nevada System of Higher Education, with the System's general counsel. The appointing authority is not required to get permission from the legal counsel to take action.

Internal investigations and any resulting determination must be completed within 90 days after notice of the allegations is given to the employee. The appointing authority may request an extension of not more than 60 days from the Director of the Department of Personnel upon a showing of good cause. Only the Governor may grant a further extension.

The bill is effective on July 1, 2011.

A.B. 201 (Chapter 92)
Assembly Bill 201 requires the informational statement prepared in connection with submittal of a permanent or temporary regulation to the Legislative Commission to include the name and business contact information of, and the name of the entity or organization represented by, each person who testified or submitted comments on the proposed regulation.

The bill is effective on May 24, 2011.

S.B. 7 (Chapter 97)
Senate Bill 7 requires a State agency that files an emergency regulation to, if practicable, make the regulation public no later than 9 a.m. on the first working day before the regulation is filed with the Office of the Secretary of State. A State agency must also make public, if practicable, an emergency regulation that is the subject of any agency hearing no later than 9 a.m. on the first working day before the hearing. The bill provides that the emergency regulation must be made public by providing a copy to a member of the public upon request and making a copy of the emergency regulation available on the agency's website.

S.B. 106 (Chapter 317)
Senate Bill 106 expands the use of trading by *Nevada Magazine*. It allows trading for services or products that promote or benefit the magazine, including, without limitation, circulation services, sponsorship of awards, memberships, and entry fees for trade shows.

This bill is effective on July 1, 2011.

Financial Administration

A.B. 10 (Chapter 15)
Assembly Bill 10 clarifies that any interest earned on the Gift Fund for the State Library and Archives will be credited to the Gift Fund. The measure eliminates the Fund for the Support of the Division of Museums and History.

Before destroying a public record, the bill requires the custodian either to microfilm the record or save it in an electronic recordkeeping system. The standards applicable to retention of a microfilmed or electronic record are set forth in the measure.

The bill is effective on July 1, 2011.

A.B. 242 (Chapter 305)

Assembly Bill 242 requires a designated organization that receives funding from the Department of Health and Human Services (DHHS) to provide certain information on either its website or, if it does not maintain a website, the Department's website. The required information to be posted online includes the designated organization's Board of Directors, its most recent annual report, and the organization's mission statement. The bill mandates the Department to require, for a period of two years, any designated organization involved in grants or contracts related to the provision of services within the scope of DHHS to submit a report every six months to the Department. The report must indicate the amount of money received from the Department over the previous six months, the number of persons served under the grant or contract, a description of the services provided, and other information deemed appropriate by Department. The Department must submit these reports electronically to the Legislative Counsel Bureau.

A designated organization is defined as a nonprofit agency, an entity created by an interlocal agreement, or any other entity that receives money by way of a grant, contract, or similar agreement for the purpose of providing services that are within the purview of the Department.

The bill is effective on June 10, 2011, and expires by limitation on July 31, 2013.

A.B. 248 (Chapter 137)

Assembly Bill 248 requires the *Executive Budget* to include: (1) a summary of the long-term performance goals for core and other governmental functions; (2) an explanation of how the budget will provide adequate funding and enable progress toward the goals; and (3) an outline of any other important features of the budget.

The *Executive Budget* must include each long-term performance goal and intermediate objective for the next two fiscal years for core and other governmental services and an explanation of how the budget will provide adequate funding and enable meeting intermediate goals. The mission statement for each State agency or department shall include intermediate and long-term goals and measurement indicators. If available, information on measurement indicators shall be provided for the previous four fiscal years. Modification or deletion of a measurement indicator must be accompanied by a rationale for the change. As soon as practicable, the foregoing information shall be posted on the websites maintained by the Governor and the Department of Administration.

The bill also permits the Governor to direct or authorize an agency to hold a public hearing on each agency's requested budget for the next two fiscal years after it is released to the public.

A.B. 276 (Chapter 139)

Assembly Bill 276 requires the State Controller to post certain information on revenues and expenditures of the State on a website for public inspection. The information required to be posted is current data contained in the Controller's records. The bill specifies the categories of revenues and expenditures to be reported. Graphs displaying cumulative revenue sources

greater than $100 million and expenditures are required for the current and immediately preceding biennia.

The bill is effective on May 29, 2011, for the purpose of performing any preparatory administrative tasks, and on July 1, 2012, for all other purposes.

A.B. 330 (Chapter 452)

Assembly Bill 330 requires State agencies to report to the Chief of the Budget Division in the Department of Administration on privatization contracts. The reports shall include information on the number and duration of such contracts along with a cost comparison of using private versus public employees. The bill also declares that privatization contracts are public records.

Local governments must provide the same disclosures on privatization contracts when preparing their tentative budgets. Other governmental entities subject to the disclosure requirement in their tentative budgets include transportation, parks and recreation, library, hospital, and fire protection districts.

The bill is effective on July 1, 2011.

A.B. 332 (Chapter 491)

Assembly Bill 332 changes the times and number of meetings of the Economic Forum. Instead of meeting on December 1 of each even-numbered year, the date is changed to December 3. Additional meetings are required to be held on or before June 10 in even-numbered years and December 10 in odd-numbered years. If a required meeting date falls on a weekend or legal holiday, the meeting shall be held the second business day after the required meeting date.

The purpose of the additional meetings is to consider current economic indicators and to update the status of the State General Fund revenue in relation to the most recent forecast of the Forum. At the next appropriate meeting of the Interim Finance Committee, the Chair or staff of the Forum shall present a report of the matters considered by the Forum. Any such report will be made available on the Legislature's website.

If the Forum requests information or direct testimony from a State agency or the Nevada System of Higher Education, such information or testimony shall be provided.

The bill is effective on July 1, 2011.

A.B. 355 (Chapter 61)

Assembly Bill 355 provides that any money remaining in the Fund for the Compensation of Victims of Crime at the end of each fiscal year does not revert to the State General Fund and must be carried over to the next fiscal year.

This measure is effective on May 19, 2011.

A.B. 402 (Chapter 411)
Assembly Bill 402 requires a State agency to seek approval from the State Board of Finance to enter into a contract for the acceptance of electronic payments unless it is impractical for the agency to do so. The Director of the Department of Administration may enter into such contracts on behalf of State agencies. A State agency must coordinate the administration of any such contract with the State Treasurer to ensure that the Treasurer is able to track and reconcile the electronic payments.

Any State agency that has not entered into a contract or that is not participating in a contract through the Department of Administration must report to the Legislative Commission and Interim Finance Committee before July 1 of an even-numbered year on its efforts to participate and the reasons for its failure to do so.

The bill is effective on January 1, 2012.

A.B. 521 (Chapter 222)
Assembly Bill 521 consolidates certain existing funds and accounts of the Division of Insurance, Department of Business and Industry, into the Fund for Insurance Administration and Enforcement. The bill prohibits the money in each of these accounts from being used for any purpose other than that authorized by law.

This bill is effective on July 1, 2011.

A.B. 528 (Chapter 469)
Assembly Bill 528 authorizes the Administrator of the Health Division of the Department of Health and Human Services (DHHS) to transfer to the Division of Mental Health and Developmental Services, DHHS, unused money received to carry out the program for the issuance of registry identification cards to persons who engage in the medical use of marijuana. It also requires the Division of Mental Health and Developmental Services to use the transferred money to provide alcohol and drug abuse programs to persons referred by an agency that provides child welfare services.

This bill is effective on July 1, 2011.

A.B. 529 (Chapter 340)
Assembly Bill 529 provides that money in the Fund for Hospital Care to Indigent Persons may be used for any purpose authorized by the Legislature. The measure also transfers $19,112,621 in Fiscal Year (FY) 2011-2012 and $19,218,718 in FY 2012-2013 from the Fund's Supplement Account for Medical Assistance to Indigent Persons to the State General Fund for unrestricted use.

This measure is effective on July 1, 2011, and expires by limitation on June 30, 2013.

A.B. 530 (Chapter 286)
Assembly Bill 530 provides that a State agency may pay in the current fiscal year, from the appropriate budget account, a stale claim of less than $100, or a claim for medical expenses

submitted by a third party administrator, that was incurred in the previous fiscal year but was not submitted for payment until after the date upon which money appropriated to the agency was reverted to the fund from which it was appropriated.

This bill is effective on July 1, 2011.

A.B. 556 (Chapter 64)

Assembly Bill 556 establishes the Active Employee Group Insurance Subsidy Account within the Agency Fund for the Payroll of the State, and it provides that subsidies paid by State agencies for coverage of their active officers and employees under the Public Employees' Benefits Program be deposited into this Account.

The measure is effective on July 1, 2011.

A.B. 561 (Chapter 476)

Assembly Bill 561 makes the following changes to the administration of State finances:

- Delays from July 1, 2011, to July 1, 2013, commencement of the transfer of 1 percent of the total anticipated revenue projected for each fiscal year from the State General Fund to the Fund to Stabilize the Operation of the State Government;

- Requires the State Controller to transfer $41,321,014 from the Fund to Stabilize the Operation of the State Government to the State General Fund;

- Revises the Modified Business Tax so that the first $62,500 in wages paid quarterly by an employer is exempt from the tax, and wages paid in excess of $62,500 are taxed at 1.17 percent. The rate resets to 0.63 percent on July 1, 2013;

- Redirects the 1 percent component of the 10 percent short-term car lease tax from the State Highway Fund to the State General Fund as of July 1, 2011; and

- Extends from June 30, 2011, to June 30, 2013: (1) the advance payment of the tax on the net proceeds of minerals; (2) the 0.35 percent increase in the Local School Support Tax; and (3) the increase from $100 to $200 in the Business License Fee.

The redirection of funds from the State Highway Fund to the State General Fund and the rate change under the Modified Business Tax are effective on July 1, 2011; the rate change expires by limitation on June 30, 2013, when the rate resets to 0.63 percent. Continuation of the increase in the Local School Support Tax and the Business License Fee are effective on October 1, 2011. Provisions concerning transfers of money between the State General Fund and the Fund to Stabilize the Operation of the State Government, and continuation of the advance payment of the tax on the net proceeds of minerals, are effective on June 16, 2011.

S.B. 74 (Chapter 100)

Senate Bill 74 changes the designation of certain State funds and accounts and realigns numerous special funds into separate accounts within the State General Fund.

The State Controller is required to comply with the recently adopted Government Accounting Standards Board (GASB) Statement No. 54, which redefines what is considered a "special revenue fund." Specifically, GASB 54 provides that in order to qualify as a "special revenue fund," the major source of dollars for the fund must originate from outside the State General Fund. The purpose of S.B. 74 is to identify those special revenue funds that do not meet the qualifications set forth under GASB 54 and establish them as separate accounts within the State General Fund.

Provisions realigning the State Supplemental School Support Fund are effective on July 1, 2011. The remainder of the bill is effective on May 24, 2011.

S.B. 75 (Chapter 423)

Senate Bill 75 requires the State Treasurer to form an independent corporation for public benefit to act as a limited partner of limited partnerships or as a shareholder or member of limited-liability companies that provide private equity funding to businesses that engage in certain industries. These industries include but are not limited to:

- Health care and life sciences;
- Cyber security;
- Homeland security and defense;
- Alternative energy;
- Advanced materials and manufacturing; and
- Information technology.

The members of the corporation must have at least ten years of experience in the fields of investment, banking, or finance. Members must comply with certain ethics standards and meetings of the corporation are subject to the Open Meeting Law.

The State Treasurer is required to adopt regulations addressing specifically identified issues, including providing assurance that businesses receiving venture capital investments have a presence in the State. The Treasurer may, by regulation, establish a Business Leadership Council and adopt further regulations as needed.

The bill authorizes the State Treasurer to transfer an amount not to exceed $50 million from the State Permanent School Fund to the independent corporation for investment if the State Treasurer first obtains a judicial determination that such an investment does not violate

the provisions of Section 9 of Article 8 of the *Nevada Constitution*. At least 70 percent of the investments made by the independent corporation must be provided to businesses located or seeking to locate in Nevada.

S.B. 81 (Chapter 101)
Senate Bill 81 requires the State Controller to pay accounts payable electronically, unless doing so would cause undue hardship to the payer. In addition, S.B. 81 changes to four years the statute of limitation for when the State Controller may take certain action to collect debts owed to the State.

The bill is effective on May 24, 2011.

S.B. 499 (Chapter 405)
Senate Bill 499 abolishes the Fund for the National Judicial College and the Fund for the National College of Juvenile and Family Law, and it requires the State Controller to transfer to the State General Fund the balance of any money remaining in each fund on the effective date of this bill.

The bill is effective on June 15, 2011.

Purchasing and Public Works

A.B. 144 (Chapter 20)
Assembly Bill 144 adds five criteria that must be met to qualify for the 5 percent bidding preference on State and local public works projects. The applicant must submit a signed affidavit certifying that the criteria will be met for the duration of the project. The additional criteria are:

- At least 50 percent of the workers must have a Nevada driver's license or identification card;
- Vehicles must be registered in Nevada or be partially apportioned to Nevada;
- At least 50 percent of the design professionals working on the project must have a Nevada driver's license or identification card;
- At least 25 percent of the suppliers of the materials used must be located in Nevada; and
- Certain payroll records must be maintained and available in Nevada.

The bill also requires the contractor to maintain, for all workers on the project, a list of the driver's license and identification card numbers.

The public works contract must contain the five criteria and provide that failure to comply with the criteria constitutes a material breach entitling the public body to liquidated damages equal

to 10 percent of the contract's cost. The contract must also contain a provision to apportion the liability for damages for a material breach between the contractor and subcontractor in proportion to each party's liability for the breach. A contract not in compliance with this bill shall be void. A contractor who receives a preference and breaches the contract shall be penalized as follows: (1) if the cost of the contract exceeds $5 million, the contractor shall lose the preference certification for five years; or (2) if the contract exceeds $25 million, the contractor shall be barred from bidding on public works projects for one year.

A person may file a written objection with the public body to a proposed or awarded contract, along with supporting proof, alleging that the criteria are not being met. The public body must review the objection and supporting proof and determine whether the criteria are being met. If the public body determines the criteria are not being met, the contract may be awarded to another bidder or the public body may seek liquidated damages. Breaches shall be reported to the State Contractors' Board, and the information shall be retained for at least six years.

The bill is effective on April 27, 2011.

NOTE: See also Assembly Bill 574 (Chapter 422).

A.B. 193 (Chapter 17)

Assembly Bill 193 requires the State Public Works Board to obtain prior approval of the Legislature, or the approval of the Interim Finance Committee (IFC) when the Legislature is not in session, before canceling a capital construction project authorized by the Legislature or before delaying the commencement or completion of such a project beyond the period for which money for the project was authorized. Before approving a change in the scope of a project, or a cancelation or delay of a project, the IFC must consider the reason for the proposed change, cancelation, or delay; the current need for the project; and the Legislature's original intent in approving the project.

This bill is effective on April 13, 2011.

A.B. 404 (Chapter 410)

Assembly Bill 404 requires leases for office space for State agencies, boards, and commissions to be negotiated and approved by the Chief of the Buildings and Grounds Division of the Department of Administration. Each State agency, board, and commission must maintain an inventory of all real property leased to the State. Further, the Division of State Lands, State Department of Conservation and Natural Resources; Department of Transportation; and State Public Works Board shall maintain an inventory of all real property owned by the State. These entities are required to provide those inventories to the Chief who shall post the inventories of properties owned or leased by the State on a website maintained by the State. The inventories shall contain information on the location, size, and current use of real property, and the terms and costs of leases. Finally, A.B. 404 provides that before the agency submits the inventory to the Chief, the agency may request the Chief of the Budget Division, Department of Administration, to deem the information in the inventory confidential for

public safety purposes. If the Chief of the Budget Division deems this information confidential, it must remain confidential, not be considered a public book or record, and not be posted on a website.

This bill is effective on July 1, 2011.

A.B. 413 (Chapter 289)

Assembly Bill 413 reduces the maximum amount of retainage that may be withheld at the start of a public work to 5 percent. After half the project has been completed and the contractor is in compliance with the contract and applicable laws and codes, the public body may not withhold more than 2.5 percent of future progress payments. The public body may, however, pay to the contractor any remaining amount of retainage withheld if the public body determines that satisfactory progress has been made on the project and all subcontractors have successfully completed their portion of the work. If this retainage is paid to the contractor, the contractor is required to pay to the subcontractor the portion of any retainage he or she has withheld for the subcontractor's part of the project. A similar retainage payment is required by a subcontractor to any of his or her subcontractors.

Assembly Bill 413 also provides that if the contractor is not in compliance after half the project is complete and the public body has withheld all or a portion of the initial retainage, the public body may retain up to 5 percent of future progress payments and may continue to hold the initial retainage amount. These same retainage terms and limits apply to contractors and subcontractors.

The bill is effective on October 1, 2011, and expires by limitation on July 1, 2015.

A.B. 574 (Chapter 422)

Assembly Bill 574 amends A.B. 144, enacted earlier in the 2011 Session, which provides for a 5 percent bidding preference on public works projects subject to five specific conditions. Assembly Bill 574 adds an exception to the condition that at least 25 percent of the suppliers of the materials used on the project be located in Nevada if the public body requires materials or equipment that cannot be obtained in this State.

Each contract between the public body, contractors, design-build team, subcontractors, and suppliers, or any combination thereof, must impose liability for liquidated damages on the party who fails to comply with one of the conditions applicable to the preference. The public body may enforce this liability directly against the party responsible for the breach. The amount of liquidated damages that may be collected is reduced from the lesser of 10 percent or $50,000 to 1 percent of the cost of the largest contract to which the responsible person is a party.

The bill is effective on June 15, 2011.

S.B. 40 (Chapter 517)

Senate Bill 40 requires certain State agencies that currently adopt their own construction, maintenance, and safety building regulations to consult with the deputy manager for compliance and code enforcement of the State Public Works Board before adopting such regulations.

The State agencies to which this bill applies are: the State Board of Health; the Department of Health and Human Services; the Division of Industrial Relations and the Manufactured Housing Division in the Department of Business and Industry; the State Forester Firewarden; and the State Fire Marshal.

The bill is effective on June 17, 2011.

S.B. 268 (Chapter 529)

Senate Bill 268 allows a design professional to qualify for a 5 percent bidder's preference when competing for a public works project upon submission of proof of payment of the modified business tax in an amount not less than $1,500 annually for three years. A design professional who acquires a practice that is eligible for the preference, and who employs a design professional who is a Nevada resident, may also qualify for the preference. The bill requires a public body or Nevada's Department of Transportation (NDOT) to publicize certain information on the selection of a design-build team, including the identity of any finalists who received the bidder's preference. The State Public Works Board and each local government are required to report on contracts involving this preference to the Legislative Counsel Bureau on a form approved by the Committee on Local Government Finance.

The measure lowers the threshold for use of a design-build team from $10 million to $5 million, and it modifies provisions relating to the negotiation of design-build contracts.

The bill requires a contractor who replaces a subcontractor on a project to do so without increasing the bid. The deadline for filing a notice of protest is changed from five business days after the bids were opened to five business days after the issuance of a recommendation to award.

If a contractor substitutes subcontractors for reasons not permitted in statute, the contractor must forfeit 1 percent of the total contract amount as a penalty. If a contractor substitutes a subcontractor for work the contractor was to perform, the contractor must forfeit the lesser of 2.5 percent of the total contract amount or 35 percent of the engineer's estimate of the affected portion of the project.

Senate Bill 268 revises provisions governing the use of construction managers at risk including setting forth procedures for scoring and selecting a construction manager at risk and for the selecting and substituting of subcontractors by the construction manager at risk. The bill clarifies that the selection of a subcontractor does not have to be based solely on cost. The changes relating to construction managers at risk only apply to contracts entered into after July 1, 2011.

The measure also permits NDOT to use construction managers at risk for a period of two years starting on July 1, 2011.

A contract provision that requires a contractor to waive or release a claim for damages due to a delay that is effectively an abandonment caused by the fraud, bad faith, or active interference of the public body; a significant addition to the scope or duration of the project; or a provision that requires a contractor or a public body to be liable for consequential damages, is declared void and unenforceable. Liquidated damages clauses are not prohibited.

Provisions relating to the adoption of regulations and preparatory tasks are effective on June 17, 2011. Provisions relating to the bidding preference are effective on October 1, 2011. Provisions relating to construction managers, penalties, the design-build threshold, and similar matters are effective on July 1, 2011. The provision that terminates the authority of NDOT to use construction managers at risk is effective on July 1, 2013.

Reorganization

A.B. 449 (Chapter 507)

Assembly Bill 449 enacts various provisions relating to economic development. The bill creates an Advisory Council on Economic Development and a Board of Economic Development, and it prescribes the composition and duties of both entities. It also creates an Office of Economic Development, headed by an Executive Director, within the Office of the Governor, and eliminates the Commission on Economic Development. The bill outlines the duties of the Office and the Executive Director and includes a requirement that a State Plan for Economic Development be developed. The bill eliminates regional development districts established by the Governor, and instead it requires the Office of Economic Development to establish regional development authorities.

Assembly Bill 449 also makes changes to tax abatements. It requires the recipients of certain abatements to repay the abated taxes if the recipients no longer meet the eligibility requirements. The measure also requires the Office of Energy to consult with the Office of Economic Development before granting partial property tax abatements for certain energy efficient buildings and renewable energy facilities.

The Commission on Economic Development, later the Office of Economic Development, may make grants or loans of money from the Catalyst Fund, created by this bill, to the regional development authorities in consultation with the Advisory Council on Economic Development. The grants or loans must be used to invest in businesses seeking to expand in or relocate to this State.

Assembly Bill 449 also creates a Knowledge Fund and establishes a program for the development and commercialization of research and technology at the University of Nevada, Las Vegas; the University of Nevada, Reno; and the Desert Research Institute. Among other

uses, money in the Knowledge Fund is to be allocated by the Executive Director of the Office of Economic Development to provide funding for:

- The recruitment, hiring, and retention of faculty and teams to conduct research in science and technology;
- Research laboratories and related equipment;
- The construction of research clinics, institutes and facilities, and related buildings in this State; and
- Matching funds for federal and private grants that further economic development.

Provisions of the bill establishing the Advisory Council on Economic Development are effective on June 17, 2011. Provisions creating the Board of Economic Development, the Office of Economic Development, the Catalyst Fund, and the Knowledge Fund are effective on July 1, 2011. Provisions relating to transitioning certain duties from the Commission on Economic Development to the Office of Economic Development and relating to partial tax abatements are effective on July 1, 2012.

A.B. 519 (Chapter 221)

Assembly Bill 519 combines the Office of Minority Health, currently in the Health Division, with the Governor's Office for Consumer Health Assistance and transfers both offices to the Department of Health and Human Services (DHHS). The bill also changes the title of the Director of the Office for Consumer Health Assistance to Governor's Consumer Health Advocate and provides for the appointment of the Advocate by the Director of the DHHS rather than the Governor. The measure revises the qualifications of the Governor's Consumer Health Advocate to no longer require the position to be a physician, registered nurse, advanced practitioner of nursing, or physician assistant. Instead it requires the Advocate to be a graduate of an accredited college or university, with preference given to a degree in health, social science, public administration, or business administration. The Advocate must also have at least three years of experience in the field of health care or insurance.

Finally, A.B. 519 allows the Director of the DHHS to appoint or designate a Manager of the Office of Minority Health, if funding is available, and provides for the payment of a salary of not more than $80 per day and reimbursement for per diem and travel expenses for each member of the Office of Minority Health Advisory Committee, if funds are available.

This bill is effective on July 1, 2011.

S.B. 233 (Chapter 310)

Senate Bill 233 creates the Office of Grant Procurement, Coordination, and Management in the Department of Administration and authorizes the Director of the Department to appoint the Chief of the Office and for the Chief to hire two employees. The bill sets forth the duties

of the Chief, including: (1) researching and identifying available federal grants; (2) writing grants for federal funds for State agencies; and (3) coordinating efforts with Nevada's Congressional Delegation relating to the availability and management of federal grants and related programs. The priorities for grants are the Department of Health and Human Services, the Office of Energy, and economic development. The bill requires all State agencies to notify the Office of any grants for which they apply and that they receive, and it requires the Chief to submit an annual report to the Legislature on grant activity in the State.

The bill raises the thresholds for Interim Finance Committee (IFC) review of State agency work program revisions from $20,000 to $30,000 for individual revisions and, for cumulative revisions, from $50,000 to $75,000. The review threshold for a State agency's acceptance of a gift is raised from $10,000 to $20,000 and the review threshold for acceptance of a grant is raised from $100,000 to $150,000. The bill clarifies that a State agency may hold a public hearing required as part of a federal grant at either an IFC meeting or on its own, provided the hearing is in compliance with the Open Meeting Law. Finally, State agencies are expressly permitted to commence preparatory activities in connection with the implementation of a grant before obtaining IFC approval so long as they provide notice that related hiring or contracting is contingent on IFC approval.

The bill is effective on July 1, 2011.

S.B. 426 (Chapter 363)

Senate Bill 426 repeals the Renewable Energy and Energy Efficiency Authority and requires the Office of Energy to assume the duties of that entity.

This bill also gives the Director of the Office of Energy the authority to add not more than three members to the State and Local Government Panel on Renewable and Efficient Energy and not more than three members to the New Energy Industry Task Force. Any new members added to these entities must represent State and local government agencies or private industry in the field of renewable energy or energy efficiency.

In addition, S.B. 426 transfers responsibility for the program to track the use of energy in buildings occupied by State agencies from the Buildings and Grounds Division of the Department of Administration to the Office of Energy, and it authorizes the Director of the Office of Energy to enter into certain contracts to carry out the program.

Finally, the bill revises provisions relating to eligibility for the partial abatement of certain taxes for various energy systems that are used to heat or cool buildings or the water used by such buildings or to provide electricity to certain buildings or irrigation systems.

This measure is effective on July 1, 2011.

S.B. 427 (Chapter 479)

Senate Bill 427 reorganizes certain State agencies as follows:

- The Department of Cultural Affairs is combined with the Commission on Tourism to create the Department of Tourism and Cultural Affairs, which consists of the: (1) Division of Tourism; (2) Division of Museums and History; (3) Board of Museums and History; (4) Board of the Nevada Arts Council; (5) Nevada Arts Council; (6) Nevada Indian Commission; (7) Commission on Tourism; and (8) Commission for Cultural Affairs;

- The Office of Historic Preservation is relocated from the Department of Cultural Affairs to the State Department of Conservation and Natural Resources;

- The Division of State Library and Archives is relocated from the Department of Cultural Affairs to the Department of Administration (DOA);

- The Department of Personnel is eliminated and, in its stead, the Division of Human Resource Management is created in the DOA;

- The Department of Information Technology is eliminated and, in its place, the Division of Enterprise Information Technology Services is created in the DOA;

- The State Public Works Division is created in the DOA and the Buildings and Grounds Division becomes the Buildings and Grounds Section in the Division; and

- The duties of the State Public Works Board are changed to be primarily recommendatory in nature, the Board is placed in the State Public Works Division, and most of the Board's duties are transferred to the Division.

Other organizational changes include:

- Directing the Division of Tourism to be responsible for the publication of *Nevada Magazine* and eliminating the Division of Publications;

- Changing the process for making recommendations to the Governor for appointment of the Director of the Department of Tourism and Cultural Affairs;

- Eliminating the Committee for the Development of Projects Relating to Tourism and transferring its duties to the Commission on Tourism;

- Eliminating the member of the State Public Works Board required to be familiar with financing or managing construction projects and adding the Director of the DOA;

- Making the Deputy Administrator for compliance and code enforcement in the State Public Works Division the final authority in the interpretation and enforcement of building codes and in certain other matters;

- Transferring the State's Central Mailing Room responsibilities from the Buildings and Grounds Division to the Division of State Library and Archives;

- Changing the membership of the Board of Museums and History to eliminate one member representing the general public and adding a member qualified in historic preservation as defined by the standards of the United States Secretary of the Interior;

- Making appropriations from the State General Fund to the Department of Cultural Affairs in the amount of $150,806 to offset lower admission revenue and in the amount of $36,848 for retirement payouts;

- Making provisions for classified positions that are being changed to unclassified positions to remain as classified positions until the current incumbents vacate those positions;

- Authorizing the Governor to appoint a Chief Information Officer who may be the Administrator of the Division of Enterprise Information Technology Services; and

- Making various other changes to the statutes consistent with the organizational changes and clarifying that the changes do not affect existing contracts or similar commitments.

Senate Bill 427 transfers responsibility for tracking the use of energy in buildings owned by the State or occupied by a State agency from the Buildings and Grounds Division to the Office of Energy and allows the Interim Finance Committee to approve the use of available federal funds by the Office to track energy use. However, if there is insufficient money for the tracking program, each State agency shall pay a proportionate share of the cost of the tracking program based on its energy consumption. The bill also limits leases of buildings by State agencies to owners who choose not to comply with the tracking program.

The bill is effective on June 16, 2011, for purposes of the appropriations and performing preparatory tasks, and on October 1, 2011, for all other purposes.

S.B. 430 (Chapter 261)

Senate Bill 430 repeals provisions that created the Bureau of Services for Child Care of the Division of Child and Family Services of the Department of Health and Human Services, and it repeals related provisions governing the appointment and qualifications of the Chief of the Bureau. The duties of the Bureau are transferred to the Health Division of the Department. The bill also repeals provisions that created the Board for Child Care and transfers the duties of the Board to the State Board of Health.

This bill is effective on July 1, 2011.

S.B. 439 (Chapter 438)

Senate Bill 439 merges the State Board of Fire Services and the Fire Services Standards and Training Committee and restructures the State Board of Fire Service to an 11-member board, of which 1 member, the State Fire Marshal, must serve in a nonvoting capacity. The restructured Board is charged with duties similar to those of the original State Board of Fire Services and with making recommendations to the State Fire Marshal and to the Legislature concerning necessary legislation in the fields of fire fighting and fire prevention. The Board shall, when requested by the Director of the Department of Public Safety, recommend no fewer than three persons for appointment as State Fire Marshal and shall hear appeals of orders and decisions of the State Fire Marshal.

The provision in the measure addressing the term of office of any person currently serving on the State Board of Fire Services is effective on June 16, 2011. The remaining provisions are effective on July 1, 2011.

S.B. 444 (Chapter 247)

Senate Bill 444 eliminates the Administrative Services Division of the Department of Public Safety and requires the Director of the Department to provide to the various divisions of the Department the fiscal, accounting, and other administrative services that previously were provided by the Division.

This bill is effective on July 1, 2011.

S.B. 446 (Chapter 395)

Senate Bill 446 revises provisions governing the composition of the State Department of Conservation and Natural Resources. Specifically, the bill accomplishes the following:

- Eliminates the Advisory Board on Natural Resources;
- Eliminates the Commission for the Preservation of Wild Horses; and
- Eliminates the Division of Conservation Districts and replaces it with the Conservation Districts Program.

This bill is effective on July 1, 2011.

S.B. 473 (Chapter 440)

Senate Bill 473 continues for the 2011-2013 Biennium the temporary elimination of the Consumer Affairs Division of the Department of Business and Industry and the Commissioner of Consumer Affairs. The measure also maintains the temporary transfer of associated powers and duties of the Division to the Office of the Attorney General.

This measure is effective on June 16, 2011.

S.B. 475 (Chapter 400)
Senate Bill 475 transfers the bicycle safety program from the Department of Public Safety (DPS) to Nevada's Department of Transportation (NDOT) and expands the scope of that program to include pedestrian safety. The bill also expands the duties of the Nevada Bicycle Advisory Board to include pedestrian safety, renames the body the Nevada Bicycle and Pedestrian Advisory Board, and moves its administration from the DPS to NDOT.

Senate Bill 475 transfers the Driver's Education and Safety Officer within the Department of Motor Vehicles to NDOT, renames the position the Highway Safety Information and Outreach Coordinator, and provides for support of the position using the Highway and Safety Administrative Account in the State Highway Fund.

This bill is effective on July 1, 2011.

State Employees

A.B. 76 (Chapter 120)
Assembly Bill 76 eliminates the biennial reinstatement period for the Public Employees' Benefits Program (PEBP) but permits eligible persons to reenroll during the annual open enrollment period prior to the start of a plan year. The bill provides that certain eligible retirees may only reinstate coverage under the Program once and clarifies which retirees are eligible to reinstate insurance with PEBP. The bill also clarifies that a retired non-State employee may not reinstate coverage if that person is eligible for coverage from a health and welfare plan or trust that arose out of a collective bargaining agreement or a trust established under certain federal laws.

A.B. 240 (Chapter 489)
Assembly Bill 240 expands the current restrictions on certain State contracts for services. The "cooling off" period for such contracts with former State employees is expanded from one year to two years. Instead of the Interim Finance Committee (IFC) being required to approve certain contracts with former or current State employees, the responsibility is transferred to the State Board of Examiners (BOE). The bill requires emergency contracts to be filed with the BOE, which must review each contract and notify the department or division whether the Board would have approved the contract if it had not been an emergency.

The measure provides that State agencies and institutions within the Nevada System of Higher Education (NSHE) must make every effort to limit the number of service contracts it enters into that have a term of more than two years and that are in the amount of less than $1 million. If a State agency or NSHE does enter into such a contract, it must submit a report regarding the contract to the Legislature. State agencies and NSHE are also prohibited from contracting with persons who are not in good standing with the Office of the Secretary of State. Contracts for financial services, with the Public Employees' Benefits Program, and pursuant to the State Plan for Medicaid, which are for an amount greater than $1 million, are exempt from the restrictions on contracts for services with State agencies. Also exempt are contracts for the

employment of a person or business entity that is a provider of services under the State Plan for Medicaid and which provides those services on a fee-for-service basis.

Finally, A.B. 240 requires a State agency that contracts with a current or former employee to report such contracts to the IFC on a quarterly basis. School districts must also report to the IFC every six months on the number of consultants employed by the districts, the purposes of the contracts, and the amount and length of the contracts.

The bill is effective on July 1, 2011.

A.B. 265 (Chapter 312)

Assembly Bill 265 clarifies that a collective bargaining agreement may modify the statutory provisions relating to suspension of a peace officer without pay. The bill requires that notice be given to an officer who is going to be interviewed as a witness and that he or she be allowed to arrange for the presence and assistance of a representative or, upon request, two representatives, at the interview. Any information a representative obtains from the peace officer who is a witness in an investigation is confidential and must not be disclosed. The time during which an officer who is the subject of an investigation attends an interview or interrogation will be deemed to be part of the officer's regular working hours but, if the proceeding is scheduled when the officer is off duty, the officer must be paid for that time. If, during an interrogation or hearing, evidence is found that may be the basis for additional misconduct charges, the proceeding must be stopped and the officer given a new notice. Finally, the bill prohibits certain statements from being used against a peace officer in a subsequent criminal proceeding.

The bill is effective on July 1, 2011.

A.B. 354 (Chapter 484)

Assembly Bill 354 includes alternate members of the Employee-Management Committee in the vote on selecting the Chair of the Committee. The Committee may not hold a hearing or make a final decision unless an equal number of Committee members representing employees and management are present. Finally, the bill requires the Personnel Commission to adopt regulations governing the use of a resolution conference to resolve a grievance no later than January 1, 2012.

The provisions relating to adoption of regulations are effective on June 17, 2011, and the provisions relating to the Committee changes are effective on October 1, 2011. The remaining provision is effective on January 1, 2012.

A.B. 477 (Chapter 181)

Assembly Bill 477 deletes out-of-date references to the 1991 Internal Revenue Code. By deleting the references, current provisions of the Internal Revenue Code will apply to the Public Employees' Retirement System.

The bill is effective on July 1, 2011.

A.B. 487 (Chapter 464)

Assembly Bill 487 appropriates $3.3 million from the State General Fund and $134,000 from the State Highway Fund to the State Board of Examiners for the purposes of buying retirement credits and terminal leave payments for State employees laid off due to the elimination of their positions. Any remaining balance of the appropriation must be reverted to the State General Fund on or before September 20, 2013.

The bill is effective on June 16, 2011.

A.B. 489 (Chapter 287)

Assembly Bill 489 excludes employees of the Department of Corrections and the Division of Forestry, State Department of Conservation and Natural Resources, who begin employment on or after July 1, 2011, from eligibility to receive compensation for travel expenses associated with reporting to work. Department of Corrections and Division of Forestry employees who were employed with a correctional institution or facility located in Indian Springs or Jean prior to July 1, 2011, and who reside more than 25 miles from the respective facility, remain eligible to receive additional compensation for travel expenses of not more than $7.50 per day that they report for work.

This measure is effective on July 1, 2011.

A.B. 553 (Chapter 503)

Assembly Bill 553 eliminates the payment of health insurance subsidies for persons initially hired on or after January 1, 2012, who retired with State service. The bill provides that, for persons who retired before January 1, 1994, with State service, the amount of the subsidy shall equal the base funding level as defined by the Public Employees' Benefits Program for each year of the plan.

The bill clarifies that a subsidy will not be paid for a retiree who was initially hired on or after January 1, 2010, but before January 1, 2012, unless the retiree has participated continuously in the Program and has at least 15 years of service. Retirees who do not have 15 years of service due to a disability retirement are eligible for a subsidy provided they have participated continuously since retirement. Assembly Bill 553 further clarifies that a retiree who was initially hired on or after January 1, 2012, may participate in the Program until the retiree is eligible for Medicare but that the retiree will be responsible for the entire cost of the premium or contribution for participation in the Program.

The bill is effective on July 1, 2011.

A.B. 560 (Chapter 475)

Assembly Bill 560 provides that State employees will no longer receive payment at a rate of time and one half for working on a holiday unless the employee is otherwise entitled to the payment of overtime. The bill also continues the suspension of payments for longevity in State employment and merit pay increases for two more years, through June 30, 2013.

The bill is effective on July 1, 2011.

A.B. 562 (Chapter 502)

Assembly Bill 562 revises the method for calculating the State subsidy to cover a portion of the cost of coverage under the Public Employees' Benefits Program (PEBP) provided to retired employees who are eligible for Medicare health coverage. The State subsidy for Medicare retirees who retired before January 1, 1994, is determined by multiplying the base funding level defined by the Legislature by 15. For Medicare retirees who retire on or after January 1, 1994, the State subsidy is the base funding level multiplied by the number of years of service, excluding purchased service, up to a maximum of 20 years. No subsidy is available for those persons initially hired on or after January 1, 2010, who have not continuously participated in PEBP since retirement or have not attained at least 15 years of State service credit unless the retired person does not have at least 15 years of service as a result of a disability for which the person is receiving benefits under the Public Employees' Retirement System or a similar retirement program offered through or by the Nevada System of Higher Education.

This bill is effective on July 1, 2011.

A.B. 563 (Chapter 421)

Assembly Bill 563 establishes the State's share of the costs of premiums or contributions for group health insurance for active public employees who participate in the Public Employees' Benefits Program. The State's share is $644.81 per month for Fiscal Year (FY) 2011-2012 and $733.64 per month for FY 2012-2013. The bill establishes the base amount used to calculate the State's share for the cost of group insurance for retired employees and the cost of qualified medical expenses for those retirees with Medicare. The base amount is $418.41 per month for FY 2011-2012 and $472.64 per month for FY 2012-2013. The bill also provides for an increase by an amount based on the percentage increase for the Medicare Part B premium for calendar year 2011-2012 if sufficient excess reserves are available to fund an increase.

This bill is effective on July 1, 2011.

S.B. 45 (Chapter 159)

Senate Bill 45 provides that personnel assigned to a sworn position in any division of the Department of Public Safety have the powers of a peace officer. Parole and probation officers, assistants and deputies of the State Fire Marshal, and the personnel of the Capitol Police Division are changed from Category II peace officers to Category I.

The bill is effective on May 30, 2011.

S.B. 98 (Chapter 477)

Senate Bill 98 prohibits certain supervisory employees from being members of an employee organization for the purpose of collective bargaining. Specifically, the following persons are not permitted to be members:

- The subset of supervisory employees who have additional authority from the employer to make decisions relating to the budget or collective bargaining;

- Doctors and physicians employed by local governments; and

- Attorneys employed by a local government and assigned to a civil department or agency except for the duration of an existing agreement to which they are parties.

The bill adds to the scope of mandatory bargaining by requiring collective bargaining agreements to include procedures and requirements for the reopening of agreements exceeding one year in duration in the event of a fiscal emergency.

The bill is effective on July 1, 2011.

S.B. 286 (Chapter 66)

Senate Bill 286 revises the Merit Award Program for State employees. The Merit Award Board, in consultation with the Budget Division of the Department of Administration and the Interim Finance Committee (IFC), may establish standards for employee suggestions that propose to reduce or eliminate State expenditures or improve operations of State government. Certain limitations are placed on employee suggestions.

The Board shall refer a suggestion to the appropriate State agency, which shall consider the suggestion and report its findings and recommendations to the Board. The Board shall evaluate employee suggestions, monitor the implementation of suggestions, and report to the Budget Division and the IFC on actual savings and recommendations of any necessary legislation. The Board shall consult with the Budget Division when making awards. Limitations on awards and distribution of savings resulting from the suggestion are provided. Any award in excess of $5,000 must be approved by the IFC. Awards may not be made until the State has realized savings.

Provisions requiring the Fiscal Analysis Division of the Legislative Counsel Bureau in consultation with the Budget Division to prepare forms on which to submit suggestions are effective on May 19, 2011. All other provisions are effective on October 1, 2011.

TAXATION

A.B. 200 (Chapter 163)

Assembly Bill 200 authorizes a brew pub to obtain a special permit from the Department of Taxation for the transportation of certain malt beverages donated by the brew pub for charitable or nonprofit purposes. This bill also specifies that a special permit may be issued by the Department for the transportation of liquor within Nevada by a conveyance that is owned and operated by the permittee.

This measure is effective on July 1, 2011.

A.B. 504 (Chapter 495)

Assembly Bill 504 requires the Department of Taxation to submit a report to the Nevada Tax Commission no later than January 15 of each year showing all delinquent tax payments from the preceding year. The report shall include the amount of taxes that the Department determines is impossible or impractical to collect.

The Nevada Tax Commission may ask the State Board of Examiners to designate the amount of taxes determined to be uncollectable as bad debt. If the State Board of Examiners designates the amount as bad debt, the Board shall notify the State Controller and the bad debt shall be removed from the books of the account of the State. The State Controller shall maintain a master file of all delinquent taxes designated as bad debt, and the delinquent taxes will remain a legal obligation owed by the debtor to the State.

The measure also lowers the interest rate paid by taxpayers to the State for late payments or underpayment of taxes from 1 percent per month to 0.75 percent per month (which equates to 12 percent annually being lowered to 9 percent annually). The interest rate paid by the State to taxpayers on the overpayment or refund of taxes is lowered from 0.5 percent per month to 0.25 percent per month (which equates to 6 percent annually being lowered to 3 percent annually).

The bill is effective on July 1, 2011.

S.B. 31 (Chapter 95)

Senate Bill 31 requires the Department of Taxation to issue annual reports containing 5-year and 20-year population projections for each county and to post these reports on its website. The bill clarifies that population estimates of each town, township, city, and county that are prepared annually by the Department are of the population as of July 1 of the immediately preceding year.

This bill limits the liability of certain persons who fail to collect or pay to the Department certain taxes or fees. The liability is limited to the willful failure to pay or collect an applicable tax or fee.

This measure extends to all of the taxes and fees required to be paid to the Department, and to certain fees imposed on the lease of a passenger car by a short-term lessor, authority of the Department to waive interest and penalties when the failure to file a return or pay taxes is the result of circumstances beyond the person's control.

This bill extends from three years after a payment was due to four years after a payment was due the time by which the Department or a county may take action to collect delinquent taxes, fees, or deficiencies.

This bill extends until May 31, 2011, the deadline for submitting a cooperative agreement for an alternative formula for the distribution of certain tax proceeds from the Local Government Tax Distribution Account that would commence with the fiscal year beginning on July 1, 2011.

Finally, S.B. 31 requires that certain fees collected by justices of the peace be placed in an account in the State General Fund for the Executive Director of the Department of Taxation to administer provisions relating to the determination of populations of towns, townships, cities, and counties.

The provision of this bill that extends the deadline for submitting a cooperative agreement for an alternative formula is effective on May 24, 2011, and expires by limitation on June 30, 2011. Other provisions are effective on July 1, 2011.

S.B. 33 (Chapter 160)

Senate Bill 33 consolidates various provisions providing for confidentiality and privilege of certain records and files of the Department of Taxation, and it makes the confidentiality and privilege applicable to all of the Department's records and files relating to the administration and collection of taxes, fees, assessments, or other amounts required by law to be collected, subject to the specific exceptions. In addition, the bill allows the Department to disclose in confidence information in those records and files to a federal agency upon request for use in a federal prosecution or criminal investigation. This bill prohibits the Nevada Tax Commission from providing members of the public with copies of any supplemental materials that the Commission receives relating to a taxpayer's appeal until after the time by which the taxpayer is authorized to request a closed hearing so that the materials are not made public before the taxpayer is able to make such a request.

This measure is effective on May 30, 2011.

S.B. 79 (Chapter 214)

Senate Bill 79 revises the procedural safeguards enacted by the 2005 Nevada Legislature to preserve the integrity of the Tobacco Master Settlement Agreement. The bill:

- Makes a wholesale dealer of cigarettes liable for a proportionate share of the unpaid required escrow deposits of a nonparticipating manufacturer whose cigarettes were stamped or distributed in this State by the wholesale dealer;

- Exempts a wholesale dealer from that liability if the wholesale dealer requires the nonparticipating manufacturer to prepay those escrow deposits and the wholesale dealer obtains verification of the payment of those escrow deposits from the Attorney General; and

- Provides the wholesale dealer with a claim against the nonparticipating manufacturer for the amount of any such escrow deposits made by the wholesale dealer.

Under certain circumstances, a nonparticipating manufacturer must post a bond approved by the Attorney General for the benefit of the State of Nevada to ensure the payment of escrow amounts due. The bill authorizes the suspension or revocation of the license of a wholesale dealer under certain circumstances if a similar license of the wholesale dealer is suspended or revoked in another state. Additionally, S.B. 79 authorizes the removal of a nonparticipating manufacturer from the state directory of manufacturers that have provided current and accurate certifications conforming to the requirements of existing law, which are maintained by the Department of Taxation, if the manufacturer is removed from the directory of another state based on an act or omission that would, if the act or omission had occurred in this State, be grounds for the removal of the manufacturer from the directory in this State, and under certain other circumstances.

This bill creates the Account for Tobacco Enforcement in the State General Fund, provides permissible uses for the money in the Account, and requires that the Account be administered by the Attorney General. The Attorney General may apply for available grants and to accept gifts, grants, appropriations, and donations to carry out certain enforcement duties. Finally, S.B. 79 provides civil penalties for certain violations of the provisions of existing law and sets forth additional penalties that may be imposed if the civil penalties are not paid timely.

Property Tax

A.B. 46 (Chapter 87)

Assembly Bill 46 clarifies that the assessments relating to water resources are not subject to partial abatements of property taxes.

This measure is effective on May 24, 2011.

S.B. 32 (Chapter 334)

Senate Bill 32 extends the deadline for a taxpayer who wishes to appeal the valuation of his or her property to a county board of equalization from January 15 to the next business day if January 15 falls on a Saturday, Sunday, or legal holiday. This measure also extends from April 15 to April 30 the deadline by which the State Board of Equalization must notify each affected local governmental entity of a proposed equalization that affects local government entities in more than one county and is likely to have a substantial effect on tax revenues. The bill extends from October 1 to November 1 the deadline for cases that have a less substantive effect or those arising from decisions made in individual cases. Finally, S.B. 32 requires the

State Board of Equalization to post a schedule of its meetings concerning equalization on the Department of Taxation's website in addition to publishing a notice of meetings to be held in locations other than Carson City in a newspaper in the county where the meetings are to be held.

This measure is effective on June 13, 2011.

S.B. 249 (Chapter 512)

Senate Bill 249 revises the definition of a "bona fide resident" to clarify that a seasonal resident is not eligible to receive the property tax or governmental services tax exemptions authorized under current law, and it authorizes county assessors to provide the annual renewal forms for these exemptions by electronic means.

The bill revises the allocation of the taxable value of common elements within a common-interest community by using a formula set forth in the declaration or the recorded deeds for the community units, rather than allocating the value equally to each of the units.

The measure: (1) addresses the location for posting secured tax rolls and notices of delinquency by the county assessor; (2) expands the circumstances for which installment payments are allowed for payment of personal property taxes; and (3) requires that penalties and tax abatements must be included in the calculation of an overpayment or deficiency in personal property taxes.

Senate Bill 249 extends from June 30, 2011, to June 30, 2013, the prospective expiration date for the 2 percent property tax commission and the net proceeds of mines retained by county assessors to acquire and improve technology, and it limits the authorized uses of these funds.

Finally, the measure repeals certain statutes concerning property tax exemptions for personal property in transit through Nevada and assessments on patented land and land held under a State land contract.

The measure is effective on June 17, 2011, for the purposes of providing forms in electronic format, revising installment payments, and calculating overpayment or deficiency of personal property taxes. The measure is effective on July 1, 2011, for all other purposes.

A.J.R. 1 (File No. 31)

Assembly Joint Resolution No. 1 proposes to amend the *Nevada Constitution* by adding a new provision that would grant the Legislature the ability to determine in statute the value of improvements to real property for the purposes of taxation upon the transfer, sale, or other conveyance of the property as the Legislature determines to be appropriate.

If approved in identical form by the 2013 Legislature, this measure will be submitted to the voters for final approval or disapproval at the 2014 General Election.

Sales and Use Tax

A.B. 572 (Chapter 497)

Assembly Bill 572 revises provisions of the Clark County Sales and Use Tax Act of 2005 relating to the approval and expenditure of revenue received by a local government from the proceeds of this tax. Under certain circumstances, each local governmental body may approve expenditures from proceeds of this tax if the body projects a decrease in revenue from other taxes during that fiscal year. The bill also establishes a procedure pursuant to which a county treasurer may approve the use by a police department of the proceeds of this tax that have been allocated to another police department.

Finally, A.B. 572 requires that certain reports concerning expenditures pursuant to the Clark County Sales and Use Tax Act be submitted to the Department of Taxation instead of the Legislature.

This bill is effective on June 17, 2011.

S.B. 34 (Chapter 454)

Senate Bill 34 carries out various requirements of the Streamlined Sales and Use Tax Agreement (SSUTA) concerning: (1) purchases of direct mail and the sourcing of those transactions; (2) the registration and liability of sellers; and (3) the electronic filing of simplified tax returns. The bill also carries out a recent amendment to the SSUTA with regard to the taxation of delivery charges and due dates for tax returns and payments.

Certain provisions of the SSUTA that do not apply in Nevada, as well as requirements that are not allowed by the SSUTA, are deleted.

Finally, S.B. 34 applies the sales and use taxes imposed in this State to every retailer whose activities have a nexus with Nevada.

This measure is effective on June 16, 2011.

S.B. 495 (Chapter 207)

Senate Bill 495 proposes a competing measure to Initiative Petition No. 1, to be placed on the ballot at the general election held on November 6, 2012. The measure would require a uniform and equal rate of sales and use tax in a county and prohibit the creation of special districts in which a higher sales and use tax rate applies in a certain portion of the county.

Initiative Petition No. 1, which was presented to the 76th Session of the Nevada Legislature by the Secretary of State on February 7, 2011, would impose an additional sales and use tax in certain areas of larger counties in Nevada for the construction, improvement, equipment, operation, and maintenance of a sports and entertainment arena through public and private cooperation. If Initiative Petition No. 1 is invalidated, withdrawn, or for any other reason is

not submitted to the registered voters at the general election held on November 6, 2012, the provisions of this bill also must not be submitted to the registered voters at that general election and are thereafter void.

TRANSPORTATION

A.B. 204 (Chapter 299)

Assembly Bill 204 provides that if a licensed automobile wrecker procures and files with the Department of Motor Vehicles an additional bond, the wrecker may use a new streamlined procedure for processing certain salvage vehicles as parts or scrap metal. Under the streamlined procedure, the wrecker, not the Department, assumes any liability that arises from the processing of the vehicle as parts or scrap metal, and the Department shall issue a nonrepairable vehicle certificate for the motor vehicle.

The measure revises the definition of total loss vehicle to exempt from the cost of repair the replacement of major electronic components in accordance with the specifications of the manufacturer and towing charges. Further exempted from the definition of a total loss vehicle are recovered theft vehicles having no structural damage, but missing tires, wheels, or audio or video equipment.

This measure is effective on June 10, 2011, for the purpose of adopting the necessary regulations, which are to be adopted by December 31, 2011. Provisions concerning the revision to the definition of total loss vehicle are effective on July 1, 2011. Provisions concerning the streamlined procedure for processing certain salvage vehicles as parts or scrap metal are effective on January 1, 2012.

A.B. 212 (Chapter 300)

Assembly Bill 212 decreases from $20 million to $10 million the threshold at which the Department of Transportation is authorized to enter into a design-build contract for a project. The measure increases from once to twice each fiscal year the number of projects with an estimated cost of at least $5 million but less than $10 million for which the Department is authorized to enter into design-build contracts for a project.

This measure is effective on July 1, 2011.

A.B. 374 (Chapter 292)

Assembly Bill 374 requires that before the Department of Transportation Board of Directors may approve the purchase of any mobile equipment exceeding $50,000, the Department must prepare a cost/benefit analysis of purchasing versus leasing the equipment or outsourcing for the performance of the work, which would have been performed using the mobile equipment, and justify the decision to purchase the equipment based on that analysis.

The Director of the Department, on or before February 1 of odd-numbered years, is required to submit a report to the Governor and the Legislature concerning all mobile equipment eliminated by outsourcing or purchased or leased in the preceding two years. The report must include any cost/benefit analyses that were prepared, the justification for the decision to eliminate by outsourcing, purchase or lease the equipment, and any other information required by the Director relating to those purchases or leases.

This measure is effective on July 1, 2011.

S.B. 49 (Chapter 71)

Senate Bill 49 provides that, if a county road map showing a right-of-way granted by federal law is filed by a board of county highway commissioners with certain State and local officials, the filing constitutes establishment of the existence and location of the right-of-way that is open for public use. The bill specifies also that the acceptance of such a filing by the Department of Transportation constitutes an acknowledgment by the Department of the establishment of the right-of-way. Additionally, S.B. 49 gives the board of county highway commissioners in counties with a population of less than 100,000 the authority to locate and determine the width of such a right-of-way and to open it for public use for the purpose of designating county roads.

This bill is effective on July 1, 2011.

S.B. 236 (Chapter 283)

Senate Bill 236 declares it to be a policy of this State to encourage and promote the use of recycled aggregate, pavement, and rubber from tires in road and highway construction projects. The bill requires the Director of the Department of Transportation and local governments to adopt policies that provide for the use of these recycled materials in road and highway projects. The bill further requires the Department and local governments to ensure that the use of recycled materials in road and highway projects is not restricted unless scientific evidence indicates that the use of such materials would compromise the soundness of a project. The provisions of the bill do not apply to certain projects started before July 1, 2011, or certain contracts entered into before that date.

This bill is effective on July 1, 2011.

S.B. 238 (Chapter 325)

Senate Bill 238 modifies the number of members and composition of the Advisory Board on Automotive Affairs, adding one representative each for licensed operators of emissions stations, motor vehicle dealers, and motor vehicle insurers. The bill also: (1) modifies the residency and professional experience requirements for appointment to the Board; (2) makes changes to the Board's authority to call meetings; and (3) specifies that the Chair of the Board is a nonvoting member unless the vote is needed to break a tie.

The provisions in this bill which outline members' terms of office become effective on June 13, 2011. The remainder of this bill is effective on July 1, 2011.

S.B. 322 (Chapter 233)

Senate Bill 322 removes the restriction that only officers in counties with a population of 100,000 or more (currently Clark and Washoe Counties) can perform a weight limit enforcement inspection and instead allows officers in all counties to enforce the limits, if properly trained. The bill specifies that an officer can only perform the inspection within his or her jurisdiction and that the officer must have a reasonable suspicion that the vehicle is overweight. This restriction does not change the ability of the Department of Public Safety to conduct a program whereby vehicles are weighed while in motion on the roadway.

S.B. 387 (Chapter 177)
Senate Bill 387 authorizes the Department of Motor Vehicles (DMV) to issue a distinguishing number to an off-highway vehicle that lacks a vehicle identification or serial number, whether it has never been issued a number or the number has been defaced, removed, obliterated, or altered. The bill allows the Department to charge a fee for the cost of issuance.

This bill is effective on May 31, 2011, for the adoption of regulations. For all other purposes, the bill is effective on July 1, 2012, or 30 days after the date the DMV notifies the public it is ready to begin the off-highway vehicle titling program, whichever is first.

S.B. 483 (Chapter 445)
Senate Bill 483 allows the Department of Motor Vehicles to enter into agreements for the placement of advertising in areas of buildings owned or occupied by the Department that are frequented by the public. Any money collected from such advertising must be deposited in the Motor Vehicle Fund and used to offset the Department's cost of communicating with the public. The bill requires the Department to make certain reports to the Interim Finance Committee concerning the advertising agreements.

Senate Bill 483 also authorizes the Director of the Department to disclose certain information to a person who, under a contract with the Department, requests the information in order to issue an advisory notice, recall a vehicle, or provide a vehicle history.

Provisions of the bill authorizing the Director to disclose certain information are effective on July 1, 2011. All other provisions are effective on June 16, 2011.

Drivers' Licenses and Vehicle Registration

A.B. 2 (Chapter 275)
Assembly Bill 2 provides for the exemption from emissions inspection for older motor vehicles with certain special license plates that signify a vehicle is an Old Timer, Street Rod, Classic Rod, or Classic Vehicle if the owner of the motor vehicle certifies that the motor vehicle has not been driven more than 5,000 miles the previous year. The measure further requires the owner of such a motor vehicle to pay a fee to the Department of Motor Vehicles to be accounted for in the Pollution Control Account that is equal to the cost for a certificate of compliance with emissions standards. The Department is prohibited from issuing such a special license plate if the motor vehicle has failed a required emissions test within the previous 90 days.

A.B. 247 (Chapter 345)
Assembly Bill 247 authorizes a person who is an agricultural user to obtain a license plate and decal from the Motor Carrier Division of the Department of Motor Vehicles to operate a farm tractor or self-propelled implement of husbandry on the highways of this State without requiring an emissions inspection. The Department must issue a license plate and decal for the

farm tractor or motorized implement of husbandry as soon as practicable after receiving the application, applicable fee, and appropriate evidence of insurance.

This measure is effective on January 1, 2014.

A.B. 277 (Chapter 352)

Assembly Bill 277 requires the Department of Motor Vehicles (DMV) to make the existing special license plates for veterans available to female veterans with an optional image representative of female veterans. The image to be used for the license plate shall be provided to the DMV by the Nevada Veterans' Services Commission.

The bill provides that a female veteran who has suffered a 100 percent service-connected disability and who receives compensation from the United States for that disability may be issued a special "Disabled Female Veteran" license plate from the DMV. A holder of this plate is entitled to the same benefits as a holder of a "Disabled Veteran" plate, including the right to park in a parking space designated for persons who are handicapped.

A.B. 463 (Chapter 288)

Assembly Bill 463 authorizes a law enforcement agency to remove a seized vehicle to storage or to a place for disposal, if disposal is authorized by statute. If disposal is not specifically authorized by statute, the bill authorizes a law enforcement agency or the Department of Motor Vehicles to file a civil action for forfeiture. The bill requires the court to hold a hearing on the action within seven days and order the release of the vehicle to the owner or other person who is entitled to it, if certain criteria are met, or order the vehicle to be destroyed or disposed of under certain circumstances.

Assembly Bill 463 authorizes a police officer, without a warrant, to seize a vehicle if the officer has probable cause to believe that the vehicle has been altered illegally in a manner that impairs the vehicle's structural integrity.

This measure is effective on July 1, 2011.

S.B. 15 (Chapter 155)

Senate Bill 15 clarifies that the Department of Motor Vehicles must cancel the previously reinstated license of a person who has been subsequently convicted of driving under the influence of intoxicating liquor or a controlled substance if that person does not pay the required civil penalty within 30 days of being notified that the license will be cancelled.

This bill is effective on July 1, 2011.

S.B. 51 (Chapter 96)

Senate Bill 51 brings Nevada's laws related to compliance with out-of-service orders into alignment with federal rules. The bill requires the Department of Motor Vehicles (DMV) to impose a civil penalty and suspend the commercial driver's license of an individual found to

have violated an out-of-service declaration in accordance with federal regulations. It also requires the DMV to impose a civil penalty against the employer of a driver subject to an out-of-service order in the event that the employer is convicted of knowingly allowing such a person to operate a commercial vehicle.

The bill reduces from 20 to 5 the number of days a court has to provide notice to the DMV of a conviction; it further requires the DMV to transmit a notice to the Commercial Driver's License Information System within 5 days if the convicted person holds a commercial driver's license. It also deletes a requirement in existing law that a court must forward the driver's license of an individual found guilty of certain traffic violations to the DMV. Finally, S.B. 51 expands the definition of the term "out-of-service order" to include both a temporary prohibition against a person operating a motor vehicle and a temporary prohibition against a commercial motor vehicle being operated, in accordance with federal regulations.

The provision removing the requirement that a court forward a driver's license to the DMV under certain circumstances is effective on January 1, 2012. The remainder of the bill is effective on October 1, 2011.

S.B. 130 (Chapter 68)

Senate Bill 130 revises the effective date of most provisions relating to the Department of Motor Vehicles' (DMV) off-highway vehicle titling program to July 1, 2012, or 30 days after the date the Department notifies the public it is ready to begin the program, whichever occurs first. The bill transfers responsibility to approve the designation of any portion of a State highway as permissible for off-highway vehicle use from the DMV to the Department of Transportation. Senate Bill 130 also authorizes the DMV to release certain personal information relating to the title and registration of off-highway vehicles.

This bill is effective on May 19, 2011.

S.B. 154 (Chapter 321)

Senate Bill 154 requires the Department of Motor Vehicles to develop a special license plate for family members of a person who died as a result of injuries sustained while on active duty in the Armed Forces of the United States.

S.B. 323 (Chapter 280)

Senate Bill 323 reduces from 60 to 30 the number of days a new resident of this State has to register his or her vehicle with the Department of Motor Vehicles. The bill also requires a nonresident who operates a vehicle within the State for a period of more than 30 days in a calendar year to register that vehicle. A person, whether resident or nonresident, who engages in a trade, profession, or occupation, or is employed in the State, or enrolls his or her children in a school in the State, must register vehicles within 30 days. Finally, the bill requires a person who is a resident and is operating a vehicle owned by a nonresident to register the vehicle within 30 days. There are certain exceptions for certain students and migrant and seasonal farm workers.

Senate Bill 323 also revises provisions relating to reinstatement of registration after a lapse of insurance. It replaces the current flat fee of $250 for reinstatement with a tiered system of penalties that escalates each time a lapse occurs and takes into consideration the amount of time of the lapse.

Finally, S.B. 323 prohibits, until the Department receives certain proof of payment, the registration of a motor vehicle if the Department has received notice from a local authority that the owner of the motor vehicle has an outstanding fee for a citation issued by a constable for not registering the vehicle as required.

This bill is effective on June 10, 2011, for the purpose of adopting regulations, and on July 1, 2011, for all other purposes.

S.B. 396 (Chapter 108)

Senate Bill 396 changes the governmental agency entrusted to administer and distribute the additional funds generated by the sale of special license plates to support the natural environment of the Mount Charleston area. The bill provides that the funds must be administered by the Board of County Commissioners of Clark County, with the advice of the Mount Charleston Town Advisory Board, rather than by the Division of State Lands, State Department of Conservation and Natural Resources.

S.B. 408 (Chapter 73)

Senate Bill 408 increases from 25 to 30 the number of specialty license plates that may be issued by the Department of Motor Vehicles for charitable causes.

This bill is effective on July 1, 2011.

S.B. 441 (Chapter 213)

Senate Bill 441 allows the Department of Motor Vehicles to enter into a contract with a supplier of self-service kiosks or terminals to process certain transactions that have been designated by the Director of the Department, and the bill further allows that supplier to charge a processing fee directly to customers who use those kiosks or terminals.

This bill is effective on July 1, 2011.

Motor Vehicles and Motor Carriers

A.B. 28 (Chapter 5)

Assembly Bill 28 revises the definition of low-speed vehicles to match more closely the federal definition.

This bill is effective on March 21, 2011.

A.B. 351 (Chapter 526)

Assembly Bill 351 authorizes taxicab and limousine operators to accept payment by a credit card or debit card. The bill authorizes the Nevada Transportation Authority and the Taxicab Authority to prescribe by regulation or order the maximum fees that a taxicab or limousine operator within its jurisdiction may charge for the convenience of paying by using a credit card or debit card. The measure prohibits an issuer of a credit card or debit card or certain other persons who facilitate the acceptance of a credit card or debit card from prohibiting the collection of a convenience fee by a taxicab or limousine operator.

A.B. 511 (Chapter 472)

Assembly Bill 511 requires that, with limited exceptions, each local authority shall establish, by ordinance, a parking program for any qualified alternative fuel vehicle, which includes plug-in vehicles powered by an electric motor, with a distinctive identifier issued by the local authority, or its designee. The parking program would allow those vehicles displaying the distinctive identifier to park free at certain times in certain public parking lots, parking areas, and metered parking zones. The board of county commissioners or the governing body of the city is authorized to charge a fee in an amount not to exceed $10 annually for the distinctive decal, label, or other identifier issued. The provisions for these parking programs do not apply to any public metered parking zone, parking lot, or parking area of an airport. The measure authorizes the use of a qualified alternative fuel vehicle in high-occupancy vehicle lanes irrespective of the occupancy of the vehicle, if the Department of Transportation has adopted the necessary regulations.

The measure requires the Department of Motor Vehicles to adopt regulations to authorize the operation of autonomous vehicles on highways within the State of Nevada and to establish a driver's license endorsement for the operation of such vehicles.

The measure is effective on June 16, 2011, for the purpose of adopting the necessary regulations to implement the provisions of the bill concerning autonomous vehicles. Provisions concerning alternative fuel vehicles are effective on January 1, 2012. Provisions concerning autonomous vehicles are effective on March 1, 2012. Provisions concerning the parking program expire by limitation on January 1, 2018.

S.B. 142 (Chapter 269)

Senate Bill 142 makes various changes to laws governing the towing and storage of motor vehicles. The bill authorizes an insurer who has obtained consent from the vehicle owner or the owner's agent to obtain possession of a motor vehicle from a tow car operator. To obtain possession, the insurer must provide the tow car operator with a consent form that satisfies the requirements established by the Commissioner of Insurance, Division of Insurance, Department of Business and Industry.

If a motor vehicle is towed and stored at the request of a law enforcement officer after an accident, a tow car operator shall not satisfy any lien or impose any administrative or processing fee for four business days after the vehicle is placed in storage. A tow car operator

may not impose any fee relating to the auction of a towed motor vehicle until certain notice requirements are met.

If a vehicle is a total loss and if the insurer provides notice, a vehicle owner or an agent of an owner may consent to a vehicle being towed and placed in storage at the insurer's direction and expense.

If the vehicle is repairable, an owner or authorized agent may consent to the vehicle being towed to a repair shop designated by the owner or agent.

S.B. 234 (Chapter 242)

Senate Bill 234 makes various changes pertaining to motor vehicle dealers. The bill prohibits a manufacturer from requiring a dealer to construct or alter facilities under certain circumstances. It also prohibits a manufacturer from modifying a franchise agreement with a dealer under certain circumstances. A manufacturer may not prohibit a dealer from disclosing certain information about a service, repair, or recall notice, or about warranty coverage and expiration.

If a manufacturer is purchased by another manufacturer, a dealer must be offered a franchise agreement that is substantially similar to one offered to other dealers of the same line and make of vehicles.

Senate Bill 234 makes certain changes in the procedure for a dealer to file a claim with a manufacturer for delivery and preparation work, transportation claims, and special campaigns. It also makes changes in the process for conducting an audit of warranty repair work.

The Commissioner of Financial Institutions, Division of Financial Institutions, Department of Business and Industry, is required to prescribe by regulation a form requiring that notice of certain rights be given to a vehicle buyer if a seller exercises a valid option to cancel the vehicle sale because the seller is unable to obtain financing for the buyer.

This bill is effective on June 3, 2011, for the purpose of adopting regulations, and on October 1, 2011, for all other purposes. Amendatory provisions related to the requirement that the Commissioner prescribe by regulation a form for vehicle sales contracts and credit applications expire by limitation on September 30, 2012.

S.B. 320 (Chapter 441)

Senate Bill 320 requires that any vehicle which a certificate holder regulated by the Nevada Transportation Authority purchases for use as a taxicab must be either new or register not more than 30,000 miles on the odometer. The bill also limits the number of months that such a vehicle may be used as a taxicab. A vehicle that is acquired new must be removed from operation as a taxicab after 72 months. A vehicle that is acquired with not more than 30,000 miles on the odometer may only be operated for 55 months. Additionally, a

hybrid electric vehicle may be used as a taxicab for an additional 24 months beyond the limits that apply to other vehicles.

The bill provides that if a person fails to pay an administrative fine as imposed by the Authority, that person's driver's license may be suspended. If the license is suspended, the person must pay both the administrative fine to the Authority and the reinstatement fee to the Department of Motor Vehicles (DMV) before the license may be reinstated by the DMV.

Finally, the measure prohibits a short-term lessor from offering, arranging for, or allowing the use of a paid driver whether directly or through an affiliated person.

This measure is effective on June 16, 2011, for the purposes of adopting regulations and performing other preparatory administrative tasks, and on October 1, 2011, for all other purposes.

S.B. 321 (Chapter 448)

Senate Bill 321 requires the Taxicab Authority to establish a system for the use of radio frequency identification or other electronic means to verify the validity of a medallion affixed to any taxicab within the jurisdiction of the Taxicab Authority. The bill deletes the requirement that the mobile radio in a taxicab be a two-way radio and defines the phrase "communication by radio" to include transmission of writing, signs, signals, pictures, and sounds of all kinds by radio or other wireless methods. It also revises provisions governing the methods by which the Taxicab Authority may seal taximeters and requires the Authority to establish requirements for electronic trip sheets.

This bill is effective on June 16, 2011, for the purpose of adopting regulations, and on July 1, 2011, for all other purposes.

Traffic Laws

A.B. 30 (Chapter 83)

Assembly Bill 30 expands the list of divisions or offices within the Departments of Motor Vehicles (DMV) and Public Safety (DPS) that may be authorized to obtain permits from the DMV to own and operate authorized emergency vehicles. This bill expressly authorizes the issuance of such permits for vehicles owned and operated by the Capitol Police Division, the Investigation Division, the State Fire Marshal Division, the Training Division, the Office of the Director of the DPS, and enforcement vehicles for emissions and special fuel programs in the DMV. The bill also transfers from the DMV to the DPS the statutory authority to establish standards for certain equipment for emergency vehicles and to issue permits for those vehicles.

This bill is effective on May 24, 2011.

A.B. 43 (Chapter 6)
Assembly Bill 43 changes provisions regarding audits of traffic citation records. The bill provides that a fiscal officer of a government agency to which a traffic enforcement agency is responsible must audit every record annually, rather than semiannually.

This bill is effective on March 24, 2011.

A.B. 328 (Chapter 294)
Assembly Bill 328 provides that a driver who, while violating certain rules of the road relating to bicycles, pedestrians, crosswalks, school crossing guards, school zones, or speeding, is the proximate cause of a collision with a pedestrian or person riding a bicycle has committed the offense of reckless driving.

S.B. 84 (Chapter 72)
Senate Bill 84 makes changes relating to administrative and temporary roadblock warning signs established by police officers. It creates two standards for the location of warning signs in the case of an administrative roadblock: one-quarter of a mile from the roadblock in rural areas, and 700 feet from the roadblock in urban areas. The bill also specifies that other required objects that are used to warn the traveling public of an administrative or temporary roadblock must be placed at the entrance to the roadblock or at a certain distance from the entrance to the roadblock.

S.B. 248 (Chapter 69)
Senate Bill 248 requires a motor vehicle operator to overtake and pass a bicycle or electric bicycle if they are going in the same direction by moving the vehicle into the immediate left lane, if there is more than one lane traveling in the same direction and it is safe to move into that lane, or by passing to the left of the bicycle at a distance of not less than three feet from the bicycle or electric bicycle.

Transportation Fees and Taxes

A.B. 53 (Chapter 350)
Assembly Bill 53 revises provisions governing the method by which fees are to be determined by Nevada's Department of Transportation (NDOT) for:

- Authorizing the use of trademarks or symbols identifying an individual enterprise on certain signs; and

- Providing information concerning commercial attractions and services.

Instead of basing those fees on market value only in certain larger counties, this bill requires that the fees in all counties be based on market value. The bill further authorizes the Director of NDOT to recommend to the Board of Directors of NDOT programs to provide information

to the traveling public to be paid from money available from the Account for Systems of Providing Information to the Traveling Public in the State Highway Fund.

This bill is effective on July 1, 2011.

A.B. 232 (Chapter 301)

Assembly Bill 232 authorizes the payment of the annual permit fee for certain combination vehicles to be made during registration cycles established by the Department of Transportation. The fee must be reduced by one-twelfth for each month that has elapsed since the beginning of the registration cycle.

This bill is effective on June 10, 2011, for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this bill, and on January 1, 2012, for all other purposes.

S.B. 13 (Chapter 154)

Senate Bill 13 authorizes the Department of Motor Vehicles (DMV) to serve notice of a determination of deficient payment upon a person who owes money for taxes on certain fuels by means of e-mail. The e-mail address must be provided to the DMV by the person receiving the notice. The bill also repeals an existing law that authorizes the DMV to grant an extension of time to a person for the filing of certain returns and reports regarding certain fuels.

This measure is effective on July 1, 2011.

S.B. 406 (Chapter 70)

Senate Bill 406 requires the Department of Motor Vehicles to waive two types of fees owed by military personnel in the event the service member's driver's license renewal or vehicle registration is late due to the member being deployed. These two fees are the late fee charged by the Department for both overdue vehicle registrations and license renewals and a penalty on the late payment of the governmental services tax for vehicle registrations only.

This bill is effective on July 1, 2011.

26TH SPECIAL SESSION
February 23, 2010–March 1, 2010

A.B. 1—26th Special Session (Chapter 2)
Assembly Bill 1 requires employers with 50 or more employees to electronically transfer to the State the income withheld from employees pursuant to support orders.

This bill is effective on July 1, 2010.

A.B. 2—26th Special Session (Chapter 9)
Assembly Bill 2 authorizes the deviation from required hours of operation for certain county offices subject to the approval of the board of county commissioners. Each board of county commissioners that has granted such approval must submit a report evaluating the deviations to the Director of the Legislative Counsel Bureau for transmittal to the 2011 Nevada Legislature.

The bill is effective on March 11, 2010, and expires by limitation on June 30, 2011.

A.B. 3—26th Special Session (Chapter 3)
Assembly Bill 3 transfers all or a portion of numerous special accounts and funds to the State General Fund and other funds. Certain amounts of money budgeted for Fiscal Year (FY) 2009-2010 and FY 2010-2011 are reduced, transferred to the State General Fund, and the associated work programs are revised accordingly. Major requirements include the following:

- Suspends the required transfer of the remaining funds from the Abandoned Property Trust Account to the Millennium Scholarship Trust Fund for each fiscal year of the biennium, and instead it requires the transfer of the remaining $5 million to the State General Fund; and

- Reduces for the current biennium the amount each State agency is assessed to pay a portion of the health care premiums for State retirees. The $24.7 million currently in the fund used for this purpose is transferred to the State Retirees' Health and Welfare Benefits Fund to pay a portion of the costs for health and welfare benefits for State retirees during FY 2010-2011, replacing premiums paid by the State.

Additional transfers to the State General Fund include, but are not limited to:

- Over $30 million from the Fund for a Healthy Nevada, emptying that account this biennium;

- More than $10 million from the Trust Fund for Public Health;

- $29 million from the State Treasurer's Consolidated Bond Interest and Redemption Fund for both years of the biennium;

- Over $31 million combined from both fiscal years from the Department of Taxation Bonds account; and

- Over $8.9 million for FY 2009-2010 from the Health Division's Fund for the Care of Sites for the Disposal of Radioactive Waste.

Revisions to several work programs for FY 2011 requiring certain transfers are effective on July 1, 2010. Certain provisions are scheduled to sunset on June 30, 2011, including the sections authorizing reductions in the State Retirees' Health and Welfare Benefits Fund; the provisions suspending the annual transfer of certain funds from the Abandoned Property Trust Account to the Millennium Scholarship Trust Fund; as well as authorizations for the Legislature to transfer money from the Graffiti Reward Fund, the Fund for New Construction of Facilities for Prison Industries, the Account for the Bureau of Consumer Protection, and the Notary Public Training Fund. The remaining provisions are effective on February 28, 2010.

A.B. 4—26th Special Session (Chapter 7)

Assembly Bill 4 temporarily revises provisions governing class-size reduction to allow school districts flexibility in addressing budget shortfalls. For School Year (SY) 2010-2011, this measure authorizes a school district to increase class sizes in grades 1, 2, and 3 by no more than two pupils per teacher in each grade, to achieve pupil-teacher ratios of 18 to 1 in grades 1 and 2 and 21 to 1 in grade 3. If a school district elects to increase class sizes in this manner, all money that would have otherwise been expended by the school district to achieve the lower class sizes in grades 1 through 3 must be used to minimize the impact of budget reductions on class sizes in grades 4 through 12. For reporting purposes, school districts that elect to increase class sizes in grades 1 through 3 will be required to report the pupil-teacher ratios achieved for each grade level from grade 1 through grade 12.

This bill is effective on March 10, 2010, and expires by limitation on June 30, 2011.

A.B. 5—26th Special Session (Chapter 6)

Assembly Bill 5 provides a temporary waiver to the Department of Education, school districts, charter schools, and the university school for profoundly gifted pupils from all statutory requirements relating to the minimum expenditure requirements for textbooks, instructional supplies, instructional software, and instructional hardware. The temporary waiver covers the entire 2009-2011 Biennium.

This bill is effective on March 10, 2010, and applies retroactively from and after July 1, 2009, and expires by limitation on June 30, 2011.

A.B. 6—26th Special Session (Chapter 10)

Assembly Bill 6 revises appropriations by the 2009 Legislature for the operation of State government, raises certain fees and assessments, and appropriates various sums of money for the support of the government during the 2009-2011 Biennium. The bill includes the following provisions:

- Sets forth reductions to State General Fund appropriations of various State agencies for Fiscal Year (FY) 2010 and FY 2011;
- Decreases State General Fund appropriations for the two fiscal years by eliminating positions that are currently vacant and by reducing approved travel and training expenditures;
- Gives Nevada's Supreme Court the discretion to implement its specified reductions in State General Fund appropriations in either or both fiscal years of the biennium;
- Lowers State General Fund appropriations for the State Gaming Control Board, the Nevada Gaming Commission, and certain entities within the Department of Cultural Affairs and the State Department of Conservation and Natural Resources, including the Nevada State Museum and the Division of State Parks. The bill then authorizes expenditures of similar amounts by these entities that were not appropriated in part because of additional or increased fees they are authorized to collect. The bill also authorizes the Division of State Parks and the Department of Cultural Affairs to seek a temporary advance from the State General Fund for authorized expenses if the collection of expected fee or assessment revenue is delayed;
- Transfers money appropriated from the State General Fund and changes the expenditures of certain funds received under the American Recovery and Reinvestment Act of 2009 for the Nevada System of Higher Education and the Department of Corrections from FY 2009-2010 to FY 2010-2011;
- Transfers certain sums allocated for projects of the State Public Works Board to other projects and reverts funds to the State General Fund;
- Requires the Executive, Legislative, and Judicial Branches of State government to identify any additional reductions that may be made from renegotiating certain contracts;
- Requires the Clean Water Coalition to transfer securities and cash totaling $62 million to the State of Nevada for unrestricted State General Fund use;
- Authorizes the Supreme Court to extend the voluntary mediation program for homeowners in default to include small businesses whose commercial property is in default. The bill also provides for an additional fee of $150 to be collected by the county recorder at the time of recording a notice of default and election to sell real property. This fee must be deposited into the State General Fund;
- Increases certain fees collected by the Secretary of State pursuant to *Nevada Revised Statutes* (NRS) for required filings, registrations, certificates, notices, and other documents. The bill also requires the Secretary of State to reconcile the amount of fees received from registering domestic partnerships and the related expenses and to deposit any excess fees received with the State Treasurer for credit to the State General Fund. Further, the Secretary of State must also deposit 75 percent of fees collected in the Notary Public Training Fund into the State General Fund;

- Allows the money in the Account for Common-Interest Communities and Condominium Hotels to be used to defray the costs and expenses of administering the Real Estate Division, Department of Business and Industry, under certain circumstances;

- Raises administrative assessments for misdemeanors by $5 and provides that this amount must be credited to the State General Fund;

- Authorizes the Director of the Department of Corrections to deduct money from the Offenders' Store Fund to repay or defray the costs relating to the operation and maintenance of the offenders' store, coffee shop, gymnasium, and visitation posts. The Director may also adopt regulations imposing a charge on the purchase of electronic devices by offenders to defray related costs. The proceeds collected must be utilized to offset the energy costs for the Department's facilities. Regulations relating to these provisions must be adopted pursuant to the Nevada Administrative Procedure Act;

- Requires the Legislative Commission to transfer the first $100,000 collected from fees for the registration of lobbyists to the State General Fund;

- Deletes fees from NRS that must be charged by the State Registrar of Vital Statistics for certain services and authorizes the State Registrar to establish these fees by regulation. The existing fees will continue to be imposed until the State Registrar adopts the new fees by regulation;

- Increases from 4 percent to 6 percent the license fee paid by a promoter of unarmed combat. Pursuant to NRS 467.040, this fee goes into the State General Fund;

- Expands the purposes for which the Department of Wildlife may use the fees collected for processing applications for tags, including costs associated with the Department's automated program for licensing and registration and titling of vessels and the issuance of licenses, permits, and tags;

- Establishes an additional fee for entities holding 11 or more mining claims in the State to be imposed when filing an affidavit of work performed on or improvements made to a mining claim or when filing an affidavit of the intent to hold a mining claim. The amount of the fee is based upon the number of claims held, and the bill establishes a penalty for failing to pay the fee;

- Reduces the basic support guarantee of all the 17 county school districts for the 2009-2011 Biennium. The basic school support guarantee is lowered from an estimated weighted average of $5,251 to $5,186 in FY 2010 and from $5,395 to $5,192 in FY 2011. The bill also lowers amounts appropriated from the State General Fund to the State Distributive School Account for these two fiscal years;

- Extends the reversion date and lowers the amount appropriated for the Grant Fund for Incentives for Licensed Educational Personnel;

- Authorizes the use of $25 million from the Clark County School District's Fund for Capital Projects for public school purposes other than capital projects for the 2009-2011 Biennium;

- Appropriates money from the State General Fund to the Department of Health and Human Services (DHHS) to replace federal Temporary Assistance to Needy Families block grant funds that are no longer available and to provide support to the Nevada Youth Training Center and the Caliente Youth Center to accommodate youth from the Summit View Youth Correctional Center, which is closed under Section 1 of the bill. The bill also appropriates money from the State General Fund to the Office of the Secretary of State and the State Gaming Control Board for specified new positions, and to the Legislative Fund for the costs of the 26th Special Session;

- Creates a tax amnesty program to allow a person who on July 1, 2010, is delinquent in the payment of a tax, fee, or assessment to pay the amount due without any penalty or interest in certain circumstances. This amnesty program will apply only to a person who files a request for relief and pays the amount due between July 1, 2010, and October 1, 2010;

- Requires the Division of Insurance of the Department of Business and Industry to carry out a desk audit program to audit insurance premium tax returns to determine compliance and requires the Commissioner of the Division to submit a plan to carry out the program to the Fiscal Analysis Division of the Legislative Counsel Bureau by June 1, 2010; and

- Requires that if the DHHS receives an award from the Temporary Assistance for Needy Families Emergency Contingency Fund on or before June 30, 2011, then the money must be used: (1) to replace State general funds that have been appropriated for certain purposes, including family resource centers and Family to Family Connection programs; (2) for the support of autistic children at certain facilities; and (3) for transfer to the appropriate social services departments of Clark and Washoe Counties. The savings from the use of money received from the Temporary Assistance for Needy Families Emergency Contingency Fund must be reverted to the State General Fund.

Provisions authorizing the extension of the voluntary mediation program to include small businesses and the additional fee of $150 when recording a notice of default and election to sell real property are effective on April 1, 2010. The section creating the tax amnesty program is effective on May 1, 2010. Sections raising the license fees for unarmed combat exhibitions and sections revising the administration of fees collected for registering domestic partnerships and for the Notary Public Training Fund are effective on July 1, 2010. Sections authorizing the Division of State Parks and the Department of Cultural Affairs to see a temporary advance from the General Fund are also effective on July 1, 2010.

All other sections of the bill are effective on March 12, 2010.

Finally, the section requiring the Legislative Commission to transfer to the State General Fund the first $100,000 collected from fees for lobbyist registration and the section imposing an additional fee on certain entities holding mining claims expire by limitation on June 30, 2011.

S.B. 1—26th Special Session (Chapter 1)

Senate Bill 1 appropriates $250,000 from the State General Fund to the Legislative Fund for the costs of the 26th Special Session.

This bill is effective on February 25, 2010.

S.B. 2—26th Special Session (Chapter 5)

Senate Bill 2 removes the prohibition on linking student achievement data to teachers and paraprofessionals for purposes of personnel evaluations. Instead, this measure provides that such information must be considered, but must not be the sole criterion, for evaluating the performance of or taking disciplinary action against a teacher, paraprofessional, or other educational employee.

This bill is effective on March 10, 2010.

S.B. 3—26th Special Session (Vetoed March 10, 2010)

Senate Bill 3 addresses furloughs, reduced pay, overtime plans, variable work weeks, certain adjustments to base pay, and related administrative provisions. The bill sunsets provisions for furloughs, reduced pay, overtime plans, and variable work weeks for State and higher education employees on June 30, 2011.

Furloughs and Salary Reductions: The bill provides employees of the Legislature, Legislative Counsel Bureau, and Budget Division of the Department of Administration flexibility in taking required unpaid furlough leave to the same degree as classified employees. School districts are authorized to require their employees to take unpaid furloughs to the extent that such furloughs are not in conflict with a collective bargaining agreement. Employees of a board, commission, and agency that is exempt from the State Budget Act and whose sole function is to regulate an occupation or profession are not required to take furloughs. The salaries of employees whose positions are exempted from furloughs will be reduced by 4.6 percent. Payment of overtime and adjustments to base pay rates must be calculated on the unreduced salary amounts. The statutory compensation of Senate and Assembly employees will be reduced by 4.6 percent in lieu of furloughs and certain step increases are prohibited for Fiscal Year (FY) 2011.

Public employees whose salaries are reduced in lieu of unpaid furlough leave will be "held harmless" in the reporting of salary and accrual of service credit to the Public Employees' Retirement System (PERS) in the same way that employees taking unpaid furlough leave are currently being "held harmless." However, the bill provides that a school district will determine whether its employees will be "held harmless" or not. The bill declares exemptions from furloughs granted prior to June 30, 2010, are void, but reapplication is permitted under

the provisions of the bill. Determinations by the State Board of Examiners and the Board of Regents of the University of Nevada regarding exemptions of employees within their jurisdiction from taking furlough leave will not be effective until approved by the Interim Finance Committee (IFC).

Variable Work Week: For FY 2011, State offices will be closed on Fridays and State employees will work ten-hour days. State offices on a four-day work week must be open from 7 a.m. to 6 p.m., and may close from 12 p.m. to 1 p.m. If a filing or other deadline falls on a Friday when State offices are closed, the deadline will be extended to 5 p.m. of the next work day. During a week with a legal holiday, State employees' work week and office hours will revert to a traditional eight-hour day, five-day work week. Boards, commissions, and agencies that are exempt from the State Budget Act and whose sole functions are to regulate an occupation or profession are not required to convert to a four-day work week.

Exemptions from the four-day work week may be granted if a State office must be open on Friday to provide services needed to protect public health, safety, and welfare. Exemptions must be approved by the State Board of Examiners, the Board of Regents of the University of Nevada, the PERS Board, Nevada's Supreme Court, or the Legislative Commission, for the employees under their respective jurisdictions, and the exemptions must be reported to the IFC within 60 days of the decision.

The Board of Regents must establish a schedule of rolling ten-hour days to enable its employees to work four-day work weeks while keeping necessary offices open five days a week. Corrections officers in the Department of Corrections must work a minimum of three consecutive 12-hour shifts and not less than seven 12-hour shifts in a two-week pay period.

Overtime and Special Compensation: For FY 2011, if a State agency requires more overtime than during the prior year or the overtime requirements vary substantially within a biennium, an overtime plan must be approved in advance by the appropriate governing entity with jurisdiction over the affected employees. The bill makes various adjustments to the definitions of overtime and calculations of sick or disability leave and annual leave, consistent with the institution of a four-day work week and the 12-hour shifts required for corrections officers.

Only certain Department of Corrections employees employed before March 1, 2010, will be eligible to receive additional compensation for travel over 25 miles to work. Further, the pay plan prepared by the Director of the Department of Personnel for classified employees for approval by the Governor shall not include any special pay or other adjustments to the base rates for employees hired on or after March 1, 2010.

NOTE: Neither House of the Legislature took a vote to sustain or override the Governor's veto during the 2011 Legislative Session.

S.B. 4—26th Special Session (Chapter 4)

Senate Bill 4 revises provisions governing exclusions from the list of preferred prescription drugs for the Medicaid program. Specifically, S.B. 4 removes antipsychotic, anticonvulsant, and antidiabetic medications from the list of exclusions. Patients who are receiving medications in these classes of prescription drugs on or before June 30, 2010, may continue to receive these medications, without prior authorization, if they take the prescription drug continuously after that date and maintain continuous Medicaid eligibility.

Finally, the measure requires the Pharmacy and Therapeutics Committee to review new clinical indications for certain drugs included on the list of preferred prescription drugs. In addition, the Committee is required to establish the criteria for prescribing antipsychotic, anticonvulsant, and antidiabetic medications that are not on the list of preferred drugs to patients who experience a therapeutic failure while taking a drug that is on the preferred drug list.

This measure is effective on July 1, 2010, and expires by limitation on June 30, 2011.

S.B. 5—26th Special Session (Chapter 8)

Senate Bill 5 requires the Department of Transportation to create an account in the State Highway Fund to be funded by money transferred from the Fund for Cleaning Up Discharges of Petroleum. The Department must allocate the money twice a year in the following manner: (1) 70 percent of the money in the account to a regional transportation commission in a county whose population is 400,000 or more (Clark County); (2) 20 percent of the money in the account to a regional transportation commission in a county whose population is 100,000 or more but less than 400,000 (Washoe County); and (3) 10 percent of the money in the account to the Department for use in counties that have a population of less than 100,000 (all other counties). The money distributed in the account must only be used for the construction, reconstruction, improvement, and maintenance of public roads.

The bill also authorizes the Department of Motor Vehicles to establish, by regulation, the fees for:

- A permit to operate certain unregistered vehicles and the fees for its services to issue titles and duplicate titles;
- The processing of a dealer's or rebuilder's report of sale;
- The processing of a long-term lessor's report of lease; and
- The processing of an endorsed certificate of title or statement upon the sale of a used or rebuilt vehicle in Nevada by a person who is not a dealer or rebuilder.

Senate Bill 5 provides that the current fees for such services remain in effect until the fee for the service is imposed by regulation.

Further, the measure removes the provision requiring the Division of Environmental Protection, State Department of Conservation and Natural Resources, to cease collection of the fees for the Fund for Cleaning Up Discharges of Petroleum if the balance in the Fund is estimated to exceed $7.5 million at the end of any fiscal year. The Department must transfer the balance of the Fund that exceeds $7.5 million to the newly created account in the State Highway Fund.

Finally, the bill removes the prospective expiration on the collection of the gross receipts taxes of any retailer from the sale of all tangible personal property sold at retail, or stored, used, or otherwise consumed in Clark County.

The bill is effective on March 11, 2010.

A.C.R. 1—26th Special Session (File No. 1)

Assembly Concurrent Resolution No. 1 adopts the Joint Rules of the Senate and Assembly for the 26th Special Session of the Nevada Legislature.

A.C.R. 2—26th Special Session (File No. 8)

Assembly Concurrent Resolution No. 2 urges the boards of trustees of the 17 county school districts and the Board of Regents of the University of Nevada to make every possible effort during the State's fiscal crisis to protect the needs of Nevada's students and to ensure a high-quality public education. The resolution also urges these entities to examine ways to maximize efficiency by:

- Reviewing programs and services for possible elimination or replacement;
- Examining benefits to higher-level staff;
- Reviewing ratios of administrators to staff and to students;
- Posting organizational structures, administration levels, and budgets on publicly available websites to ensure transparency;
- Examining overhead costs;
- Ensuring fair and equitable adjustments to salaries; and
- Considering the "shared sacrifice" necessary to prevent layoffs and ensure quality of service to students.

The resolution also requests that on or before September 1, 2010, the boards of trustees of each school district and the Board of Regents provide a report of their findings and any adjustments made and actions taken to the Director of the Legislative Counsel Bureau for transmission to the Interim Finance Committee and the next regular session of the Nevada Legislature.

S.C.R. 1—26th Special Session (File No. 9)

Senate Concurrent Resolution No. 1 urges local government employers and local government employee organizations to mutually address the impacts of Nevada's budget shortfall. The resolution encourages these entities to work cooperatively and recognize the "shared sacrifice" necessary to reduce the impact of the budget deficit and to jointly consider ways to avoid employee layoffs and cuts to vital public services. A copy of the resolution must be transmitted to local government employers and local government employee organizations in the State of Nevada.

VETOED BILLS

No Vote Taken (Sustained by Inaction)

A.B. 135 (Vetoed June 1, 2011)
Assembly Bill 135 prohibits a court from revoking probation and causing the sentence of a probationer to be executed unless the court finds, based on the original crime and the behavior of the probationer, that imprisonment is necessary to protect the community, the probationer is in need of treatment that can best be provided in prison, the seriousness of the violation or violations of the conditions of probation warrants revocation, or the violation demonstrates that the probationer cannot be supervised by a parole and probation officer.

Assembly Bill 135 prohibits a court from revoking probation solely for failure of a probationer to pay an administrative assessment, defense expenses, or a DNA analysis fee, and it authorizes the court to revoke all or part of a probationer's good behavior credits if the probationer has willfully failed to make such payments.

NOTE: Neither House of the Legislature took a vote to sustain or override the Governor's veto during the 2011 Legislative Session.

A.B. 183 (Vetoed April 4, 2011)
Assembly Bill 183 authorizes school districts to determine the reserve account for payment of the outstanding debts of the school district.

For Clark County and Washoe County, the bill changes the amount of the required reserves to the lesser of 10 percent of the outstanding principal, or 25 percent of the amount of principal and interest on all outstanding bonds. For the other 15 counties, the amount is the lesser of 10 percent of the outstanding principal, or 50 percent of the amount of principal and interest on all outstanding bonds.

NOTE: Neither House of the Legislature took a vote to sustain or override the Governor's veto during the 2011 Legislative Session.

A.B. 253 (Vetoed June 1, 2011)
Assembly Bill 253 provides that a violation of any provision of a settlement agreement entered into that relates to the Nevada Occupational Safety and Health Act and that requires an employer to correct or modify a condition or practice in or relating to a place of employment may trigger a fine or punishment, and it authorizes the Division of Industrial Relations of the Department of Business and Industry to take action to enforce such a settlement agreement.

- The bill provides that the Division may impose a maximum fine of $70,000 and a minimum fine of $5,000 for repeated violations of a settlement agreement.

- The bill provides that the Division must impose a fine of not more than $7,000 for a serious violation of a settlement agreement, and it may impose a fine of not more than $7,000 if a violation of a settlement agreement is determined to be of a nonserious nature.

- The bill increases the maximum fine to $100,000 and the minimum fine to $8,000 for a willful violation of the Act, and it imposes these same maximum and minimum fines for a willful violation of a settlement agreement.

- Fines that may be assessed for a willful violation of the Act that results in the death of an employee are also increased. For a first offense, the maximum fine is increased to $100,000 and a minimum fine of $50,000 is established. For a second or subsequent offense, the maximum fine is increased to $250,000 and a minimum fine of $50,000 is established. The bill imposes these same maximum and minimum fines for a willful violation of a settlement agreement that results in the death of an employee.

Finally, the measure requires the Department of Personnel to complete a survey of the salaries of safety and mechanical inspectors and report its findings to the Director of the Legislative Counsel Bureau by July 1, 2012.

NOTE: Neither House of the Legislature took a vote to sustain or override the Governor's veto during the 2011 Legislative Session.

A.B. 254 (Vetoed June 1, 2011)

Assembly Bill 254 provides that the Administrator of the Division of Industrial Relations of the Department of Business and Industry, or an authorized representative of the Administrator, may find a violation of the Nevada Occupational Safety and Health Act to have occurred based upon a determination that any employee has access to a hazard. The bill also includes within the scope of behavior for which a citation may be issued the violation of any settlement agreement entered into that relates to the Nevada Occupational Safety and Health Act and that requires an employer to correct or modify a condition or practice in or relating to a place of employment.

Assembly Bill 254 authorizes the Division to prosecute and defend an action for the enforcement of a settlement agreement and to seek contempt enforcement in a district court for disobedience of any provision of a settlement agreement.

NOTE: Neither House of the Legislature took a vote to sustain or override the Governor's veto during the 2011 Legislative Session.

A.B. 309 (Vetoed June 6, 2011)

Assembly Bill 309 creates within the Division of Insurance of the Department of Business and Industry the Office of the Consumer Advocate. The Consumer Advocate, appointed by the Governor, serves as the executive head of the Office and must intervene in and represent

the public interest in all hearings relating to rates or proposed rate increases or decreases for individual health benefit plans and group health plans for small employers.

The measure requires an insurer that offers any health benefit plan to provide in an electronic format to the Consumer Advocate and the Division any proposed rate changes or any other information used to calculate a rate or proposed rate increase or decrease. An insurer must publish on its website the base premiums, certificates of coverage, and actual and projected loss ratios of such health benefit plans offered by the insurer. The Division is required to maintain a link on its website to the insurer's website.

The Commissioner of Insurance is authorized to hold a public hearing before approving or denying a rate or proposed rate increase or decrease to certain health benefit plans and group health plans for certain small employers. Additionally, an insurer, the Consumer Advocate, or a consumer of health insurance may request a public hearing if the proposed rate increase or decrease is more than 10 percent of the current rate, or the health benefit plan represents more than 5 percent of its market segment in this State. The bill requires the Commissioner to publish on the Division's website within 15 days after the hearing information relating to a request for approval of a rate or proposed rate increase or decrease. The bill requires that an insurer file for approval all rates and proposed rate increases or decreases, all forms of policies to which the rates apply, all supplementary rate information, and any formula, supporting data, or other information used to calculate the rate or proposed rate increase or decrease. The bill provides that the information which is filed be available to the public upon a written request.

Assembly Bill 309 specifies that certain information submitted with a rate filing is public information, and that certain information is confidential or is a trade secret and, therefore, is not subject to public disclosure.

Finally, the bill specifies that no provision of the Nevada Insurance Code is applicable to either Medicaid or the Children's Health Insurance Program.

NOTE: Neither House of the Legislature took a vote to sustain or override the Governor's veto during the 2011 Legislative Session.

A.B. 456 (Vetoed June 1, 2011)

Assembly Bill 456 provides that a pupil who has failed to pass the same subject of the High School Proficiency Examination (HSPE) each time the pupil took the examination may receive a standard high school diploma if the pupil:

- Has earned sufficient credits to receive a standard high school diploma;
- Has an overall grade point average of at least 2.75 on a 4.0 grading scale;
- Satisfies the minimum attendance requirements;

- Does not have any disciplinary action pending; and
- Has obtained a cumulative score on the HSPE that meets the score prescribed by the State Board of Education.

The bill also applies these provisions to high school students currently enrolled in 12th grade through temporary regulations adopted by the State Board of Education. Prior to January 1, 2012, the Board will adopt permanent regulations for subsequent years. Further, the measure deletes the requirement that the State Board adopt alternative criteria for a pupil to receive a high school diploma which would include an essay, a senior project, or a portfolio of school work as a substitute for demonstrating proficiency using the high school proficiency exam. Each school district must report to the next regular session of the Legislature concerning the number of pupils awarded a high school diploma under these provisions, the effectiveness of those criteria for obtaining a diploma, and a determination about whether the criteria should remain in statute.

In addition, the measure authorizes a school district to adopt a policy that allows a high school pupil who has failed to comply with minimum attendance requirements the opportunity to make up the credits which were missed during the absence. In cases of habitual truancy, the measure authorizes a juvenile court to order the parent or legal guardian of such a child to attend conferences with the child's teacher and appropriate school administrators to address the issues related to habitual truancy and to develop a plan to ensure that the child attends school.

Finally, this measure authorizes the parent or legal guardian of a child between the ages of 16 and 18 years to indicate on a work permit the maximum number of hours the child may work, as well as the particular hours in which the child may work during the week or on the weekend. For children under the age of 16, the measure revises the hours that a child may be employed to 20 hours in any one week when school is in session and 48 hours in any one week when school is not in session.

NOTE: Neither House of the Legislature took a vote to sustain or override the Governor's veto during the 2011 Legislative Session.

A.B. 501 (Vetoed June 6, 2011)

Assembly Bill 501 directs the Legislative Auditor to conduct an audit of the fiscal costs of the death penalty in Nevada. The audit must include an examination and analysis concerning the costs of prosecuting and adjudicating capital murder cases as compared to noncapital murder cases, including, without limitation, the costs relating to the death penalty borne by the State of Nevada and by the local governments in this State at each stage of the proceedings in capital murder cases, including pretrial costs, trial costs, appellate and postconviction costs, and costs of incarceration.

The audit must be conducted pursuant to the provisions of Chapter 218G ("Legislative Audits") of *Nevada Revised Statutes*. The Legislative Auditor shall present a report of the audit to the Audit Subcommittee of the Legislative Commission on or before January 31, 2013.

NOTE: Neither House of the Legislature took a vote to sustain or override the Governor's veto during the 2011 Legislative Session.

A.B. 566 (Vetoed May 31, 2011)

Assembly Bill 566 revises the districts for election of members of the Nevada Senate and Assembly and of representatives in the United States House of Representatives.

The measure retains a 21-member Senate. The ideal population in each Senate district is 128,598. The overall range of population deviation is 0.23 percent. The plan eliminates the multimember Senate districts in Clark County, and it includes 15 Senate districts wholly within Clark County and three districts wholly within Washoe County. The remaining three districts contain parts of Clark or Washoe Counties and the rural counties.

The measure retains a 42-member Assembly. The ideal population in each Assembly district is 64,299. The overall range of population deviation is 0.49 percent. No Assembly districts are nested within Senate districts. The plan includes 30 Assembly districts wholly within Clark County and 6 districts wholly within Washoe County. The remaining six districts contain parts of Clark or Washoe Counties and the rural counties.

Based on the 2010 U.S. Census, Nevada has been apportioned a fourth congressional district. The ideal population in each district is 675,138. The overall range of population deviation is 0.00 percent. Two congressional districts are wholly contained in Clark County. A third district contains a portion of Clark County and all or parts of rural counties. A fourth district contains all of Washoe County and all or parts of rural counties.

The bill provides for the use of the term "reelect" in the 2012 General Election under certain circumstances. The measure also includes a severability clause.

NOTE: Neither House of the Legislature took a vote to sustain or override the Governor's veto during the 2011 Legislative Session.

A.B. 568 (Vetoed May 16, 2011)

Assembly Bill 568 apportions the Distributive School Account (DSA) in the State General Fund and authorizes certain expenditures for support of public education in the State of Nevada for the 2011-2013 Biennium.

This measure appropriates from the State General Fund to the DSA $2.77 billion over the 2011-2013 Biennium ($1.37 billion in Fiscal Year [FY] 2011-2012 and $1.399 billion in FY 2012-2013). In addition, $486.1 million of other revenues are authorized to be received and expended for State support of public education over the biennium ($240.1 million in

FY 2011-2012 and $246 million in FY 2012-2013). These other revenues include an annual tax on slot machines, sales tax collected on out-of-state sales, interest earned on the Permanent School Fund, revenue from mineral leases on federal land, and room tax revenues from the legislatively approved 2009 Initiative Petition.

With these funds, the statewide average basic support per pupil is increased over the upcoming biennium from the current FY 2010-2011 amount of $5,192 to $5,542 in FY 2011-2012, and $5,655 in FY 2012-2013. Enrollment in kindergarten through grade 12 (K-12) is projected to decline by 0.14 percent FY 2011-2012 and grow by 0.36 percent in FY 2012-2013.

State funding for special education continues to be allocated on the basis of special education units. For each fiscal year of the 2011-2013 Biennium, 3,049 units are funded at a cost of $39,768 per unit, totaling $121.3 million in each fiscal year. Each year, 40 discretionary units are reserved for allocation by the State Board of Education to address school district shortfalls and requests from charter schools for the units. In addition, the measure authorizes the State Board of Education to spend up to $162,476 in FY 2011-2012 and $166,321 in FY 2012-2013 for gifted and talented pupils to participate in programs incorporating educational technology.

The State's Class-Size Reduction (CSR) Program receives $144 million in FY 2011-2012 and $147.5 million in FY 2012-2013 to pay for the salaries and benefits of at least 2,127 teachers hired to reduce pupil-to-teacher ratios in the first year and 2,144 in the second year of the biennium. Funds are allocated based upon the number of teachers needed in each school district to achieve pupil-to-teacher ratios of 16 to 1 in first and second grades and 19 to 1 in third grade, the same ratios as in the current biennium.

The measure continues the flexibility for school districts to carry out alternative programs for reducing the pupil-to-teacher ratios or to implement remedial programs that have been found to be effective in improving pupil achievement. To use the funds in this manner, a school district must receive approval of its written plan from the Superintendent of Public Instruction, evaluate the effectiveness of its program, and ensure that the combined pupil-to-teacher ratio in the aggregate of kindergarten through grade 3 does not exceed the combined ratio in those grades in School Year 2004-2005.

The measure's school funding provisions also allocate:

- $35.7 million over the biennium ($17.4 million in FY 2011-2012 and $18.2 million in FY 2012-2013) for adult education programs, including those in prison facilities;

- $50.1 million over the biennium in State General Fund ($24.8 million in FY 2011-2012 and $25.3 million in FY 2012-2013) to continue the full-day kindergarten program for at-risk schools;

- $15.2 million over the biennium ($7.6 million in each year of the biennium) for regional training programs to train teachers and administrators and for the Nevada Early Literacy Intervention Program as established and operated by each regional program's governing body;

- $200,000 ($100,000 in each year of the biennium) for the Statewide Council for the Coordination of the Regional Training Programs to provide additional training opportunities for educational administrators in Nevada;

- $6.7 million over the biennium (approximately $3.3 million in each year of the biennium) for competitive grants to school districts and community-based organizations for early childhood education programs. The measure continues the requirement for an evaluation of the effectiveness of the early childhood education programs;

- $13.4 million in FY 2011-2012 to fund the cost of retirement credits and teacher incentives earned in FY 2010-2011 and $15.9 million in FY 2012-2013 to fund the cost of retirement credits and teacher incentives earned in FY 2011-2012; and

- $15.5 million over the biennium (approximately $8 million in FY 2011-2012 and $7.6 million in FY 2012-2013) for the Other State Education Programs Account for various projects and programs, including: (1) educational technology; (2) peer mediation; (3) career and technical education programs; (4) library books; (5) public broadcasting; (6) National Board Certification programs for teachers and counselors; and (7) other miscellaneous programs.

The measure also temporarily redirects funding from the State Supplemental School Support Fund, created by *Nevada Revised Statutes* 387.191, to the DSA for the 2011-2013 Biennium.

NOTE: Neither House of the Legislature took a vote to sustain or override the Governor's veto during the 2011 Legislative Session.

S.B. 497 (Vetoed May 14, 2011)

Senate Bill 497 revises the districts for election of members of the Nevada Senate and Assembly and of representatives in the United States House of Representatives.

The measure retains a 21-member Senate. The ideal population in each Senate district is 128,598. The overall range of population deviation is 0.93 percent. The plan eliminates the multimember Senate districts in Clark County, and it includes 15 Senate districts wholly within Clark County and 3 districts wholly within Washoe County. The remaining three districts contain parts of Clark or Washoe Counties and the rural counties.

The measure retains a 42-member Assembly. The ideal population in each Assembly district is 64,299. The overall range of population deviation is 1.62 percent. Two Assembly districts are nested within a single Senate district. The plan includes 30 Assembly districts wholly

within Clark County and 6 districts wholly within Washoe County. The remaining six districts contain parts of Clark or Washoe Counties and the rural counties.

Based on the 2010 United States Census, Nevada has been apportioned a fourth congressional district. The ideal population in each district is 675,138. The overall range of population deviation is 0.00 percent. Two congressional districts are wholly contained in Clark County. A third district contains a portion of Clark County and all or parts of rural counties. A fourth district contains all of Washoe County and all or parts of rural counties.

The bill provides for the use of the term "reelect" in the 2012 General Election under certain circumstances. The measure also includes a severability clause.

NOTE: Neither House of the Legislature took a vote to sustain or override the Governor's veto during the 2011 Legislative Session.

NOTE: See also Senate Bill 3 of the 26th Special Session (Vetoed March 10, 2010).

Return to 2013 Session

A.B. 136 (Vetoed June 16, 2011)

Assembly Bill 136 requires the Department of Corrections to apply credits earned by an offender convicted of a category B felony to the offender's eligibility for parole if the offender satisfies the criteria in the bill. The offender must not have been convicted of a felony involving the use of force or violence, a felony sexual offense, or felony driving under the influence. In addition, the offender must not have served three or more separate prison terms for felony convictions in Nevada or five or more terms for felony convictions in any jurisdiction, must not be serving an enhanced sentence for use of a firearm, and must not be serving a sentence for possession of a firearm by a person prohibited from doing so. The bill also prohibits the Department from applying credits earned by any offender convicted as a habitual criminal to the offender's eligibility for parole.

Assembly Bill 136 also authorizes a person who was arrested for alleged criminal conduct to petition the court to seal the records relating to the arrest if the prosecuting attorney declined to prosecute the charges. If records are sealed under these circumstances, the bill allows the prosecuting attorney to file the charges before the statute of limitations has run out and, if charges are filed, requires the court to order the inspection of the records without the filing of a petition.

NOTE: Will be returned to the 2013 Legislature for the veto to be sustained or overridden.

A.B. 137 (Vetoed June 16, 2011)

Assembly Bill 137 requires the implementation of a school breakfast program at each public school, including a charter school, that is eligible to operate a nutrition program in accordance with federal regulations (Provision 2 of 7 C.F.R. § 245.9). In addition, the

measure requires the Department of Education and each school district to prepare a report on a biennial basis concerning nutrition programs in this State.

NOTE: Will be returned to the 2013 Legislature for the veto to be sustained or overridden.

A.B. 152 (Vetoed June 13, 2011)

Assembly Bill 152 creates an eight-member Advisory Committee to develop recommendations for increasing the funding for the construction and maintenance of highways in Nevada. The Committee is also authorized to ask the voters, at the 2012 General Election, for their advice on the recommendations.

Three members of the Committee must be appointed by the Majority Leader of the Senate and three must be appointed by the Speaker of the Assembly. Of these appointees, not more than one may be a member of the Senate, and not more than one may be a member of the Assembly.

Additionally, one member must be appointed by the Minority Leader of the Senate and one must be appointed by the Minority Leader of the Assembly. To the extent practicable, appointments to the Committee must reflect the geographical diversity of the State.

NOTE: Will be returned to the 2013 Legislature for the veto to be sustained or overridden.

A.B. 300 (Vetoed June 16, 2011)

Assembly Bill 300 requires the Mediation Administrator of the Foreclosure Mediation Program to collect and compile statistics on the participation of beneficiaries of deeds of trust or their representatives in mediation. The measure revises the procedures concerning mediation. Specifically, the bill:

- Requires a mediator to complete and submit a statement that includes the findings of the mediator;
- Authorizes the homeowner to petition the court for an order against the lender; and
- Creates a rebuttable presumption that the court will impose sanctions against the lender under certain circumstances including the failure of the lender to attend the mediation.

The bill also authorizes either party to the mediation to petition for judicial review if the party is dissatisfied with the findings of the mediator. Further, the measure prohibits a lender from assessing any fee to a homeowner for participating in mediation or any subsequent court action.

NOTE: Will be returned to the 2013 Legislature for the veto to be sustained or overridden.

A.B. 301 (Vetoed June 17, 2011)

Assembly Bill 301 removes all exceptions to the restoration of the right to vote for a person who has been convicted of a felony if:

- The person has completed his or her prison sentence and has been released from prison;
- The person received an honorable discharge from parole or probation;
- The person's records have been sealed by a court; or
- The person was granted a pardon.

The bill also prohibits a county clerk from requiring a person seeking to register to vote to provide documentation indicating that the person's right to vote has been restored, and it provides an appeal process for a person whose voter registration application has been denied or whose voter registration has been cancelled on the grounds that the person has been convicted of a felony or has not had his or her right to vote restored. Further, the bill revises procedures for a clerk, district attorney, or court to follow upon receipt of a challenge providing that a person is not eligible to vote because the person has been convicted of a felony and has not had his or her right to vote restored.

The bill restores the civil right to vote to any person who was honorably discharged from probation or parole, was granted a pardon with restoration of the right to vote, or had completed a sentence prior to July 1, 2011. The bill does not require that notification be given to these persons of the restoration of their civil right to vote.

NOTE: Will be returned to the 2013 Legislature for the veto to be sustained or overridden.

A.B. 416 (Vetoed June 17, 2011)

Assembly Bill 416 revises provisions governing the Solar Energy Systems Incentive Program, the Wind Energy Systems Demonstration Program, and the Waterpower Energy Systems Demonstration Program. The bill authorizes the Public Utilities Commission of Nevada to approve solar energy systems, wind energy systems, and waterpower energy systems totaling not more than 150 megawatts of capacity for all systems in this State for the period beginning on July 1, 2009, and ending on December 31, 2021. The Commission is required to prescribe by regulation the total capacity goals for each program.

The bill also places certain limitations on the incentives that may be offered pursuant to these renewable energy programs, requires the Commission to adopt regulations governing these programs, and removes participation in the Waterpower Program from the list of criteria that may be used as a basis for prioritizing and selecting projects to be included in a local government's plan to retrofit public buildings, facilities, and structures.

Assembly Bill 416 requires the Commission to open an investigatory docket to study the feasibility and advisability of establishing a feed-in tariff program for renewable energy

systems and to submit a report of its findings to the Director of the Legislative Counsel Bureau for transmittal to the 77th Session of the Legislature.

The bill provides that certain facilities that generate electricity from geothermal energy are eligible for a partial abatement of taxes; revises provisions relating to plans filed by certain utilities; and authorizes a utility to recover siting, development, and permitting costs associated with transmission facilities and transmission corridor activities under certain circumstances.

Finally, A.B. 416 establishes a January 1, 2022, date for the repeal of the Solar Energy Systems Incentive Program.

NOTE: Will be returned to the 2013 Legislature for the veto to be sustained or overridden.

A.B. 433 (Vetoed June 17, 2011)

Assembly Bill 433 makes it unlawful for public employers and labor organizations to make rules and regulations that prohibit or prevent an employee from engaging in politics or becoming a candidate for public office. The measure also makes it unlawful for private employers, public employers, and labor organizations to take any adverse employment action against an employee as a result of the employee becoming a candidate for public office. An exception is provided for public employees with respect to meeting federal law requirements.

NOTE: Will be returned to the 2013 Legislature for the veto to be sustained or overridden.

A.B. 546 (Vetoed June 15, 2011)

Assembly Bill 546 requires the Director of the Department of Health and Human Services (DHHS) to establish the Early Childhood Advisory Council within the Department. To the extent practicable, the Council, in consultation with the Department of Education, is required to:

- Establish goals for the training of all persons who are employed in early childhood care in the Pre-Kindergarten Content Standards;
- Assist in developing the qualifications required of persons who conduct training in the Pre-Kindergarten Content Standards;
- Develop standards for professional development in the Pre-Kindergarten Content Standards;
- Create or adopt a model for highly effective teachers that can be used as a resource in early childhood education for teachers and caregivers of children; and
- Study and develop recommendations for appropriate group sizes in early childhood education and care.

The measure requires the Department of Education, in consultation with certain qualified persons, to develop a module that must be used in the training of child care employees in the

Pre-Kindergarten Content Standards. In so doing, the measure makes an appropriation from the State General Fund in the amount of $10,000 to fund the development of the training module, as well as authorizes the Department to accept gifts, grants, and donations to support assistance in developing the module. The Board for Child Care, within the Division of Child and Family Services, DHHS, is required to adopt regulations establishing the provisions of such training. The regulations must provide for continuing training in child care, which must include at least 24 hours of training annually, with at least 16 hours relating to early childhood development and the Pre-Kindergarten Content Standards. In turn, certain licensed child care facilities that receive State or federal reimbursement funding are required to ensure that employees receive the approved training in the Pre-Kindergarten Content Standards.

The Nevada Early Childhood Advisory Council was created by an Executive Order of the Governor on September 11, 2009. By the terms of the Executive Order, the Council will cease to exist on July 31, 2011, if it is not continued by Executive Order. This bill statutorily provides for the establishment of the Early Childhood Advisory Council by the Director of the DHHS. The statutory Council has substantially the same duties as the Council created by the Executive Order.

NOTE: Will be returned to the 2013 Legislature for the veto to be sustained or overridden.

A.B. 550 (Vetoed June 16, 2011)

Assembly Bill 550 directs the Legislative Commission to appoint a committee to conduct an interim study concerning the feasibility of creating and operating ports of entry on highways in Nevada. The study must include consideration of federal laws, an examination of the costs associated with establishing permanent ports of entry, and the appropriate functions to be performed including inspection of drivers, vehicles, and transported loads. The study must also include an examination of:

- Cooperative agreements between Nevada and other states for the operation of ports of entry;
- Partnerships with private entities for the construction, operation, maintenance, and staffing of ports of entry; and
- Consultation with agencies of the federal government, state agencies in Nevada and neighboring states, and interstate motor carriers.

Three members of the committee must be appointed by the Majority Leader of the Senate and three by the Speaker of the Assembly. At least one member from each house must be a member of the standing Committee on Transportation from that respective house in the 76th Session. The Legislative Commission must submit a report and any recommendations for legislation to the 77th Session of the Nevada Legislature.

NOTE: Will be returned to the 2013 Legislature for the veto to be sustained or overridden.

A.B. 578 (Vetoed June 17, 2011)

Assembly Bill 578 repeals several statutory committees on which legislators serve throughout the biennium and establishes Joint Interim Standing Committees that parallel standing committees established by the Legislature during its regular sessions. Each joint committee consists of eight regular members and five alternate members. To the extent practicable, a majority of the members appointed to a joint committee must have served on the corresponding standing committee during the preceding regular session of the Legislature, and the joint committee will consist of not more than five members of the same political party. It also provides for meetings of the committees, authorizes committees to review matters within the jurisdiction of their corresponding standing committees and to conduct studies directed by the Legislature and the Legislative Commission, and requires the committees to report on their activities, findings, and any recommended legislation to each session of the Legislature.

NOTE: Will be returned to the 2013 Legislature for the veto to be sustained or overridden.

S.B. 115 (Vetoed June 17, 2011)

Senate Bill 115 requires an out-of-network hospital with 100 or more beds that is not operated by a federal, State, or local governmental entity and an out-of-network physician to accept 60 percent of the billed charges of the out-of-network hospital for nontrauma care and 70 percent for trauma care provided to patients that are covered by certain insurers that are organized as nonprofit entities. Similarly, the measure requires an out-of-network physician to accept 115 percent of the schedule of fees and charges established by the Division of Industrial Relations of the Department of Business and Industry for nontrauma care and 120 percent for trauma care. This rate applies for the provision of any medical screening and emergency services and care required to stabilize the patient. Following the stabilization of the patient and becoming aware of the patient's coverage by a third party payer, the patient must be transferred to an in-network hospital within an eight-hour period. Medicaid, the Children's Health Insurance Program, and emergency room physicians are exempt from the provisions of this measure.

Further, the measure allows an out-of-network hospital or out-of-network physician to negotiate a different amount if the hospital or physician believes that the payment does not provide a fair and reasonable rate of return in relation to the services provided, and it provides the process for submitting a dispute regarding the fair and reasonable rate of return to mediation. Each party to the mediation is required to pay one-half of the cost of mediation. If the parties are unable to reach an agreement, the parties may agree to submit the dispute to arbitration for resolution or an action may be commenced in a court of competent jurisdiction within 30 days after the completion of the mediation.

The Administrator of the Health Division of the Department of Health and Human Services is required to determine whether the third party has an adequate network of providers. Additionally, the third party who wishes to pay the amount prescribed in the measure is required to maintain an adequate network of providers and submit certain reports regarding network adequacy and out-of-network services and care to the Administrator and to the

Legislative Committee on Health Care. Out-of-network hospitals and out-of-network physicians are not required to accept the amount specified in the measure if the third-party payer does not meet these and other specified requirements.

The measure requires payments by the third party to be made within 30 days of receiving the bill or after the conclusion of any negotiations or mediation, and it requires the patient to make payments or arrange for payments of deductibles, copayments, or coinsurance within 30 days of receipt of the bill. An out-of-network hospital or out-of-network physician is prohibited from collecting from the patient any amount other than any deductible, copayment, or coinsurance that would otherwise be required had the medical screening or emergency services and care been provided at an in-network hospital or by an in-network physician.

NOTE: Will be returned to the 2013 Legislature for the veto to be sustained or overridden.

S.B. 188 (Vetoed June 16, 2011)

Senate Bill 188 provides that the wardens and managers of correctional facilities may schedule at least 65 percent of employees who are in law enforcement activities, as described in the federal Fair Labor Standards Act, to work at least three consecutive 12-hour shifts and at least seven 12-hour shifts during each 14-day pay period. These employees are not entitled to overtime compensation unless their work schedules exceed these requirements in any pay period.

The bill provides that the Department of Corrections shall study the feasibility of implementing 12-hour shifts for all employees of institutions and facilities of the Department who are engaged in law enforcement activities. The study must analyze the fiscal and operational impacts of implementing 12-hour shifts. The Director of the Department must submit a report of the study to the Legislative Counsel Bureau and the Board of State Prison Commissioners.

NOTE: Will be returned to the 2013 Legislature for the veto to be sustained or overridden.

S.B. 207 (Vetoed June 13, 2011)

Senate Bill 207 authorizes the Labor Commissioner to impose an administrative penalty against an employer who misclassifies an employee as an independent contractor or otherwise fails to properly classify a person as an employee of the employer. An employer must be given notice and the opportunity for a hearing before a penalty may be imposed. If imposed, a penalty must be collected in a specified range of amounts, depending on whether the offense is a first, second, or third or subsequent offense. In the case of a third or subsequent offense, the Commissioner may also submit a notice to the Secretary of State requiring revocation or suspension of an employer's State business license, if one has been issued to the employer. The revocation or suspension may not last more than three years.

In addition to the administrative penalties, a person who advises an employer or employer representative to misrepresent the classification of an employee may be subject to liability in a civil action brought by the Attorney General, including liability for an amount that is equal to

three times the total amount of any reasonable expenses incurred by this State in enforcing these provisions against the person.

Finally, the bill requires that the notice currently required to be posted on the employer's premises that identifies the employer's industrial insurer also include the statutory definitions of "employee" and "independent contractor."

NOTE: Will be returned to the 2013 Legislature for the veto to be sustained or overridden.

S.B. 208 (Vetoed June 14, 2011)

Senate Bill 208 requires the offices of the Labor Commissioner, the Division of Industrial Relations, Department of Business and Industry; the Employment Security Division, Department of Employment, Training and Rehabilitation; the Department of Taxation; and the Attorney General to share amongst their respective offices information relating to suspected employee misclassification to the extent that confidentiality required by law is maintained.

The bill also establishes the ten-member Task Force on Employee Misclassification. Five members are ex officio members from specified State entities. The remaining five members are appointees selected as representatives for certain employer and labor interests, as well as a representative of the general public. The Task Force shall:

- Evaluate the policies and practices of specified State agencies relating to misclassification in the areas of labor law, workers' compensation, unemployment insurance, rehabilitation, taxation, and law enforcement;

- Evaluate existing fines, penalties, or other disciplinary action State agencies can take relating to misclassification; and

- Develop recommendations for policies, practices, or proposed legislation to reduce the occurrence of employee misclassification.

The Task Force shall submit a written report to the Legislative Commission on or before July 1, 2012, and on or before July 1 of each subsequent year. The report must contain a summary of its work and recommendations for legislation addressing employee misclassification.

NOTE: Will be returned to the 2013 Legislature for the veto to be sustained or overridden.

S.B. 254 (Vetoed June 17, 2011)

Senate Bill 254 establishes a mandatory mediation process for claims of aggrieved persons relating to alleged violations of the laws on common-interest communities and condominium hotels, or to the application, enforcement, or interpretation of governing documents or covenants, conditions, or restrictions (CCRs) applicable to residential property. The bill requires a claimant to exhaust all available administrative remedies before entering mediation

and authorizes the Real Estate Division, Department of Business and Industry, to consolidate claims. Both the claimant and respondent must participate in good faith, or they may be subject to sanctions under the bill.

If either party fails to participate, or if the parties are unable to resolve their dispute with the assistance of a mediator, the bill requires the matter to be referred to arbitration if it involves a claim relating to CCRs, or to the Real Estate Division for a hearing if it involves a claim related to an alleged violation of the laws on common-interest communities and condominium hotels and good cause exists. No statement made during a mediation is admissible as evidence in an administrative or civil proceeding if it is not otherwise discoverable.

Senate Bill 254 establishes procedures for filing claims and responses, appointing or selecting mediators, disclosing information, conducting settlement discussions, and paying costs and fees. The bill limits arbitration fees, establishes a $500 maximum on mediation costs and fees, and authorizes the Real Estate Division to pay arbitration and mediation fees from the Account for Common-Interest Communities and Condominium Hotels if money is available.

This measure also prohibits a homeowners' association from foreclosing on a lien while an arbitration or mediation is pending, if the issue in dispute is the basis for the foreclosure.

NOTE: Will be returned to the 2013 Legislature for the veto to be sustained or overridden.

S.B. 304 (Vetoed June 17, 2011)

Senate Bill 304 proposes revisions to the charters of Carson City, Henderson, Reno, and Sparks. Existing charters require members of the governing bodies to be selected by ward in the primary elections, followed by a citywide vote in the general election. Contingent upon voter approval, a candidate will be voted upon in a primary or general election only by the voters of the ward. A sixth ward is created for Reno, eliminating the at-large council member. Each city governing body must place the question of charter revision on the November 6, 2012, ballot.

NOTE: Will be returned to the 2013 Legislature for the veto to be sustained or overridden.

S.B. 360 (Vetoed June 15, 2011)

Senate Bill 360 sets forth various incentives for certain developers who perform a public work in a redevelopment area within the Southern Nevada Enterprise Community. The bill requires an agency that proposes to provide an incentive to a developer to withhold payment of 10 percent of the incentive unless:

- 15 percent of the employees of contractors, subcontractors, vendors, and suppliers of the developer are residents of the redevelopment area;

- 15 percent of the jobs created by employers as a result of the redevelopment project are filled by residents of the redevelopment area;

- The developer or build-to-suit owner or lessee complies with the requirements in the employment plan submitted by the developer; and

- The developer satisfies certain reporting requirements relating to the project as set forth in the bill.

The bill allows the redevelopment agency to refuse to pay all or a portion of the incentive or to require repayment of any incentive already paid if a developer fails to comply with the reporting requirements. The employment plan required to be filed along with proposals for certain redevelopment projects must include: (1) information regarding the preference for hiring persons living within the redevelopment area and the Southern Nevada Enterprise Community used by the developer; and (2) each employer who will be relocating a business into the area as a result of the redevelopment.

The termination date for redevelopment plans in Clark County is extended to 60 years after the redevelopment plan is adopted or when the last maturing securities are fully paid, whichever is later. Senate Bill 360 authorizes a redevelopment agency to loan money with the consent of the legislative body of the community where the redevelopment agency is located. In the City of Las Vegas, where there is an existing 18 percent set-aside of the revenue from certain taxes in redevelopment areas for the increase or preservation of low-income housing units, the bill permits the use of one-half of the set-aside for the improvement of educational facilities and low-income housing units within the redevelopment area, and permits one-half to be used for economic development, renewable energy projects, public educational facilities, and affordable housing within an enterprise community.

NOTE: Will be returned to the 2013 Legislature for the veto to be sustained or overridden.

S.B. 418 (Vetoed June 17, 2011)

Senate Bill 418 creates the Subcommittee on Health Care Reform of the Legislative Committee on Health Care to oversee the implementation of the Patient Protection and Affordable Care Act (Public Law 111-148) and the Health Care and Education Reconciliation Act of 2010 (Public Law 111-152). The Subcommittee shall review the expansion of the Medicaid program; changes to the Children's Health Insurance Program; the creation of health exchange programs, high-risk pools, optional elements of reform; and any other issues relating to the implementation of federal health care reform. State agencies shall cooperate with the Subcommittee. The Subcommittee may make recommendations to the Committee, State agencies, local governments, health care providers, and insurers. The Committee shall review the recommendations and may include them in its annual report.

NOTE: Will be returned to the 2013 Legislature for the veto to be sustained or overridden.

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Seventy-Sixth Session—2011

(The Chair is named first, the Vice Chair second, followed by majority party members in alphabetical order, and then minority party members in alphabetical order.)

COMMERCE AND LABOR
Atkinson, Conklin, Bustamante Adams, Carlton, Daly, Horne, Kirkpatrick, Oceguera, Ohrenschall, Segerblom, Ellison, Goedhart, Grady, C. Hardy, Hickey, Kite

EDUCATION
Bobzien, Dondero Loop, Aizley, Anderson, Diaz, Flores, Mastroluca, Munford, Neal, Hansen, Kirner, McArthur, Stewart, Woodbury

GOVERNMENT AFFAIRS
Kirkpatrick, Bustamante Adams, Anderson, Benitez-Thompson, Flores, Munford, Neal, Pierce, Ellison, Goedhart, Livermore, Stewart, Woodbury

HEALTH AND HUMAN SERVICES
Mastroluca, Pierce, Anderson, Benitez-Thompson, Brooks, Carrillo, Flores, Frierson, Smith, Goicoechea, Hambrick, Hammond, Livermore, Sherwood

JUDICIARY
Horne, Ohrenschall, Brooks, Carrillo, Daly, Diaz, Dondero Loop, Frierson, Segerblom, Hammond, Hansen, Kite, McArthur, Sherwood

LEGISLATIVE OPERATIONS AND ELECTIONS
Segerblom, Flores, Conklin, Daly, Horne, Kirkpatrick, Oceguera, Ohrenschall, Smith, Goicoechea, Grady, C. Hardy, Hickey, McArthur, Stewart

NATURAL RESOURCES, AGRICULTURE, AND MINING
Carlton, Hogan, Aizley, Anderson, Bobzien, Bustamante Adams, Munford, Pierce, Ellison, Goedhart, Hansen, Kite, Livermore

TAXATION
Kirkpatrick, Munford, Anderson, Benitez-Thompson, Bustamante Adams, Flores, Neal, Pierce, Ellison, Goedhart, Livermore, Stewart, Woodbury

TRANSPORTATION
Dondero Loop, Frierson, Atkinson, Benitez-Thompson, Brooks, Carrillo, Diaz, Hogan, Neal, Hambrick, Hammond, Kirner, Sherwood, Woodbury

WAYS AND MEANS
Smith, Conklin, Aizley, Atkinson, Bobzien, Carlton, Hogan, Mastroluca, Oceguera, Goicoechea, Grady, Hambrick, C. Hardy, Hickey, Kirner

SPEAKER
John Oceguera

SPEAKER PRO TEMPORE
Debbie Smith

MAJORITY FLOOR LEADER
Marcus L. Conklin

ASSISTANT MAJORITY FLOOR LEADER
Marilyn Kirkpatrick

MAJORITY WHIP
William C. Horne

SENIOR CHIEF DEPUTY WHIP
Kelvin D. Atkinson

CHIEF DEPUTY WHIPS
David P. Bobzien
Peggy Pierce

MINORITY FLOOR LEADER
Pete Goicoechea

ASSISTANT MINORITY FLOOR LEADER
Lynn D. Stewart

MINORITY WHIPS
Tom Grady
Mark Sherwood

SENATE STANDING COMMITTEES AND LEADERSHIP

Seventy-Sixth Session—2011

(The Chair is named first, the Vice Chair second, followed by majority party members in alphabetical order, and then minority party members in alphabetical order.)

COMMERCE, LABOR, AND ENERGY
Schneider, Breeden, Copening, Parks, Halseth, Roberson, Settelmeyer

EDUCATION
Denis, Kihuen, Leslie, Wiener, Brower, Cegavske, Gustavson

FINANCE
Horsford, Leslie, Denis, Parks, Cegavske, Kieckhefer, Rhoads

GOVERNMENT AFFAIRS
Lee, Manendo, Schneider, J. Hardy, Settelmeyer

HEALTH AND HUMAN SERVICES
Copening, Wiener, Kihuen, Leslie, Brower, J. Hardy, Kieckhefer

JUDICIARY
Wiener, Copening, Breeden, Kihuen, Gustavson, McGinness, Roberson

LEGISLATIVE OPERATIONS AND ELECTIONS
Parks, Denis, Horsford, Cegavske, Settelmeyer

NATURAL RESOURCES
Manendo, Parks, Lee, Rhoads, Roberson

REVENUE
Leslie, Horsford, Denis, Schneider, Halseth, J. Hardy, McGinness

TRANSPORTATION
Breeden, Schneider, Lee, Manendo, Halseth, McGinness, Rhoads

SELECT COMMITTEE ON ECONOMIC GROWTH AND EMPLOYMENT
Kihuen, Lee, Manendo, Wiener, Brower, Gustavson, Kieckhefer

PRESIDENT PRO TEMPORE
Michael (Mike) A. Schneider

MAJORITY FLOOR LEADER
Steven A. Horsford

ASSISTANT MAJORITY FLOOR LEADER
Valerie Wiener

MAJORITY WHIP
John J. Lee

ASSISTANT MAJORITY WHIPS
Moises (Mo) Denis
Sheila Leslie

MINORITY FLOOR LEADER
Mike McGinness

ASSISTANT MINORITY FLOOR LEADER
Barbara K. Cegavske

MINORITY WHIP
James A. Settelmeyer