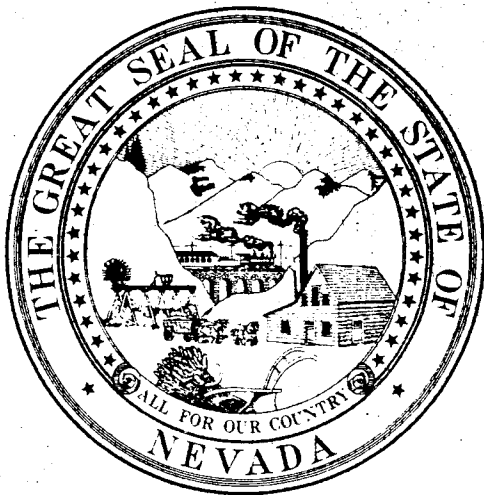


NEVADA LEGISLATURE

SIXTIETH SESSION

1979

SUMMARY OF LEGISLATION



PREPARED BY

RESEARCH DIVISION

LEGISLATIVE COUNSEL BUREAU

INTRODUCTION

This Summary of Legislation contains summaries of most bills enacted by the 1979 Nevada legislature. Certain measures which we believe may have widespread interest have been given detailed treatment. The summaries of the other bills have been taken directly from the printed summaries on the bills themselves. The descriptions of bills in this document do not constitute legal analyses and are not intended for use by the legal community. Because this publication is meant for the general public, bills of very limited scope, such as special acts or technical corrections to the law, and certain appropriations measures are not included. Thorough coverage of appropriations acts is available in a document entitled Legislative Appropriations Report, prepared by the fiscal analysis division of the legislative counsel bureau.

We hope you find the Summary of Legislation useful and certainly appreciate any suggestions you may have for its improvement.

Research Division
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ARMS, RIGHT TO BEAR

A.J.R. 6 (file no. 84) Proposes to amend the Nevada constitution to guarantee citizens the right to keep and bear arms. Nevada is presently one of 13 states with no constitutional provision guaranteeing the right to keep and bear arms. The resolution proposes an amendment that attempts to guarantee a right without creating any sort of protection for the use of firearms for an unlawful purpose. The purposes for which the right would be guaranteed are limited to security and defense, lawful hunters, and recreation and other lawful purposes. The proposed amendment is modeled on a provision of the New Mexico Constitution. This resolution must be passed by the 1981 legislative session and approved at the 1982 general election before the constitution would be amended.

BUSINESSES, PROFESSIONS, OCCUPATIONS

- A.B. 9 (chapter 15) Changes the qualifications of county engineers by removing their residence requirements.
- A.B. 150 (chapter 446) Prohibits the blackout of televised athletic or other special events in Nevada if all the tickets are sold at least 24 hours before the event. The bill also sets the time limit for the sale of all the tickets for collegiate athletic events at 48 hours and exempts closed-circuit broadcasts from its provisions.
- A.B. 194 (chapter 73) Raises the limit on the salary of the secretary-treasurer of the state barbers' health and sanitation board, increases certain fees and changes provisions relating to the discipline of barbers.
- A.B. 196 (chapter 480) Makes changes respecting training and license fees of persons regulated by private investigator's licensing board.
- A.B. 203 (chapter 530) Increases maximum fee which private employment agency may charge for finding employment.
- A.B. 207 (chapter 66) Resolves conflict between certain operative dates affecting deferred annuities.
- A.B. 225 (chapter 483) Removes prohibition of employment of minors in public dancehalls, except where alcoholic beverages are served.
- A.B. 255 (chapter 448) This bill relates to interest on judgments and increases the rate

which applies when there is no express written contract, increases the rate on judgments, and provides that interest on judgments runs from the service of the summons and complaint, except in certain circumstances.

- A.B. 412 (chapter 153) Allows corporations to fix in their bylaws the manner of holding annual meetings of stockholders.
- A.B. 420 (chapter 686) Makes various changes to law relating to cosmetology.
- A.B. 423 (chapter 218) Adds to the causes for disciplinary action for contractors the submission of a bid, by or to a contractor, for contract beyond the limit of his license.
- A.B. 504 (chapter 324) Authorizes the appointment of baliffs, in counties polling less than 4,500 votes, under certain circumstances.
- A.B. 510 (chapter 638) Provides for registration as architects or residential designers of certain persons with prior business experience in drafting or design.
- A.B. 520 (chapter 541) Corrects error in law concerning renewal of real estate license fees and provides credit or refund for excess payments.
- A.B. 569 (chapter 199) Extends provisions for the micro-filming and disposal of records to justices' courts.
- A.B. 597 (chapter 640) Enlarges permissible real estate holdings by banks.

- A.B. 691 (chapter 546) Requires certain notice to general contractor before mechanic's lien is perfected.
- A.B. 710 (chapter 516) Amends various provisions of the Nevada Thrift Companies Act.
- A.B. 712 (chapter 492) Requires reasonable fees to be collected by superintendent of banks for making certain examinations.
- A.B. 753 (chapter 647) Revises requirements for license as mortgage company.
- A.B. 780 (chapter 494) Abolishes requirement of filing or recording certain professional licenses with county clerk or county recorder.
- A.B. 792 (chapter 548) Increases license renewal and filing fees of mortgage companies.
- A.B. 812 (chapter 497) Increases the license fees and abolishes the requirement of refunding those fees if a license is not granted under the provisions of the Nevada Thrift Companies Act.
- A.B. 833 (chapter 694) Makes various changes in law relating to practices of architecture and residential design.
- S.B. 26 (chapter 498) Increases the maximum agreed (contract) interest rates allowed under law to 18 percent. The previous contract interest rate was 12 percent per year. If the daily prime interest rate was 9 percent or more, however, the interest rate could, under previous law, equal the daily prime interest rate plus 3.5 percent. S.B. 26 also: (1) defines the components of contract interest

to include every payment made to the lender as an incident to or condition of the extension of credit, such as a commission, bonus, fee, premium or penalty; (2) specifies what fees do not constitute interest; (3) defines the computation of certain interest rates; and (4) limits the interest rate on loans for mortgages on real property made by mortgage companies to 12 percent or the prime rate plus 3.5 percent if the prime rate exceeds 9 percent. The bill also establishes other criteria for mortgage loans.

- S.B. 90 (chapter 357) Provides for registration of trademarks, trade names and service marks.
- S.B. 109 (chapter 123) Changes the time for filing certain annual reports and removes the requirement for certain publications.
- S.B. 110 (chapter 22) Resolves a conflict in the description of the document to be filed by foreign corporations with the secretary of state.
- S.B. 130 (chapter 577) Provides appraisal rights in certain circumstances to corporate shareholders entitled to fractional shares.
- S.B. 182 (chapter 79) Relaxes restrictions on the use of fictitious names.
- S.B. 232 (chapter 248) Revises the provisions on renewal of certificates of registration for professional engineers and land surveyors.

- S.B. 233 (chapter 554) Provides for certification of land surveyors-in-training.
- S.B. 234 (chapter 555) Provides requisites for practice of professional engineering by certain organizations.
- S.B. 296 (chapter 236) Removes the office of the county recorder as an additional place to file security interests in certain cases.
- S.B. 310 (chapter 385) Requires inactive real estate brokers and salesmen to meet certain continuing education requirements as prerequisite to reinstatement to active status.
- S.B. 321 (chapter 409) Authorizes judicial review of corporate takeover bids.
- S.B. 327 (chapter 378) Requires products liability insurers to make certain reports to commissioner of insurance.
- S.B. 350 (chapter 250) Provides penalty for failure of producer-promoter of entertainment production to obtain permit and post bond with labor commissioner.
- S.B. 353 (chapter 284) Creates presumption that trustee with title has power to sell, convey or encumber real property.
- S.B. 362 (chapter 344) Provides for service of process on corporation after dissolution, expiration or forfeiture of charter.
- S.B. 394 (chapter 603) Makes various changes in the law relating to savings and loan associations.
- S.B. 410 (chapter 388) Clarifies certain provisions of Public Accountancy Law.

- S.B. 443 (chapter 663) Provides for licensing of certain classes of real estate brokers and salesmen.
- S.B. 447 (chapter 608) Makes various changes to law pertaining to dairy products and substitutes.
- S.B. 451 (chapter 404) Authorizes banks and savings and loan associations to make loans secured by interests in cooperative housing corporations.

CONSUMER PROTECTION

- A.B. 23 (chapter 124) Requires the sender of unsolicited goods or merchandise to pay the actual and reasonable expenses incurred by the recipient in returning the goods or in resisting attempts by the sender to collect payment for the goods, wares or merchandise. The bill also makes the sender liable to the recipient for any impairment of the recipient's credit caused by attempts by the sender to collect payment for the goods.
- A.B. 98 (chapter 624) Allows pharmacists to fill prescriptions with a generic drug instead of a brand-name drug if the substitution is permitted by a doctor. Every pharmacy must post a notice which states that state law provides for a less expensive, but biologically equivalent, drug to be substituted for a brand-name drug. In addition, before a pharmacist fills a prescription with a generic drug the consumer must be informed that a substitution is being made and of the price difference between the generic drug and the brand-name drug. This act becomes effective October 1.
- A.B. 484 (chapter 260) Requires every pharmacy to post on the premises in a place conspicuous to customers and easily accessible and readable by customers a notice, provided by the state board of pharmacy, advising customers that a price list of drugs and professional services is available to them upon request.

A.B. 696 (chapter 641) Requires the seller of a motor vehicle to notify the buyer if the seller knows or has reason to believe that the odometer of the vehicle has been replaced or turned back. The penalty for knowingly selling a vehicle whose odometer has been altered for the purpose of fraud is established as a gross misdemeanor.

CORRECTIONS

- A.B. 160 (chapter 33) Requires the board of prison commissioners to establish criteria for the reasonable deductions from the personal funds of offenders to pay for state property which the offenders willfully damage or destroy.
- A.B. 198 (chapter 529) Requires that an offender serve at least one-third of his sentence before being eligible for parole. Under previous law an inmate was required to serve 1 year, or one-fourth of his sentence, whichever was longer, before becoming eligible for parole.
- A.B. 346 (chapter 464) Requires establishment of program for training and employment of most offenders in state prison.
- A.B. 391 (chapter 207) Requires that monthly reports be provided to offenders of the amount of money in the offenders' store fund.
- A.B. 393 (chapter 228) Provides for establishment of procedures for allowing offenders to retain certain personal property in prison.
- A.B. 396 (chapter 472) Authorizes a gift of clothing, increases amount of money which may be given to an offender upon release from prison from \$50 to \$100 and authorizes payment for transportation.
- A.B. 431 (chapter 367) Provides for monitoring and reporting by state health officer of the sanitation, dental care and facilities, and food services of department of prisons.

- A.B. 435 (chapter 208) Transfers responsibility for establishment of educational and vocational training programs at prison from the director to the board of prison commissioners.
- A.B. 436 (chapter 636) Requires the director of the department of prisons to establish programs of research, statistics and planning to (1) review the effectiveness of programs for the rehabilitation of offenders, and (2) effect appropriate changes in such programs.
- A.B. 458 (chapter 110) Confers the power to administer oaths and issue subpoenas to certain parole and probation officers.
- A.B. 460 (chapter 111) Defines the status of escaped prisoners and excludes certain escape time as time served on a term of imprisonment.
- A.B. 735 (chapter 310) Requires prisoner to pay for treatment of self-inflicted injury.
- A.B. 804 (chapter 422) Authorizes establishment of restitution centers by department of prisons and provides for payment by certain offenders of restitution to victims of their crimes.
- A.B. 824 (chapter 463) Consolidates parole officers for juvenile offenders into youth parole bureau in youth services division of department of human resources.
- S.B. 448 (chapter 319) Authorizes director of department of prisons to transfer certain offenders to correctional institutions outside Nevada.

- S.B. 538 (chapter 511) Allows credit against term of imprisonment in jail for prisoners who perform work.
- S.B. 548 (chapter 566) Makes the chairman of the state board of parole commissioners the executive officer of the board.
- S.B. 559 (chapter 419) Authorizes transfer of alien prisoners to their native country in certain circumstances.
- S.B. 575 (chapter 571) Provides for commitment of convicted felons to department of prisons for evaluation before sentencing.

COURTS, CIVIL PROCEEDINGS, CRIMES AND PUNISHMENTS AND
LAW ENFORCEMENT

- A.B. 4 (chapter 30) Limits the time that law enforcement agencies must maintain records of the disposition of each traffic citation by the court or its traffic violations bureau.
- A.B. 19 (chapter 27) Prohibits parking within 20 feet of a fire hydrant in places where angle parking of vehicles is permitted.
- A.B. 21 (chapter 113) Authorizes fire departments to investigate causes, origins and circumstances of fires.
- A.B. 28 (chapter 676) This bill is the legislative response to the voters' approval of Question 2 of the November 1978 election which amended section 8 of article 6 of the Nevada constitution. It removes the \$300 maximum limit of jurisdiction for Nevada's justices' courts and permits the legislature to fix the jurisdiction of such courts by law. The bill sets the new limit for both justices' courts and municipal courts at \$750. It also authorizes garnishment in aid of execution of judgments of small claims courts, revises certain justices' courts fees to reflect the increase in the justices' courts jurisdiction and gives the county commissioners the option of compensating justices of the peace under the old or new fee schedules or by a fixed salary.
- A.B. 30 (chapter 678) Changes certain procedures for defending actions against public officers and employees.

- A.B. 141 (chapter 362) This is one of three bills recommended by an interim committee which studied Nevada's obscenity laws, during the 1977-79 interim. It expands the prohibition against the advertisement of prostitution. The bill provides that it is unlawful for any owner, operator, agent, or employee of a house of prostitution, or anyone acting on behalf of any such person, to advertise a house of prostitution in a public theater, public street or highway, or anywhere in a county, city or town where prostitution is prohibited by local ordinance or where the licensing of a house of prostitution is prohibited by state law. The bill specifies that inclusion in a display, handbill, or publication of the address, location or telephone number of a house of prostitution, or of identification of a means of transportation to such house, or of directions telling how to obtain any such information, constitutes prima facie evidence of advertising. The penalty for a first offense is a fine of up to \$500. The penalty for a second or subsequent offense is a misdemeanor.
- A.B. 142 (chapter 290) Creates the crime of using a minor in preparing pornography, broadens the definition of sexual abuse and clarifies acts which do not constitute child abuse or neglect. The bill provides that any person who uses, promotes, entices or permits a minor to simulate, engage in or assist others in producing specified sexually oriented performances, films, photographs or other

representations, is guilty of a felony and punishable by imprisonment in the state prison for 1 to 6 years, by a fine of up to \$5,000 or by both fine and imprisonment. Under the bill, the definition of sexual abuse is expanded to include sado-masochistic abuse. The bill also specifies that a child is not abused or neglected for the sole reason that his parents or guardians select nonmedical remedial treatment if such treatment is recognized and permitted under the laws of Nevada in lieu of medical treatment.

A.B. 143 (chapter 267) Emanates from the legislative subcommittee which studied Nevada's obscenity laws during the 1977-79 interim. The bill redefines obscenity, provides for an injunction as an alternative to criminal prosecution, and sets misdemeanor penalties. The new definition of obscenity is taken from two court decisions, Miller v. California, which broadened the former test of "utterly without redeeming social value" to "without serious literary artistic, political, or scientific value" and Hamling v. United States, which made clear that neither a national nor a statewide standard need be applied by a jury in determining obscenity because the standard of the "community" from which the jury is drawn suffices. The bill also (1) exempts universities, schools, museums or libraries which are operated by or are under the direct control of the state, or any political subdivision of the state, from prosecution for obscenity;

(2) specifies that counties and cities may adopt an ordinance further regulating obscenity if its provisions do not conflict with state law; and
(3) provides that if a district court enters a judgment that an item is obscene, and that that item, or one substantially identical to it, is sold after that judgment or injunction, the court is required to order an accounting of the money received by the defendant from the sale of such items, and the defendant is required to pay a sum equivalent to that value into the general fund of the city or county which prosecuted the action.

- A.B. 153 (chapter 29) Modifies the requirement for a cautionary instruction on evidence of a related crime and clarifies the authority for proving the contents of a missing original document.
- A.B. 155 (chapter 20) Broadens the scope of examination of adverse witnesses.
- A.B. 156 (chapter 21) Relates to the admissibility of evidence and broadens cases in which an inquiry may be made into specific instances of conduct.
- A.B. 158 (chapter 134) Eliminates the requirement for corroborative evidence to support evidence of transactions or conversations with or actions of a deceased person.
- A.B. 159 (chapter 37) Relates to hearsay and limits the admissibility of certain statements against interest.
- A.B. 168 (chapter 100) Prohibits the discharge of a firearm at or into a structure, vehicle, aircraft or watercraft.

- A.B. 177 (chapter 186) Designates group supervisors of juvenile correctional institutions and security officers of cities and counties as peace officers and extends the powers of security officers of the legislature and of the department of general services.
- A.B. 181 (chapter 98) Relates to grand larceny and includes in grand larceny the theft of a motor vehicle regardless of its value.
- A.B. 183 (chapter 81) Relates to subpoenas and provides a method for witnesses to accept delivery of certain subpoenas in lieu of service and clarifies that failure to obey a district attorney's subpoena is contempt of court.
- A.B. 185 (chapter 28) Clarifies the grounds for a dismissal of complaint in justices' courts.
- A.B. 187 (chapter 412) Provides penalty for solicitation of certain crimes if no criminal act is committed.
- A.B. 192 (chapter 253) Requires the executive secretary to the state board of parole commissioners to prepare a list showing each prisoner who will be eligible for parole at the board's next hearing and to send copies of such list to all law enforcement agencies in Nevada, and to other appropriate persons, at least 30 days before any scheduled action by the board. The list is required to indicate various information about each prisoner including his name, crime for which he was convicted, the county in which he was sentenced, the date of

the sentence, the length of the sentence, the amount of time actually served in the state prison, the amount of credit for time previously served in a county jail, and the amount of credit allowed for good behavior.

- A.B. 257 (chapter 467) Prescribes conduct of examinations of prospective jurors in civil actions.
- A.B. 258 (chapter 149) Alters the conduct of the examination of prospective jurors in criminal cases.
- A.B. 267 (chapter 449) Requires anyone who commits certain crimes against persons 65 years of age or older to be punished by an additional and consecutive prison or jail term equal to the term prescribed by law for the crime. Crimes enumerated in the law include assault, battery, kidnapping, robbery, sexual assault or taking money or property from the person of another.
- A.B. 277 (chapter 531) Changes certain fees of constables.
- A.B. 316 (chapter 150) Redefines the types of battery which may be charged as misdemeanors.
- A.B. 333 (chapter 629) Consolidates, clarifies and amends certain provisions relating to comparative negligence.
- A.B. 338 (chapter 306) Limits privilege of husband or wife to prevent testimony of other to testimony regarding events occurring after marriage.
- A.B. 358 (chapter 677) Removes authority of board of county commissioners of certain counties to abolish office of constable.

- A.B. 378 (chapter 392) Permits district attorney to certify photographs of certain property held as evidence and return property to owner before trial.
- A.B. 389 (chapter 537) Addresses the problem of retailers who are cheated by persons who stop payment on checks. The bill provides that it is prima facie evidence of an intent to defraud if a drawer of a check for property which can be returned in the same condition in which it was originally received stops payment on the check and fails to return or offer to return the property within 5 days after receiving the notice. The bill requires notices to be sent by return mail, return receipt requested, and provides that every bank and place of business at which retail selling is conducted post a notice, prepared by the superintendent of the state printing and records division, containing specified language detailing what constitutes the crime and the penalties. Under the bill, if the value of the property fraudulently obtained is \$100 or more, the penalty is a prison term of from 1 to 10 years or a fine of up to \$5,000 or both fine and imprisonment. The penalty for fraudulently obtaining property valued at \$100 or less is up to 6 months in the county jail and a fine of up to \$500, or both fine and imprisonment.
- A.B. 430 (chapter 175) Permits agreements with other states for exchange of license plates for investigators of certain law enforcement agencies.

- A.B. 459 (chapter 222) Authorizes arresting officer to release, under certain circumstances, person arrested without warrant.
- A.B. 483 (chapter 196) Revises method of selecting grand juries in larger counties.
- A.B. 497 (chapter 197) Creates committee on standards and training for peace officers.
- A.B. 512 (chapter 229) Includes willful and malicious burning of natural and cultivated flora in crime of third degree arson and redefines certain other related offenses.
- A.B. 524 (chapter 689) Establishes procedures for the maintenance and dissemination of criminal records. It defines records of criminal history to include descriptions which identify the subject and notations of arrest, detentions, indictments, informations or other formal criminal charges and dispositions of charges, including dismissals, acquittals, convictions, sentences, correctional supervision and release, occurring in Nevada. The bill (1) provides for the dissemination of criminal records to criminal justice agencies, other government agencies, prospective employers, the news media and the subject of the records; (2) establishes mechanisms to insure that criminal justice agencies disseminate the most current and complete records of criminal history available; (3) provides for challenges to the accuracy of the records by the subject, the correction of any records found to be

inaccurate and the dissemination of corrected information to agencies which have previously received inaccurate information; (4) requires criminal justice agencies to maintain a log showing various information relating to the dissemination of criminal records including entries indicating to which agencies or persons the records were provided and the dates on which the information was provided; (5) requires criminal justice agencies to adopt regulations for the inspection, by the subject, of the records and for such regulations to specify the reasonable periods of time during which the records will be available for inspection and the fees, if any, for inspection of the records. The bill provides for the removal from criminal records of arrest, citation or warrant data which is at least 5 years old unless the subject is a fugitive or under active prosecution, the pertinent case was a deferred prosecution, plea bargain or other similar disposition, the subject has a prior conviction for a felony or gross misdemeanor, or the subject has been arrested or charged with another crime. The bill permits criminal justice agencies to disclose to the victim of a crime the identity of a person suspected of being responsible for the crime, together with information, including dispositions, which may be of assistance to the victim in obtaining redress, for his injury or loss, in a civil action. The commission on crimes, delinquency and corrections is

responsible for administering the law.

- A.B. 526 (chapter 307) Permits substitution of police judge for justice of peace in certain circumstances.
- A.B. 571 (chapter 213) Repeals the provisions in the law which prohibited the taking of photographs in courtrooms or the radio or television broadcasting of judicial proceedings.
- A.B. 598 (chapter 327) Requires certain county offices issuing marriage licenses be open during specified hours and that such hours be set in other counties by the county commissioners.
- A.B. 605 (chapter 308) Increases the civil liability of parents and guardians for the willful acts of their children which result in injury or death to other persons, or an injury to private or public property, from a previous maximum of \$3,000 to a new maximum of \$10,000.
- A.B. 669 (chapter 309) Allows service of summons on trial jurors by ordinary mail.
- A.B. 687 (chapter 259) Increases penalties for subsequent commission of certain acts of vagrancy.
- A.B. 714 (chapter 333) Requires parents to pay for counsel appointed to represent their child in certain circumstances unless they are indigent.
- A.B. 745 (chapter 646) Provides that the owner or keeper of an animal which chases, worries, injures or kills the livestock of

another on land other than his own is liable to the owner of the livestock for damages. The act also provides that a person may lawfully and without liability for damages kill an animal which shows vicious or dangerous tendencies if the animal chases, worries, injures or kills his livestock on any land other than that of the animal's owner.

- A.B. 777 (chapter 547) Extends power of attorney general in criminal prosecutions.
- A.B. 783 (chapter 517) Authorizes two justices of the peace for Carson City.
- A.B. 803 (chapter 461) Authorizes certain city and county employees to issue written citations for ordinance violations.
- A.B. 808 (chapter 649) Under previous law if a defendant failed to appear in court when his presence was required and not excused, the court could forfeit his bail, if it was above \$50, after certain notice requirements were met. The law also provided for a notice of such pending forfeiture to be sent to the bail bondsman, if one was involved, and for the bail bondsman to be able to have the bail remitted to him if the court was satisfied that the bail bondsman did not cause or aid the absence of the defendant and the defendant was unable to appear in court for various specified reasons. This bill clarifies the grounds for exoneration and requires a hearing before a bail bondsman may have bail remitted to him and enumerates grounds and requires a hearing

before the setting aside or remittance of a bail forfeiture may take place. The bill also provides that a corporation may be licensed as a bail agent if ownership and control of the corporation is retained by one or more licensed agents and provides that no surety insurer may appoint a bail bondsman whose contingent liability exceeds an amount equal to 10 times his reserve account unless the appointment is first approved by the commissioner of insurance.

S.B. 9 (chapter 655)

This bill was recommended by a legislative subcommittee which studied crimes and punishments in Nevada during the 1977-79 interim. The basic thrust of the measure is to provide uniformity in the fines for various crimes. For example, felonies which carry a prison term of 1 to 6 years have been given fines of not more than \$5,000 and felonies which carry a prison term of 1 to 10 years have been given fines of up to \$10,000. Fines related to lesser offenses, not associated with jail terms, have been arranged in two categories: not more than \$250 and not more than \$500. An example of this change can be found in the penalty for driving without a valid driver's license, which has been changed from a fine of not more than \$100 to a fine of not more than \$250. Certain fines have been increased above \$10,000. For example, the fine for the first offense of selling heroin or marijuana has been increased from a fine of not more than \$5,000 to a maximum

fine of \$20,000. The fine for an adult possessing marihuana has been increased from a maximum of \$2,000 to a maximum of \$5,000 for a first offense, from up to \$2,000 to a maximum of \$10,000 for a second offense and from a maximum of \$5,000 to not more than \$20,000 for a third offense. The bill also generally conforms maximum felony terms of imprisonment to 6, 10, 15 or 20-year terms. Minimum terms, except where the statute doubles on account of a repeated or aggravated offense or a shorter term is prescribed, are set at 1 year. The bill also consolidates the respective statutes relating to penalties for perjury, alteration or destruction of public records by specific officers and maliciousness.

- S.B. 27 (chapter 584) Abolishes causes of action for seduction and criminal conversation.
- S.B. 88 (chapter 48) Permits the assignment of costs to a prevailing defendant in certain actions for the recovery of money only.
- S.B. 98 (chapter 656) Provides for filing and enforcement of foreign judgments.
- S.B. 99 (chapter 305) Consolidates various provisions relating to wrongful death actions.
- S.B. 101 (chapter 49) Limits peremptory challenges of jurors to four such challenges by each side in a trial.
- S.B. 102 (chapter 278) Adds to procedural requirements for disqualification of judges.

- S.B. 103 (chapter 525) Requires bail to continue through different proceedings on same charge.
- S.B. 105 (chapter 157) Relates to disclaimers of property interests and clarifies procedures and requirements for valid disclaimers and waivers of the right to disclaim.
- S.B. 111 (chapter 42) Relates to judges and reinstates the provision for one change of judge upon filing of an affidavit alleging bias or prejudice.
- S.B. 129 (chapter 216) Eliminates appeals from the granting or denial of writs of habeas corpus.
- S.B. 154 (chapter 589) Limits permissible delay between arrest, arraignment and filing of criminal complaint.
- S.B. 174 (chapter 523) Amends requirements for notice of check refused for payment because of insufficient funds.
- S.B. 192 (chapter 160) Under previous law any person who used a firearm or other deadly weapon in the commission of a crime was required to be imprisoned in the state prison for a term equal to, and in addition to, the term of imprisonment prescribed by statute for such crime. The law did not preclude probation or suspended sentence. S.B. 192 is Nevada's version of the "use a gun--go to jail" law. It prohibits the court from granting probation or from suspending the sentence of a person who is convicted of using a firearm or other deadly weapon in the commission of murder, kidnapping in the

first degree, sexual assault or robbery.

- S.B. 196 (chapter 231) Entitles jurors to same compensation for lodging as received by state officers and employees.
- S.B. 228 (chapter 340) Prohibits certain acts involving personal property whose manufacturer's identification mark has been covered, altered, defaced or removed.
- S.B. 243 (chapter 556) Adds two judges to second judicial district.
- S.B. 267 (chapter 659) Transforms justices' courts to courts of record.
- S.B. 290 (chapter 299) Extends the means allowed for proof of service in probate proceedings.
- S.B. 291 (chapter 300) Authorizes the award of a deficiency judgment directly to the beneficiary of a deed of trust.
- S.B. 295 (chapter 600) Requires certain justices of the peace to serve full time.
- S.B. 305 (chapter 384) Prohibits solicitation of minor to engage in acts which would constitute infamous crime against nature if performed by an adult.
- S.B. 340 (chapter 316) Authorizes state public defender to collect certain amounts from counties for use of his services.
- S.B. 343 (chapter 507) Provides for hearing on notice of lis pendens and for expunging recorded notice upon posting of bond in certain circumstances.

- S.B. 346 (chapter 249) Establishes the crime of commercial bribery. It specifies that any person who (1) with corrupt intent, either offers, confers or agrees to confer any benefit upon any employee, without the consent of the employer, to influence adversely the employee's conduct in relation to the commercial affairs of his employer; or (2) while an employee, accepts or agrees to accept any benefit upon an agreement or understanding that the benefit will influence adversely his conduct in relation to the commercial affairs of his employer, commits commercial bribery and is guilty of a misdemeanor.
- S.B. 351 (chapter 522) Requires state board of health to adopt certain regulations pertaining to jails.
- S.B. 355 (chapter 239) Provides a legal procedure for confirmation of domicile in Nevada or another state.
- S.B. 583 (chapter 619) Increases the population which qualifies a township to have two justices of the peace.
- A.J.R. 2 of 59th session (file no. 101) Comes from a recommendation of a legislative committee which studied Nevada's court system during the 1975-77 interim. The resolution, if passed by the voters, will amend the Nevada constitution to create an intermediate appellate court consisting of three judges or such greater number as the legislature may provide by law. A.J.R. 2, among other things, requires the legislature to apportion the jurisdiction

between the supreme court and the court of appeals and to provide for the review by the supreme court where appropriate, of appeals decided by the court of appeals. This resolution must be submitted to the voters at the 1980 general election.

A.J.R. 30 (file no.
104)

Would amend section 14 of article 5 of the Nevada constitution by prohibiting a sentence of death or a sentence of life imprisonment without possibility of parole from being commuted to a sentence which would allow parole. This resolution must be passed again by the 1981 legislature before submission to the voters in 1982.

S.J.R. 18 (file no. 85)

Would amend section 14 of article 5 of the Nevada constitution to permit the legislature to pass laws conferring upon justices' and municipal courts the authority to defer the imposition of sentences and to suspend the execution of sentences. The effect of the passage of this constitutional amendment would be to allow the legislature to give the courts inferior to the district court a range of options in dealing with criminal offenders. This resolution must be passed again by the 1981 legislature before submission to the voters in 1982.

S.J.R. 25 (file no.
120)

Would remove amibiguous language in section 9 of article 6 of the Nevada constitution which appears to prohibit municipal courts from being considered courts of record. An advantage of having municipal courts

be courts of record would be the elimination of the need for two trials of fact if the case is appealed to a higher court. In courts of record, such as district courts, and now justices' courts as authorized by S.B. 267 (chapter 449, Statutes of Nevada 1979) only one trial of fact is necessary. This resolution must be passed again by the 1981 legislature before submission to the voters in 1982.

CULTURAL AFFAIRS, HISTORIC PRESERVATION

- A.B. 303 (chapter 206) Makes appropriation to Nevada historical society for preservation of historic photographs.
- A.B. 500 (chapter 177) Transfers control of Lost City museum to Nevada state museum.
- A.B. 704 (chapter 372) Amends Comstock Historic District Act and authorizes counties to establish historic districts.
- S.B. 84 (chapter 119) Transfers the division of state, county and municipal archives of the office of the secretary of state to the Nevada state library.
- S.B. 116 (chapter 102) Permits disbursement of money paid by the federal government as financial assistance for historic preservations to eleemosynary organizations, nonprofit organizations and private persons and enterprises.
- S.B. 136 (chapter 179) Provides qualifications for and changes number, method of appointment and duties of members of advisory board for historic preservation and archeology.
- S.B. 147 (chapter 180) Provides for a state register of historic places.
- S.B. 306 (chapter 505) Creates department of museums and history and places Nevada state museum and Nevada historical society within department.

ECONOMIC DEVELOPMENT, DEVELOPMENT CORPORATIONS,
COUNTY ECONOMIC DEVELOPMENT REVENUE BONDS,
PUBLIC SECURITIES

- S.B. 123 (chapter 587) Makes appropriation to department of economic development to develop industry and tourism.
- S.B. 253 (chapter 391) This is primarily an amendment to the County Economic Development Revenue Bond Law as found in NRS chapter 244. The act amends this law to include facilities for the generation and transmission of electrical power under the accepted uses of the bond law. Although S.B. 253 provides generally for these facilities to fall within the bond law, approval of the legislature is required for each specific project. The specific project for which the law is being amended is a very large coal-fired electrical generating plant in the Steptoe Valley north of Ely, Nevada. The plant will use primarily Utah coal to generate electricity which will be transmitted to southern California. The intended consumers of the electricity were a source of controversy. As a result, the act is written so that Nevada utilities and Nevada consumers will be able to claim up to one-half of the generating capacities of the plants financed through this law and up to one-half of any additions to these plants. The legal arrangement for the construction of the plant has White Pine County as the owner. The actual construction of the plant will be done by Southern California utilities. With White Pine County

as the owner of the plant, bonds for the construction of the plant may be issued as municipals. This lowers the interest rate on the bonds and makes the money that will be borrowed to build the plant much cheaper. This power plant has been described as the largest project ever built in Nevada.

- S.B. 464 (chapter 351) Revises law relating to development corporations.
- S.B. 468 (chapter 304) Modifies requirement of financial rating of certain persons in connection with economic development revenue bonds.
- S.B. 498 (chapter 611) Amends the definitions of overpass project and underpass project in the City Bond Law.
- S.B. 587 (chapter 621) Makes a \$5 million appropriation for the economic development of small (25,000 people or less), economically depressed counties. The legislature's interim finance committee is authorized to allocate the funds, and criteria are specified.

EDUCATION AND TRAINING

- A.B. 38 (chapter 215) Requires the state board of education to prescribe regulations which will require each board of trustees of a school district to submit to the superintendent of public instruction the results of proficiency examinations given to public school pupils in the 3rd, 6th, 9th and 12th grades. The regulations of the state board are not to violate the confidentiality of test scores of any individual pupil.
- A.B. 90 (chapter 444) Extends public school attendance requirements.
- A.B. 123 (chapter 128) Assigns to the superintendent of public instruction the responsibility for establishing programs and curricula to meet the special education needs of American Indians and for coordinating efforts in developing materials and programs for environmental education. These responsibilities are not new. This bill gives the superintendent direct responsibility for them.
- A.B. 125 (chapter 56) Permits the superintendent of public instruction to pursue outside occupation only if approved to do so by the state board of education.
- A.B. 132 (chapter 58) Revises the number of meetings for which members of the state board of education may be compensated.
- A.B. 388 (chapter 538) Creates commission on professional standards in education.

- A.B. 399 (chapter 396) Prohibits unauthorized use of certain terms in names of postsecondary educational institutions.
- A.B. 401 (chapter 397) Provides that postsecondary educational institution may be required to pay certain costs in connection with application for license.
- A.B. 402 (chapter 398) Changes name of commission on postsecondary institutional authorization to commission on postsecondary education.
- A.B. 519 (chapter 687) Revises procedure for demotion, suspension, dismissal and refusal to reemploy certain personnel of public school system.
- A.B. 531 (chapter 198) Makes negotiation mandatory where school trustees do not prescribe certain regulations.
- A.B. 610 (chapter 201) Allows school districts to spend money for traffic signs.
- A.B. 650 (chapter 455) Specifies that the board of trustees of a school district may establish a course of instruction on the human reproductive system, related communicable diseases and sexual responsibility. If a school district establishes such a course it shall appoint an advisory committee consisting of four parents and three other interested persons. These other interested persons are to come from medicine and nursing, counseling, religion, or pupils in the school district. The committee shall advise the district on the materials to be used in the course of instruction and the recommended

ages of pupils to whom the course is offered. However, the final decision on all matters is reserved to the board of trustees of each district. Instructors must have qualifications for subjects taught and must be approved by the board of trustees. The parent or guardian of each pupil to whom the course is offered must, upon written notice from the school district, provide written consent for participation in that course of instruction. If the parent or guardian does not approve participation in such a course, that child will be excused from such attendance without any penalty as to credits or academic standing. Also such a course shall not be a requirement for graduation. All materials used in courses must be available for inspection by parents or guardians of pupils at reasonable times.

- A.B. 839 (chapter 462) Requires fingerprinting of certain applicants for employment with school districts.
- A.B. 848 (chapter 652) Establishes committee to study feasibility of establishing program for continued professional development of teachers and makes appropriation.
- A.B. 849 (chapter 653) Apportions the state distributive school fund for the biennium 1979 through 1981. Matters specified relate to the basic support guarantee per pupil for the respective school districts of the state, the basic support guarantee for each special education program unit, allocations from the state general

fund to the state distributive school fund, and authorized expenditures by the state department of education from the distributive school fund. The basic support guarantee per pupil for Nevada averaged \$1,159 for fiscal year 1978-79. This act creates an 8 percent increase in that guarantee for fiscal year 1979-80, bringing the statewide average up to \$1,252 per pupil. For fiscal year 1980-81 a 6.3 percent increase was authorized, resulting in an average basic support guarantee of \$1,331 per pupil. This 6.3 percent increase between fiscal years 1979-80 and 1980-81 can be increased up to an additional 1.7 percent through a triggering mechanism and if federal contributions continue under the Revenue Sharing Program. The interim finance committee may, after recommendation by the state board of examiners, direct the state board of education to make additional distributions from the state distributive school fund to county school districts during the fiscal year 1980-81. Any additional distributions so made must be apportioned on a per pupil basis in the same proportion per pupil as exists among the basic support guarantees per pupil as earlier specified in this act.

S.B. 12 (chapter 40)

Provides exemptions to the limitation of one salary for all services rendered to the state when the salary comes from ex officio duties or for teaching during off duty hours in an educational program sponsored by government authority.

- S.B. 341 (chapter 238) Appropriates \$10,000 to the state department of education for the biennium for the development and scoring of tests for the proficiency of pupils.
- S.B. 407 (chapter 579) Removes requirement for certain school boards to give notice of proposed regulations.
- S.B. 412 (chapter 605) Provides exemption of certain educational seminars from licensing requirements of the Post Secondary Educational Authorization Act.
- S.B. 422 (chapter 264) Pertains to pledged revenues for payment of bonds and other securities relating to University of Nevada System.
- S.B. 511 (chapter 565) Provides for state financial assistance for school construction in certain school districts.
- S.B. 539 (chapter 667) Emanates from recommendations of two legislative subcommittees which met during the 1977-79 interim. One subcommittee worked on the recodification of Nevada's public school education laws and the other studied the structures and functions of the state board of education and state department of education. The bill clarifies that the function of the state board of education is to establish policies and the function of the state superintendent of public instruction is to carry out administrative, technical and procedural activities in accordance with such policies. The bill also clarifies the functions of the state board for vocational education and its

executive officer and the commission on postsecondary education and its administrator. A major aspect of the bill is to delete ambiguous references in the law to the duties of the state department of education and to assign such duties to the board, superintendent or other person.

A.J.R. 26 of the 59th session of the legislature (file no. 38)

Proposes to amend section 3 of article II of the Nevada constitution relating to sources of revenue pledged for educational purposes by permitting the legislature to determine the policies for the investment of such revenues. The Nevada constitution presently restricts the investment of certain proceeds derived for state educational purposes to United States or state bonds, or loans at not less than 6 percent interest secured by mortgages on certain agricultural lands under specific limiting conditions.

A.J.R. 27 (file no. 148)

Urges Congress to propose a constitutional amendment authorizing the states to enact legislation permitting voluntary, nondenominational prayer in their public schools.

A.C.R. 1 (file no. 42)

Requests school districts to gather and analyze information on the use of time within the school day by high school seniors.

ELECTIONS

- A.B. 13 (chapter 82) Prescribes the order in which offices and questions must be set out on ballots for general election.
- A.B. 89 (chapter 289) Authorizes posting of temporary political signs near time of election with few restrictions.
- A.B. 147 (chapter 625) Changes certain provisions of law regarding the place and notice of precinct meetings. The bill attempts to insure that party precinct meetings are more open and accessible. The first way that it does this is to require that such meetings be held in a public building if one is available in the precinct. If one is not available in the precinct, a public building in the county is to be used. Only if neither is available may a private building in the precinct be used. The second facet of the bill is the encouragement of election of delegates to county conventions at precinct meetings. This is done by allowing central committee appointment of delegates only if a precinct meeting was properly held but no registered voter attended. Finally, the bill requires that parties have written rules at least covering selection, rights and duties of committees at a convention; challenges to credentials of delegates; and majority and minority reports of committees.
- A.B. 596 (chapter 369) Modifies the declaration of candidacy statement that previously required that a candidate agree to

support his party's platform. The new language says that a candidate signing it "* * *generally believe in and intend to support the concepts found in the principles and policies of such political party in the coming election." Obviously the effect is to reduce the extent to which candidates must support a party platform.

- A.B. 601 (chapter 328) Limits reports of campaign contributions and expenses which must be forwarded to secretary of state.
- A.B. 648 (chapter 330) Clarifies the prohibition against running in a party primary if the candidate had changed party registration since September 1 preceding the close of filing for a primary election. The clarification makes the prohibition effective even if the previous registration in another party had lapsed.
- A.B. 726 (chapter 645) Revises procedures for cancellation of certain affidavits of registration to vote.
- A.B. 766 (chapter 399) Authorizes counties or cities to submit advisory questions to the registered voters within their jurisdictions. The law was previously silent on the matter of local government advisory ballot questions. The 1978 state supreme court decision in Kimble v. Swackhamer affirmed the right of the legislature to place advisory questions before the voters. This decision dealt with the advisory question on ratification of the proposed Equal Rights Amendment. This

bill makes it clear that counties and cities may ask the opinion of the voters. It also allows such a question to be addressed to only a part of a jurisdiction if only that part were affected by the subject.

- S.B. 37 (chapter 178) Makes various changes to the election laws.
- S.B. 38 (chapter 118) Clarifies the procedure for transferring certain registrations by voters.
- S.B. 40 (chapter 245) Provides for payment of costs of presidential preference primary elections from reserve for statutory contingency fund.
- S.B. 41 (chapter 337) Authorizes state to purchase punch-card vote recording devices and lease them to counties.
- S.B. 128 (chapter 281) Prescribes procedure for nomination of independent presidential candidates.
- S.B. 444 (chapter 607) Requires that election results indicate number of votes each candidate received in each precinct.

ENERGY, PUBLIC UTILITIES, THE PUBLIC SERVICE
COMMISSION AND SCIENCE

- A.B. 17 (chapter 674) Mandates the public service commission of Nevada to adopt regulations which provide a simplified procedure for a change of rate for those public utilities which furnish water and/or sewer service to persons within this state for compensation. This is for public utilities which serve less than 1,200 persons, have had during the immediately preceding 12-month period gross sales for water and/or sewer service amounting to \$150,000 or less, and do not own or control any other business entity furnishing water and/or sewer service within Nevada. For the purpose of this act, public utility does not include corporations, partnerships, sole proprietorships or associations of natural persons engaged in the business of furnishing for compensation water and/or sewer services if they serve 25 persons or less or their gross sales for water and/or sewer services amounted to \$5,000 or less during the immediately preceding 12 months and they do not own or control any other such business in the state.
- A.B. 67 (chapter 443) Exempts from the requirement for a certificate of public convenience and necessity equipment of contractors used on highways under construction or reconstruction.
- A.B. 68 (chapter 366) Permits taxicabs in Clark County to transport property without being certificated specifically for it.

- A.B. 70 (chapter 680) Provides authority for establishment and operation of regional systems of transportation.
- A.B. 73 (chapter 6) Provides that the procedures for obtaining an injunction suspending or staying an order of the public service commission are exclusive.
- A.B. 75 (chapter 681) Provides circumstances under which operators of motor carriers must submit reports to the public service commission.
- A.B. 77 (chapter 127) Clarifies the requirements for a permit to operate as a contract motor carrier.
- A.B. 78 (chapter 466) Permits taxicab motor carriers outside Clark County to transport light express.
- A.B. 80 (chapter 468) Provides schedule of penalties for certain violations of laws relating to weight limitations and to the regulation and licensing of motor carriers.
- A.B. 81 (chapter 252) Repeals certain provisions of law relating to the issuance of securities or assumption of obligations by common or contract motor carriers.
- A.B. 269 (chapter 484) Confers the power of subpoena upon the taxicab authority and the taxicab administrator, increases the number of members on the authority, revises the duties of the authority and the administrator and increases fees charged to holders of certificates.
- A.B. 352 (chapter 94) Consolidates certain provisions of the statutes regarding the public service commission regulatory fund.

- A.B. 353 (chapter 172) Consolidates various provisions in the law pertaining to public utilities, railroads and other carriers.
- A.B. 354 (chapter 137) Redefines the duties of the attorney general and the district attorneys with respect to the legal services they provide to the public service commission.
- A.B. 355 (chapter 138) Relates to the regulation of public utilities and permits each board of county commissioners to regulate certain suppliers of sewer services.
- A.B. 716 (chapter 493) Authorizes rural electric cooperatives to install power lines along public roads.
- A.B. 717 (chapter 643) Prohibits certain public utilities from charging more than one fee for connecting to buildings with multiple dwellings.
- S.B. 15 (chapter 17) Transfers to the department of energy certain duties relating to standards for the conservation of energy in buildings.
- S.B. 235 (chapter 165) Revises the limitation on assessments for water distribution systems from 8 cents per acre-foot of water to 16 cents.
- S.B. 289 (chapter 314) Provides that an easement for collection of solar energy may be created by written, recorded agreement between neighboring landowners. The easement is an interest in real property and is transferred with the property if it changes ownership. The act also specifies the inclusions which are required in the written agreement.

- S.B. 349 (chapter 342) Allows the operator of a tow car to make a cash or other deposit in lieu of maintaining a policy of cargo insurance.
- S.B. 386 (chapter 387) Amends and further defines the term "utility facility" pursuant to NRS 704.860. The definition for utility facility is amended to include electric transmission lines and transmission substations designed to operate at 200 kilovolts or more, and not required by local ordinance to be placed underground when constructed outside any incorporated city. This is different than the former state law which specified a size of 60 kilovolts.
- S.B. 387 (chapter 558) Allows the Nevada public service commission, upon application by a public utility to increase its rates, to consider evidence supporting depreciation expenses calculated on an annual basis for major electric generating units.
- S.B. 388 (chapter 559) Allows deputy commissioner to conduct public hearings upon direction of public service commission of Nevada.
- S.B. 430 (chapter 265) Allows electric light and power districts to substitute certain budgetary information in meeting requirements of Local Government Budget Act.
- S.B. 436 (chapter 562) Provides that the salary of the district supervisor of water commissioners be paid entirely from legislative appropriations.

- S.B. 458 (chapter 609) Provides for conservation of energy by limiting use of appliances with pilot lights.
- S.B. 463 (chapter 440) Establishes amended procedures for placing certain types of public utilities and general improvement districts into receivership under certain circumstances. This act authorizes the board of county commissioners to file a petition in the district court of the county in which the general improvement district is located for the appointment of a receiver for the district. This is another option added to three existing options contained in state law. These options are utilized after a hearing is held on the receipt of a petition that a general improvement district is not being properly managed or is not complying with the law. The act also provides that if the public service commission determines after notice and hearing that a public utility which furnishes water and/or sewer services is unable to provide reasonably continuous and adequate service or qualifies for appointment of a receiver pursuant to this act, the commission may file a petition for the appointment of a receiver for the public utility in the district court for the county in which the principal office of the utility is located. This action is to insure the public interest in receiving service from the public utility in the manner required by law. The district court in which the petition is filed shall immediately appoint a receiver qualified

to manage the type of public utility for which the petition was filed if it finds the determination of the commission to be correct. The act also provides that any person who is a customer of an entity subject to regulation by the board of county commissioners for the provision of water and/or sewer services for compensation, may request the board to review that entity, the service it is providing and the manner in which it is providing the service to determine whether a receiver should be appointed for that entity. If the board determines it to be appropriate, it shall file a petition for the appointment of a receiver for the entity in the same manner and with the same duties and powers as a receiver appointed upon petition of the public service commission for a public utility as specified under the earlier provisions of this act.

- S.B. 503 (chapter 665) Gives department of energy general authority to participate in federal programs.
- S.B. 509 (chapter 612) Makes appropriation to department of energy to economize use of energy in state facilities.
- S.B. 582 (chapter 618) Establishes a revolving revenue fund for acquisition of crude oil and petroleum products. If the legislature's interim finance committee allocates money from the fund, the director of the state department of energy may purchase crude oil or petroleum products for resale to alleviate shortages within

the state. The act establishes a procedure whereby the director of the department of energy decides if he believes that supplies are available and that their acquisition and disposition is economically feasible. If he makes this finding, he prepares a plan to undertake the acquisition and resale. The state board of examiners must first approve the plan, and then the interim finance committee is responsible for deciding if the allocation recommended by the board of examiners should be made. Upon making this finding, the interim finance committee allocates the necessary money.

ENVIRONMENT, NATURAL RESOURCES, LAKE TAHOE AND FISH AND GAME

- A.B. 15 (chapter 251) Defines fur-bearing animals as the property of the owner of the trap in which they are caught.
- A.B. 116 (chapter 202) Establishes state duck stamp program.
- A.B. 139 (chapter 65) Authorizes the inspector of mines to accept and administer certain money and provides for certain notification by mine operators.
- A.B. 308 (chapter 309) Authorizes the regulation of roadside parks and safety rest areas and prohibits commercial activity therein.
- A.B. 309 (chapter 130) Permits an advance from the state general fund for capital construction of certain state parks and monuments financed in part by the federal government.
- A.B. 312 (chapter 171) Exempts department of highways and its contractors and subcontractors from permit requirements for appropriating public waters under certain circumstances.
- A.B. 365 (chapter 631) Revises schedule of fees charged by Nevada department of wildlife.
- A.B. 503 (chapter 575) Primarily proposes revisions to the Tahoe Regional Planning Compact which are contingent upon California enacting and Congress approving the same revisions. The findings and declarations are significantly changed. The membership is changed from a 10-member governing board with dominance by local

representatives to a 14-member board with dominance by state-level representatives. The voting procedures are significantly changed. Generally, approval or amendment of plans, ordinances and regulations would require the positive vote of a majority of the members from each state. Approval of a project would require the positive vote of a majority of the members from the state in which the project is located and the positive vote of a majority of the entire governing body. The Tahoe Regional Planning Agency is required to develop and adopt environmental threshold carrying capacities and to revise the regional plan and ordinances. Specific requirements are stipulated relative to revisions of the transportation element of the regional plan and inclusion of the California Tahoe Regional Planning Agency's plan, ordinances and regulations for the California portion of the basin. In order to slow development while the required planning is being completed, a limited moratorium is established. Future gaming in the basin is restricted by incorporating the provisions of S.B. 323 of the 1979 legislative session into the proposed new compact. Basically, these provisions eliminate the possibility of any new casinos in the basin, prohibit external expansion of existing casinos, and prohibit expansion of the public area associated with existing casinos. The legal provisions for venue, standing to sue and judicial review are

specified, and the penalties are increased substantially. The act also requires that an environmental impact statement be prepared prior to the Tahoe Regional Planning Agency's approval or commencement of any project. The contents of the environmental impact statement are specified.

A.B. 513 (chapter 574) Relates to the Nevada Tahoe regional planning agency. The act becomes effective if California withdraws from the bistate Tahoe Regional Planning Compact or if the Nevada governor finds that the bistate agency has become unable to perform its duties. If the governor makes this finding, Nevada automatically withdraws from the bistate compact through a provision in this act. If it becomes effective, A.B. 513 expands the Nevada Tahoe regional planning agency membership from five to seven members. The secretary of state or his designee is added, and the seventh member is to be chosen by the other six. Funding which would have gone to the bistate agency is diverted to provide support for the Nevada agency. The new planning responsibilities of the Nevada Tahoe regional planning agency are specified, and the governing body is given broad ordinance adoption and rulemaking authorities.

S.B. 179 (chapter 63) Authorizes the state forester to provide meals to employees of the division of forestry of the state department of conservation and natural resources who are involved in emergency fire fighting if he

determines that it is impractical for the employees to eat at home because of their duties in that emergency.

- S.B. 227 (chapter 247) Authorizes municipalities to recover certain costs of industrial sewage treatment and to refuse certain wastes.
- S.B. 237 (chapter 502) Provides for authorizing fees and security respecting uranium mining operations.
- S.B. 266 (chapter 120) Provides for a waiver of a permit to appropriate water for exploratory wells under certain circumstances.
- S.B. 323 (chapter 287) Restricts licensed gaming in the Lake Tahoe basin. No new structures housing casino gaming may be constructed in the basin, and existing or approved structures may not be enlarged in cubic volume. Within these limits, external modifications which require a local government permit also require approval from the Nevada Tahoe regional planning agency. The area within a structure which is open to public use may not be expanded, but public uses within this area may be rearranged. The act also provides that public uses may not be constructed outside the structure to replace internal public uses.
- S.B. 333 (chapter 465) Revises fish and games laws.

ESTATES OF DECEASED PERSONS, GUARDIANS, PUBLIC
ADMINISTRATORS AND UNCLAIMED PROPERTY

A.B. 85 (chapter 682) Creates a new chapter within Title 10 of the Nevada Revised Statutes relating to unclaimed property and adopts the Uniform Disposition of Unclaimed Property Act with modifications. This bill was recommended by the interim study committee on unclaimed property in Nevada. The director of the Nevada department of commerce shall carry out the provisions of this act and may adopt regulations appropriate for this purpose. Provisions are made in the act for presuming abandoned, that property held or owing by a banking or financial institution, by a business association, a life insurance corporation, any utility, or any stock or other certificate of ownership in a business association. Seven years is the general period of time after which money or personal property laid unclaimed is presumed to be abandoned. Every person holding money or other property presumed abandoned under this act shall make a verified report to the department of commerce with respect to the property. Within 180 days after the filing of the report, the director of the department of commerce shall cause notice to be published at least once each week for 2 weeks in a newspaper of general circulation in the county in which is located the last known address of any person to be named in the notice. The published notice must be entitled "Notice of names of persons to be owners of abandoned

property." The director is not required to publish in such notice any item valued at less than \$25 unless he deems such publication to be in the public interest. The director is also responsible to mail a notice to each person having an address listed on such report who appears to be entitled to property. All abandoned property remaining unclaimed after 1 year must be sold by the director of the department of commerce to the highest bidder at a public sale in whatever Nevada city affords, in his judgement, the most favorable market for the property involved. Within the state treasury there is created an abandoned property trust fund for all money received by the department of commerce under this act. At the end of each fiscal year the amount of the fund balance in excess of \$25,000 must be deposited with the state treasurer for credit to the state general fund.

- A.B. 157 (chapter 36) Relates to estates of decedents and resolves a conflict concerning fees charged by the county clerk in small estates.
- A.B. 822 (chapter 551) Revises method of determining attorneys' fees respecting estates of decedents.
- S.B. 352 (chapter 322) Prescribes form of affidavit required to obtain possession of assets of estates valued at less than \$5,000.
- S.B. 354 (chapter 380) Limits certain actions against estates for which no letters of administration have been issued.

- S.B. 364 (chapter 302) Removes requirement of supporting affidavit for certain small claims against estates.
- S.B. 368 (chapter 303) Confers additional powers on fiduciaries.
- S.B. 379 (chapter 431) Makes various changes to law on guardianships.
- S.B. 395 (chapter 355) Expands powers of guardians.
- S.B. 556 (chapter 515) Revises provisions of law concerning public administrators and guardians.

GAMING AND TOURISM

- S.B. 122 (chapter 311) Increases commission deducted and tax payable by licensee for certain pari-mutuel betting.
- S.B. 131 (chapter 524) Increases penalties for violation of certain gaming laws.
- S.B. 165 (chapter 320) Removes the so-called Sinatra exemption from the gaming laws. This exemption allowed certain entertainers to be exempt from licensing by the gaming control board and gaming commission.
- S.B. 236 (chapter 430) Makes various changes to laws regulating gaming.
- S.B. 293 (chapter 235) Declares that the public policy of the state with respect to gaming licensing and control includes fostering the stability and success of the industry.
- S.B. 420 (chapter 662) Provides for gaming licenses for limited partnerships.
- S.B. 491 (chapter 564) Provides further limitations on liability of owners or keepers of public accommodations for theft, loss, damage or destruction of property of guest.
- S.B. 500 (chapter 441) Adds a new chapter to Title 41 of the Nevada Revised Statutes relating to gaming establishments. The act provides for the appointment of a supervisor following the revocation, suspension or lapse of the license of any person whose license is essential to the operation of a gaming establishment. In these

instances, the Nevada gaming commission may petition the district court for the county in which the establishment is located to make the appointment. The supervisor is given the responsibility of managing the establishment, and his duties and authorities are outlined. The act also provides for sale of the establishment by the owners or supervisor.

S.B. 551 (chapter 583) Prohibits the denial of licenses for liquor and gaming solely for lack of citizenship.

HANDICAPPED PERSONS AND DISABLED VETERANS

- A.B. 529 (chapter 453) Extends provisions for special education outside of the state to persons having certain types of handicaps.
- S.B. 140 (chapter 26) Removes certain restrictions from fishing licenses issued to blind persons.
- S.B. 141 (chapter 76) Provides that public officers and employees responsible for meetings of public bodies must make reasonable efforts to assist and accommodate physically handicapped persons desiring to attend such public meetings.
- S.B. 142 (chapter 230) Revises provisions concerning vending stands operated by blind persons.
- S.B. 143 (chapter 382) Provides that an interpreter must be appointed at public expense for a speech or hearing handicapped person who is party to or a witness in a criminal proceeding. Unless otherwise agreed upon by the parties, a person may not be appointed as an interpreter of a handicapped person in a proceeding if he is the spouse of the handicapped person or related to him, otherwise interested in the outcome of the proceeding or biased for or against one of the parties.
- S.B. 432 (chapter 390) Requires issuance of hunting and fishing licenses without charge to certain disabled veterans.
- S.B. 433 (chapter 606) Enlarges class of disabled veterans exempt from vehicle privilege tax and reduces registration fee on certain of their vehicles.

HEALTH, HEALTH PROFESSIONS, WELFARE, SOCIAL SERVICES
DOMESTIC AFFAIRS

- A.B. 49 (chapter 288) Increases standards for licensing of nurses and limits reciprocity of admission of foreign nurses.
- A.B. 50 (chapter 125) Increases the maximum and minimum license fees for nurses.
- A.B. 51 (chapter 411) Sets certain requirements for continuing education of nurses.
- A.B. 115 (chapter 85) Adopts the Uniform Child Custody Jurisdiction Act. The purpose of the act, promulgated in 1968 by the National Conference on Uniform State Laws, is to avoid state jurisdictional conflict and competition in child custody cases. Under previous law, courts in the different states have acted in isolation from each other to the point that one state court would award custody of a child to the mother while another would award it to the father. Also, jurisdiction in child custody cases was usually based on the physical presence of the child. The uniform act provides several criteria for determining jurisdiction, including the best interests of the child and the child's home state. The act provides for one state to assume responsibility for a child's custody with the cooperation and assistance of other states.
- A.B. 117 (chapter 203) Provides that persons without drivers licenses need only be 10 years of age instead of an adult to obtain identification cards issued by the department of motor vehicles.

- A.B. 163 (chapter 268) Entitles insured under health insurance policy to same reimbursement for treatment by psychologist in certain cases.
- A.B. 172 (chapter 168) Revises provisions for placement of children for adoption and permanent free care.
- A.B. 191 (chapter 626) Revises laws regulating psychologists.
- A.B. 231 (chapter 224) Provides for the visitation rights of relatives to an unmarried minor child of a divorced or deceased parent. A district court makes the determination to grant these rights on the basis of the best interests of the child and on the amount of contact that occurred between the relative and the child before a visitation petition was filed.
- A.B. 253 (chapter 90) Provides the authority to establish and operate canteens for the benefit of clients and employees of the division of mental hygiene and mental retardation.
- A.B. 265 (chapter 269) Abolishes the "tender years" criterion used in awarding child custody in divorce cases. Under previous law, the custody of young children was almost always awarded to the mother. This act provides for the award of custody of a minor child on the basis of the best interests of the child. Also, under the bill, a district court is permitted to grant joint custody of a child.
- A.B. 334 (chapter 685) Extends jurisdiction of district courts in divorce cases to

adjudication of rights in property held in joint tenancy.

- A.B. 414 (chapter 174) Expands provisions for safekeeping money and personal property belonging to clients of facilities of mental hygiene and mental retardation division of the department of human resources.
- A.B. 502 (chapter 294) Limits county relief to indigents who are or intend to become residents of county.
- A.B. 509 (chapter 360) Reduces age of eligibility for examination and certification as dispensing optician from 21 to 18.
- A.B. 546 (chapter 368) Expands membership of medical-legal screening panels to include hospital administrators.
- A.B. 580 (chapter 491) Allows certified optometrists to purchase and administer certain drugs provided they have a state optometrist's license, have completed a course in general and ocular pharmacology, and passed an examination administered by the Nevada state board of optometry.
- A.B. 588 (chapter 296) Permits county hospitals to employ certain medical personnel as independent contractors and purchase certain items without receiving bids.
- A.B. 599 (chapter 370) Increases the fee for marriage licenses from \$10 to \$20. The county clerk receives \$13 for each license issued, the county recorder \$3, and the state \$4. This act also requires counties to provide facilities for the solemnizing of

marriages separate from those where the licenses are issued.

- A.B. 667 (chapter 331) Establishes procedure for review of certain decisions involving licensing of certain health facilities.
- A.B. 673 (chapter 691) Revises provisions of law concerning podiatrists.
- A.B. 825 (chapter 651) Authorizes boards of hospital trustees to offer certain inducements to physicians.
- S.B. 5 (chapter 162) Adopts the Uniform Brain Death Act, promulgated by the National Conference of Commissioners on Uniform State Laws in 1978. Prior to 1970, death was defined by common law as the "absence of spontaneous respiratory and cardiac function." Medical technology has, however, overcome the natural cessation of both breathing and heartbeat as the sole criteria for establishing death. This has created some concern among physicians regarding their legal liability of withdrawing life-support systems. This act simply approves the withdrawal of artificial life support systems when the whole brain has sustained irreversible cessation and also provides Nevada with a statutory definition of death.
- S.B. 8 (chapter 10) Clarifies that provisions governing certain duties of coroners apply in all counties of the state.
- S.B. 68 (chapter 53) Directs the state board of health to establish certain standards for

ambulances and attendants and prohibits misrepresentation by uncertified emergency medical technicians and ambulance services.

- S.B. 69 (chapter 105) Revises provisions requiring notice and hearing for proposed regulations of district boards of health and requires such boards to file adopted regulations with certain county clerks.
- S.B. 74 (chapter 95) Provides that dentists may be members of the staff of physicians of a county hospital and removes dentistry from the list of allied health professions.
- S.B. 78 (chapter 148) Broadens the definition of group care facility.
- S.B. 79 (chapter 103) Recognizes home health agencies as health and care facilities and provides for their licensure and regulation by the health division of the department of human resources. A home health agency provides skilled nursing services, speech or occupational therapy, nutritional or vocational guidance, social or medical services, assistance and training in health and housekeeping skills, and can be operated by an individual or a state or local government agency.
- S.B. 80 (chapter 144) Provides for the deposit of certain health and care facilities' licensing fees into the general fund.
- S.B. 89 (chapter 277) Specifies when monetary judgements for minors may be paid to parents or must be paid to appointed guardians.

- S.B. 95 (chapter 246) Permits agent of prescriber to transmit prescription by oral order.
- S.B. 117 (chapter 217) Provides for the exclusion of children from public and private schools, and from day care centers who have not been immunized. Under previous law children had to be immunized before they could be enrolled in school with the exception of children with certain religious beliefs or medical conditions. Under this act, the state board of health or a local board of health, can require all children to be immunized within 90 days if they determine that a dangerous contagious disease exists. If the child is not immunized within 90 days, he must be excluded from the facility. Also, under the bill, a county, city, town or district board of health must provide immunization clinics at least 1 month before the opening day of school. All children who attend a day care center must be immunized against diphtheria, tetanus, pertussis (if the child is under 6 years of age), poliomyelitis, rubella, rubeola, any other disease(s) for which the state board of health deems immunization necessary.
- S.B. 145 (chapter 356) Authorizes a registered nurse holding both a certificate from the state board of nursing and a registration certificate from the state board of pharmacy to possess, prescribe, administer and dispense controlled substances, poisons and dangerous drugs.
- S.B. 146 (chapter 501) Changes certain requirements respecting licenses and construction

- applications of health facilities and agencies.
- S.B. 159 (chapter 590) Requires license to manufacture drugs, devices or cosmetics, and provides penalty.
- S.B. 170 (chapter 158) Enables the board of hearing aid specialists to establish requirements for the continuing education of its licensees and prohibits any person who is not licensed from engaging in the business of a hearing aid specialist.
- S.B. 172 (chapter 591) Revises laws regulating dispensing opticians.
- S.B. 187 (chapter 147) Permits the president or secretary of the board of chiropractic examiners to issue subpoenas for the attendance of witnesses and the production of documents or other tangible evidence at disciplinary hearings.
- S.B. 188 (chapter 112) Standardizes the fee for licensing chiropractors.
- S.B. 212 (chapter 233) Creates special silicosis fund and makes appropriation.
- S.B. 231 (chapter 594) Creates a board of examiners for audiology and speech pathology, responsible for the licensure and regulation of these professions. The board is composed of two speech pathologists and one audiologist, with at least 2 years of experience, a physician who specializes in otolaryngology, pediatrics or neurology, and a member from the public at large. All of the members are appointed by the governor.

- S.B. 278 (chapter 478) Requires health division of the department of human resources to maintain certain records to aid in identification of dead bodies.
- S.B. 294 (chapter 599) Establishes methods for determining the parentage of children, provides for the enforcement of the obligations of child support, establishes a state register for adoptions, and sets forth new criteria for the relinquishment of children for adoption. Under the act, in order to establish paternity, an action must be brought to determine the existence or nonexistence of a father and child relationship. An informal hearing is then held, the proceedings of which are confidential. A district court can order the mother, child, and/or the presumed father to submit to a blood test, the results of which can be used as evidence. If the test is refused it is presumed that the results would be detrimental to the interests of the individual involved. The decision rendered by the court can be an economic obligation for the presumed father, without establishing a father and child relationship; or the alleged father can voluntarily acknowledge his paternity; or the case can be dismissed. The act also provides for the termination of an alleged father's parental rights in certain cases of relinquishment for adoption. If the natural father cannot be identified under the new criteria for determining parentage, a mother or an agency with custody of the child can terminate the parental rights of the father. If

the father can be identified, using the new criteria for determining parentage under this act, the natural father's consent to the relinquishment is required unless his parental rights have been terminated. Finally, the act establishes the state register for adoptions. The register is to contain the names, and any other information the welfare division considers necessary, from individuals who have placed a child for adoption, who have adopted one, or whose parental rights have been terminated. It also contains the same information for adopted children 18 years of age or older. The information in the register must be voluntarily submitted.

- S.B. 331 (chapter 506) Allows skilled nursing facilities under certain circumstances to retain possession of certain drugs past period for which they were prescribed.
- S.B. 344 (chapter 317) Allows issuance of birth certificate to replace certificate written in language other than English.
- S.B. 348 (chapter 379) Requires physicians to comply with continuing education requirements, adopted by the board of medical examiners, before their licenses can be renewed.
- S.B. 376 (chapter 418) Clarifies requirements that commercial ambulance services comply with rate and service provisions of law regulating motor vehicle carriers.
- S.B. 389 (chapter 389) Allows issuance of limited licenses to practice medicine to resident

physicians in certain postgraduate training programs in hospitals.

- S.B. 414 (chapter 255) Authorizes certain persons to enucleate eyes of dead persons to carry out purposes of anatomical gifts.
- S.B. 465 (chapter 510) Provides for the appointment of an additional member to the state board of veterinary medical examiners.
- S.B. 466 (chapter 563) Authorizes the establishment of hospices which are alternatives to hospitals for the care of terminally ill persons who do not require the full services of a hospital.
- S.B. 470 (chapter 610) Creates a program to research the therapeutic effects of marihuana on cancer patients suffering from chemotherapy and on persons suffering from glaucoma. Patients for the program are screened by a review board of three physicians and the program is administered by the division of health.
- S.B. 554 (chapter 616) Revises requirements for training centers for retarded persons to receive aid.
- S.B. 564 (chapter 670) Amends various statutes relating to dangerous drugs, poisons and hypodermic devices.
- S.B. 565 (chapter 671) Makes various amendments to laws relating to pharmacists and pharmacies.

INSURANCE, INDUSTRIAL INSURANCE, MOTOR VEHICLE INSURANCE,
INDUSTRIAL COMMISSION

- A.B. 27 (chapter 675) Establishes an advisory board to review the functioning of the Nevada industrial commission. The board's recommendations are to be made in writing to the Nevada industrial commission, the governor, the legislative commission and any appropriate subcommittee of the legislative commission. The commission must respond in writing to the recommendations. If the commission fails to put into effect a recommendation of the advisory board, the commission must appear at the next meeting of the legislative commission to justify its failure to carry out the recommendation.
- A.B. 84 (chapter 533) Permits self-insurance against liability for industrial accidents and occupational diseases. The requirements for becoming a "self-insured" employer are specified. The commissioner of insurance is given the responsibility to administer the program and is authorized to impose fines and withdraw the certification of a self-insured employer under certain circumstances. The act provides for administrative hearings and appeals, and creates for this purpose a hearings division in the department of administration. The act also outlines procedures for review of proposed rate changes.
- A.B. 108 (chapter 684) Requires that applications for motor vehicle registration and reregistration be accompanied by a statement

from the insurer that mandatory insurance is in effect. Evidence of current insurance is to be carried in the vehicle. The act also provides penalties for violations. If a person operates or knowingly permits operation of a vehicle, without having evidence of current insurance in the vehicle, he is to be fined from \$100 to \$500. If he fails or refuses to surrender proof of security upon demand from a peace officer or representative of the department of motor vehicles, he is subject to the same fine. However, he may not be fined if he presents evidence to the court that the required security was in effect at the time demand was made for it. The act also makes very explicit the requirement that every owner of a motor vehicle requiring registration in this state must continuously provide security, through contract of insurance or qualification as a self-insurer, to cover liabilities arising from use or maintenance of the vehicle.

- A.B. 470 (chapter 293) Provides industrial insurance coverage for paid firemen injured while performing certain voluntary services off duty.
- A.B. 489 (chapter 425) Increases the benefits (from \$1,200 to \$2,500) under industrial insurance for death resulting from an industrial accident.
- A.B. 564 (chapter 490) Clarifies compulsory industrial insurance of musicians.
- A.B. 594 (chapter 543) Requires group health insurance policies to include conversion provisions.

- A.B. 723 (chapter 576) Increases certain fees collected by the commissioner of insurance.
- A.B. 725 (chapter 474) Requires that the Nevada industrial commission submit its proposed budget to the chief of the budget division of the department of administration for his information in preparing the executive budget. Under previous law, the divisions in the legislative department, the public employees' retirement system and the judicial department had to provide proposed budgets to the chief, if he so requested. A.B. 725 now makes it mandatory that these entities submit their proposed budgets to him.
- A.B. 732 (chapter 334) Removes requirement of actuarial experience for chairman of Nevada industrial commission.
- A.B. 826 (chapter 697) Makes assorted amendments to the Nevada Insurance Code.
- S.B. 11 (chapter 427) Amends provisions for obligations and assessments of Nevada Life and Health Insurance Guaranty Association.
- S.B. 75 (chapter 586) Specifies the benefits relative to treatment of alcohol abuse that must be provided as an option in every individual or group insurance policy offered in this state. An advisory task force is created to perform these functions. First, the task force is to review the procedures employed by the bureau of alcohol and drug abuse for certifying persons, accrediting programs and licensing facilities, and to

recommend any necessary changes to the bureau. Second, it is to advise the insurance division on carrying out the provisions of the law. Third, the task force is responsible for advising the 1981 session of the legislature about appropriate maximum levels of benefits and methods of determining future benefit levels for insurance coverage. The existence and duties of this task force are to terminate on July 1, 1981.

- S.B. 275 (chapter 321) Requires Nevada industrial commission and rehabilitation division of department of human resources to conclude certain annual agreements.
- S.B. 303 (chapter 377) Requires recognition of chiropractic care by Nevada industrial commission.
- S.B. 313 (chapter 660) Repeals the Nevada Motor Vehicle Insurance Act as of January 1, 1980. Thus, after this date "no-fault" motor vehicle insurance will not be required in Nevada. However, liability insurance or "proof of financial responsibility" as a self-insurer is still required.
- S.B. 384 (chapter 403) Sets requirements for notice and hearing before closing of certain cases by Nevada industrial commission.
- S.B. 405 (chapter 661) Increases the industrial insurance benefits for any claimant or his dependents, residing in the state, who receive compensation for permanent total disability on account of an industrial injury or disablement due to occupational disease occurring before April 9, 1971. It

also increases the benefits to survivors, residing in the state, who receive death benefits on account of an industrial injury or disablement due to occupational disease occurring before July 1, 1973.

INTERIM STUDY RESOLUTIONS AND BILLS DIRECTING
STUDIES

A.C.R. 3 (file no. 121)	Directs legislative commission to study problems of owners and renters of mobile homes.
A.C.R. 21 (file no. 122)	Directs legislative commission to study data processing by Nevada state government.
A.C.R. 22 (file no. 123)	Directs legislative commission to study public service commission of Nevada.
A.C.R. 29 (file no. 124)	Directs legislative commission to study motor vehicle insurance rates and rating practices.
A.C.R. 30 (file no. 125)	Directs legislative commission to study maintenance of state highways as administered by department of highways.
A.C.R. 32 (file no. 126)	Directs legislative commission to study matters preparatory to 1981 reapportionment.
A.C.R. 34 (file no. 127)	Directs legislative commission to study juvenile crime and abuse of alcohol.
A.C.R. 37 (file no. 128)	Directs legislative commission to study problem of access of sportsmen to public land over private land and related problems.
A.C.R. 41 (file no. 129)	Directs legislative commission to study Nevada prison system and alternatives to incarceration.
A.C.R. 42 (file no. 130)	Directs legislative commission to conduct interim study of means of

	employing continuous recipients of welfare.
A.C.R. 46 (file no. 131)	Directs legislative commission to study water problems in the state.
A.C.R. 51 (file no. 132)	Directs legislative commission to study private providers of care.
A.C.R. 62 (file no. 134)	Directs legislative commission to conduct interim study of transportation and disposal of radioactive material.
A.B. 523 (chapter 688)	Provides for performance audits of certain boards, commissions and similar bodies in executive department of state government.
A.B. 653 of the 59th session (chapter 4)	Establishes the legislative committee for the review of federal regulations, specifically those pertaining to public lands administered by the Department of Interior. This bill was vetoed by Governor O'Callaghan in 1977. The veto was overridden by the sixtieth session. The committee, to be appointed by the chairman of the legislative commission, shall consist of two state senators and two assemblymen. The committee is authorized to review and comment on any administrative policy, rule or regulation of the Secretary of Interior relating to federal public lands in Nevada. Investigations, research by the legislative counsel bureau, and hearings are also authorized. In conducting investigations or hearings, the committee may issue subpoenas to compel the attendance of witnesses and the

production of books and papers. Court proceedings are specified for witnesses failing or refusing to attend or produce such books and papers.

- A.B. 848 (chapter 652) Establishes committee to study feasibility of establishing program for continued professional development of teachers and makes appropriation.
- S.C.R. 5 (file no. 87) Continues existence of select committee on public lands.
- S.C.R. 14 (file no. 136) Directs legislative commission to study use of federal money in state and local programs.
- S.C.R. 17 (file no. 137) Directs legislative commission to study child abuse and state and local efforts to prevent it and protect children.
- S.C.R. 19 (file no. 138) Directs legislative commission to study alternatives for organization and financing of judicial services involving juveniles.
- S.C.R. 23 (file no. 139) Directs legislative commission to study and develop statewide master plan for fire protection and control.
- S.C.R. 26 (file no. 140) Directs legislative commission to study libraries and other systems for storing information.
- S.C.R. 40 (file no. 141) Directs legislative commission to study means of obtaining greater efficiency and economy in state public works.
- S.C.R. 42 (file no. 142) Directs legislative commission to study effects of tax relief measures

passed by 60th session of
legislature.

S.C.R. 45 (file no.
99)

Directs legislative commission to
make compilation of special and
local acts.

S.C.R. 49 (file no.
143)

Directs legislative commission to
study gaming industry.

S.C.R. 54 (file no.
144)

Directs legislative commission to
study Nevada's laws relating to
local government bonding.

S.C.R. 58 (file no.
110)

Directs legislative commission to
study apportionment of costs of Las
Vegas metropolitan police department.

LABOR, LABOR UNIONS AND UNEMPLOYMENT COMPENSATION

- A.B. 241 (chapter 536) Amends and clarifies ineligibility for unemployment compensation when an individual was discharged for misconduct connected with his work. This act provides that a person is ineligible for benefits for the week in which he has filed a claim for unemployment benefits if he was discharged from his last or next to last employment for misconduct connected with his work. He shall remain ineligible until he earns remuneration in covered employment equal to or exceeding his weekly benefit amount in each of not more than 15 weeks thereafter as determined by the executive director of the employment security department, in each case according to the seriousness of the misconduct.
- A.B. 581 (chapter 212) Removes the limit on the number of hours a person may work pursuant to a public works contract.
- A.B. 831 (chapter 426) Reduces the minimum hours of experience required to be provided to apprentices under indentures from 4,000 hours of reasonably continuous employment to 2,000 hours. A copy of the indenture must be forwarded within 10 days after approval to the state apprenticeship council for review.

LEGISLATURE, LEGISLATIVE IMPROVEMENT, LEGISLATIVE
OVERSIGHT, LEGISLATIVE COUNSEL BUREAU AND LOBBYISTS

- A.B. 161 (chapter 291) Increases certain allowances to legislators for travel and telephone calls. The travel allowance for session travel is increased from \$1,700 to \$2,550. This is for actual travel and is paid only if travel expenses during a regular session are actually incurred. The allowance of \$710 for a special session is increased to \$1,000. In both cases, the travel allowance may now be used for travel within state related to legislative business, not just travel to and from home. The allowance for telephone calls is increased from \$500 to \$1,000 for a regular session. It remains at \$200 for a special session. These allowances are paid to all legislators whether their actual expenses are more or less than the allowance. Finally, a special communications allowance of \$300 for a regular session and \$40 for a special session is provided for all committee chairmen and the leadership in each house. Under previous law, there was an allowance of \$100 for a regular session just for committee chairmen. The amount was increased and house leadership added in this bill.
- A.B. 165 (chapter 51) Creates a service division within the legislative counsel bureau.
- A.B. 330 (chapter 108) Extends the time when legislative counsel is required to codify existing regulations of state agencies.

- A.B. 348 (chapter 630) Permits legislative commission to delegate to committee its power to review adopted regulations of state agencies.
- A.B. 556 (chapter 272) Prohibits employers from considering employee's service as legislator as break in service for purposes of private pension plan.
- S.B. 55 (chapter 276) Requires fiscal notes on joint resolutions of legislature.
- S.B. 255 (chapter 364) Establishes a system of legislative oversight for a number of executive branch operations primarily fiscal in nature. First, it requires the personnel division to divide all state jobs into classifications and subclasses. The purpose of establishing such a uniform system is to allow the legislature to better compare jobs and salaries. No position may be changed from one class or subclass to another without approval of the interim finance committee. Second, and most important in effect, the bill sets up a process for applying for and accepting grants and gifts by executive agencies. Gifts and grants that are not of an emergency nature must be submitted for approval to the interim finance committee. Gifts up to \$10,000 and grants up to \$50,000 are excluded from the review and approval process. Third, no changes may be made in an agency work program if the change exceeds \$25,000 or 10 percent of the agency budget without approval of the interim finance committee. The University of Nevada system is not subject to these

provisions. Certain other agencies are exempt from some of the provisions.

S.B. 263 (chapter 598) Provides for remuneration of legislators and staff during certain adjournments.

S.B. 542 (chapter 615) Transfers responsibility of registration of lobbyists from the secretary of state to the legislative commission and the director of the legislative counsel bureau.

S.B. 581 (chapter 617) Makes the records of travel expenses of legislators and legislative employees available for public inspection. The law that prohibits employees of the legislative counsel bureau from disclosing matters dealing with legislators prohibited the custodian of legislator travel records from making those records public. The records were, however, available and public through the preaudit function in the department of administration. Legislative travel records, contrary to some reports, were never secret, merely inaccessible through the legislative counsel bureau. This bill now directs that such records be available through the legislative counsel bureau.

LOCAL GOVERNMENT

- A.B. 10 (chapter 7) Authorizes an alternate use of electronic methods of indexing by county recorders.
- A.B. 16 (chapter 500) Makes an appropriation to the state forester firewarden for grants to assist rural fire departments and sets conditions for those grants.
- A.B. 20 (chapter 99) Transfers the recording of licenses of certain professions from the county clerk to the county recorder.
- A.B. 21 (chapter 113) Authorizes fire departments to investigate causes, origins and circumstances of fires.
- A.B. 86 (chapter 114) Relates to purchasing by local governments, raises the estimated value of contracts exempt from advertising and requires requests for bids on certain contracts.
- A.B. 113 (chapter 185) Provides the authority and procedure for certain annexations to unincorporated towns having a population of less than 25,000 in counties having a population less than 200,000.
- A.B. 176 (chapter 16) Removes the requirement that certain county license regulations be mailed to licensees and attorneys in the county and provides for public inspection of those regulations.
- A.B. 206 (chapter 38) Relates to metropolitan fire departments and repeals chapter 455, Statutes of Nevada 1977.

- A.B. 285 (chapter 189) Relates to the public employees' labor relations, provides certain reporting requirements, reduces the number of members on the employee-management relations advisory committee and changes certain administrative and arbitration procedures.
- A.B. 286 (chapter 117) Increases the limit on the amount which may be authorized for local purchases.
- A.B. 288 (chapter 71) Relates to cities incorporated under general law and to the City of Yerington, changes the requirement for publishing ordinances in full in local newspapers.
- A.B. 343 (chapter 191) Permits county to furnish blanket fidelity bond for all its elected officers.
- A.B. 345 (chapter 92) Clarifies Carson City's powers relative to water projects.
- A.B. 379 (chapter 271) Provides for fixing meeting place of board of county commissioners by ordinance. The law had required such meetings only in county seats.
- A.B. 426 (chapter 635) Extends time for preparation of budget in certain counties and for collection of certain taxes.
- A.B. 441 (chapter 323) Increases to 20 acres the amount which must be owned to qualify as an elector in an irrigation district.
- A.B. 496 (chapter 242) Permits boards of county commissioners in counties having a population of less than 100,000 to establish employee merit personnel systems.

- A.B. 606 (chapter 329) Provides for financing of certain municipal assessment districts without issuance of bonds.
- A.B. 609 (chapter 690) Proposes various amendments to Carson City charter.
- A.B. 628 (chapter 257) Authorizes creation of advisory boards by boards of county commissioners.
- A.B. 632 (chapter 298) Authorizes local governments to invest in certain securities.
- A.B. 645 (chapter 244) Removes the requirement that the county offices of Clark County be maintained in Las Vegas.
- A.B. 664 (chapter 274) Changes procedure for handling certain claims against certain counties.
- A.B. 666 (chapter 258) Removes limit on accumulation of sick leave which a county may provide for its officers and employees.
- A.B. 682 (chapter 371) Extends time allowed for adopting county ordinances.
- A.B. 749 (chapter 475) Authorizes boards of county commissioners to establish fire departments.
- A.B. 816 (chapter 518) Reapportions the costs of certain metropolitan police departments.
- S.B. 72 (chapter 338) Changes the population basis for the exercise of powers by local governments when based on population. Many provisions in Nevada law apply to local entities with certain populations or in which there are a certain number of voters registered or

votes cast in a preceding election. The approach of the 1980 decennial census made it necessary to review all of these provisions wherever found in the NRS. The result is a 63 page bill that goes into effect on the date that the U.S. Secretary of Commerce reports the 1980 census to the President. For the most part, the revisions serve to maintain the application of laws to the local government entities to which they now apply.

- S.B. 114 (chapter 279) Permits actions against political subdivisions without naming members of their governing bodies.
- S.B. 175 (chapter 96) Clarifies certain provisions concerning the resolution of inconsistencies between the land use plans of local government entities.
- S.B. 193 (chapter 64) Resolves a conflict concerning the authority of political subdivisions to regulate greyhound racing.
- S.B. 239 (chapter 595) Provides that a person residing in a general improvement district need not register anew for a district election if he is otherwise registered to vote.
- S.B. 299 (chapter 504) Permits local governments to establish trust funds with respect to certain employee group insurance.
- S.B. 359 (chapter 301) Makes various amendments to North Las Vegas city charter.
- S.B. 396 (chapter 420) Removes sheriff from license board and liquor board and authorizes a county license department in Clark County.

- S.B. 427 (chapter 432) Provides alternative procedure for annexation in Clark County when petition is signed by all property owners within area.
- S.B. 446 (chapter 352) Revises provisions governing issuance of bonds and collection of special assessments by general improvement district.
- S.B. 472 (chapter 582) Provides requirements for appointment of town advisory boards in unincorporated towns in Clark County.
- S.B. 479 (chapter 433) Provides exception to general prohibition against purchases from trustees of general improvement districts.
- S.B. 506 (chapter 348) Authorizes general improvement districts to provide space heating.
- S.B. 515 (chapter 345) Corrects internal reference concerning registration for elections in general improvement districts.
- S.B. 527 (chapter 666) Relaxes restrictions on power of larger cities to order disinterment of human remains in certain cemeteries and reinterment of the remains in other burial places.
- S.B. 570 (chapter 570) Provides manner in which general obligation bonds and revenue bonds for municipal airports may be sold.

MOBILE HOMES, MOBILE HOME PARKS

- A.B. 211 (chapter 447) Provides the circumstances under which mobile homes and factory built housing become real property. Mobile homes, if the running gear is removed, and factory built housing constitute real property if after July 1, 1979, they become permanently affixed to land which is owned by the owner of the mobile home or factory built housing. If they became so affixed before July 1, 1979, the owner may file with the county assessor by May 1, 1980, a statement declaring his desire to have the mobile home or factory built housing classified as real property. On loans secured for mobile homes or factory built housing which constitute real estate on real property, the charge for interest cannot exceed 18 percent of the unpaid balance of the amount of cash advanced. The act also covers identifiable charges or premiums for insurance for loans made on mobile homes and factory built housing classified as real property and specifies applicable fees on any loan which is secured in whole or in part by real property. Additionally, a borrower may be required to provide title insurance on real property offered as security for a loan under this act.
- A.B. 769 (chapter 648) Clarifies role of affidavits in certain eviction proceedings.
- A.B. 784 (chapter 692) Provides that the governing body of each city and county may establish a

board to mediate grievances between landlords and tenants of mobile home parks. If such a board is created it must include owners and tenants of mobile home parks as well as members representing the general public. Boards shall attempt to adjust grievances between landlords and tenants by means of mediation or negotiation, recommend changes in local ordinances relating to mobile home parks, recommend measures to promote equity and encourage the development of mobile home parks to meet community needs. The act specifies that a written rental contract or lease must be executed between a landlord and tenant if so requested by either party. The written rental contract or lease must contain at least 11 specific subjects. A.B. 784 also specifies certain acts which are not allowed of a landlord or his agent or employee. Any landlord who violates such provisions is subject to a misdemeanor on the first offense, a gross misdemeanor on the second, and for the third or subsequent offense, is subject to imprisonment for 1-6 years or a fine of not more than \$5,000, or both. Unless further restricted by local ordinance, if more than 80 percent of the lots in a mobile home park are occupied, it is unlawful for a mobile home dealer, installer or salesman to rent or lease a vacant mobile home lot unless within 60 days he takes up residence in the mobile home or releases the lot to a qualified tenant.

- S.B. 173 (chapter 592) Establishes the manufactured housing division in the department of commerce.
- S.B. 484 (chapter 509) Requires certain mobile homes and travel trailers rented or leased for residential use to meet safety standards.
- S.B. 550 (chapter 513) Includes the acquisition or development of mobile home parks and facilities, the leasing or rental of mobile home lots in a park, or the purchase, leasing or rental of mobile homes in the definition of "housing project" in the Housing Authorities Law of 1947.

MOTOR VEHICLES, HIGHWAYS AND TRANSPORTATION

- A.B. 44 (chapter 57) Lessens penalties for altering mufflers on motorcycles.
- A.B. 65 (chapter 126) Empowers the public service commission to compel the production of records of carriers which are not maintained in this state.
- A.B. 76 (chapter 84) Provides for uniformity in the standards employed by the public service commission in regulating the charges and practices of motor carriers.
- A.B. 103 (chapter 683) Provides for the creation of a department of transportation. The title of the Nevada department of highways is changed to the department of transportation and the title of the state highway engineer is changed to "director" of the new department. The department is to consist of a director, a deputy director and four divisions-- administrative division, operations division, engineering division and planning division. The act specifies the primary responsibilities of the planning division. Of special significance are the requirements that the planning division "Develop and coordinate balanced transportation policy and planning * * *" and that the division "Establish planning techniques and processes for all modes of transportation at an appropriate level* * *." The act also specifies that the transportation department shall not operate any railroad or airport.

- A.B. 280 (chapter 74) Clarifies a provision which requires the signature of a responsible person on a minor's drivers license application.
- A.B. 281 (chapter 532) Revises laws regulating motor vehicle dealers.
- A.B. 282 (chapter 75) Provides for a new registration code for license plates.
- A.B. 283 (chapter 69) Requires persons operating vehicles required to be registered in Nevada to provide security.
- A.B. 284 (chapter 70) Extends the optional registration of motor trucks by anniversary and clarifies the meaning of "fee" for a certificate of title.
- A.B. 453 (chapter 527) Revises requirements of reporting sale of certain vehicles.
- A.B. 465 (chapter 209) Extends to trailers authority for special plates with owners' radio call letters.
- A.B. 468 (chapter 151) Authorizes personalized license plates for motorcycles.
- A.B. 476 (chapter 540) Makes various changes in law concerning motor vehicle carriers.
- A.B. 549 (chapter 325) Allows the use of the proceeds of the county motor vehicle fuel taxes for surfacing and resurfacing of highways as well as new construction. Under previous law, these taxes could only be used to finance new construction.
- A.B. 591 (chapter 454) Requires use of safety chains between certain trailers and vehicles towing them.

- A.B. 617 (chapter 544) Specifies limit of recovery when two or more policies of casualty insurance are in effect.
- A.B. 633 (chapter 359) Authorizes appropriate county officials to remove obstacles and encroachments from public highways.
- A.B. 662 (chapter 456) Requires all taxicabs to have pollution control systems, and requires minimum fees of applicants for certificates.
- A.B. 672 (chapter 545) Requires department of economic development to prepare and publish navigational chart for private pilots.
- A.B. 679 (chapter 458) Creates classification of motor vehicle with three wheels, two of which are power driven.
- A.B. 695 (chapter 332) Extends time for appraisal of abandoned vehicles and changes notification procedure.
- A.B. 771 (chapter 459) Changes the dates during which studded tires may be used from between October 1 and April 30 (prior law) to between September 1 and April 30. This action conforms Nevada law to that of adjacent states.
- A.B. 775 (chapter 375) Adds positive requirement that taxicab administrator investigate background of applicants for permits as cab drivers.
- A.B. 819 (chapter 550) Requires 30 days' notice to certificate holder before cancellation of insurance on taxicabs.

- S.B. 47 (chapter 585) Creates new category of minor county roads. This bill is intended to insure that certain roads in rural areas are recognized in the federal wilderness review process. Such recognition will prevent wilderness designations that would result in the closing of these roads.
- S.B. 260 (chapter 596) Authorizes the issuances of bonds to provide funds to complete highway construction projects.
- S.B. 262 (chapter 597) Specifies certain rights and liabilities of lessor and lessee upon termination or expiration of a motor vehicle lease. The bill requires extensive disclosure by the lessor of a motor vehicle to a lessee of the liability of the lessee, insurance coverage required, who pays for the insurance and how the value of the vehicle is to be determined in the event of vehicle loss or damage. The law pertains primarily to the long-term lease of motor vehicles, including lease-purchase arrangements.
- S.B. 335 (chapter 341) Allows Nevada to participate in the U.S. Railroad Revitalization and Regulatory Reform Act of 1976 (4 R Act). This federal act makes available financial assistance for rail systems in the 31 states outside the northeastern region of the United States. S.B. 335 requires the Nevada department of highways (changed to the department of transportation by 1979's A.B. 103) to develop a state plan for rail service, and authorizes the department to carry out the plan.

As an alternative to abandonment of railroads, the Nevada act establishes a program for physical preservation of property of railroads while service on the lines is discontinued. Eligibility standards for participation in the program are set, and the owner of a line which has been admitted to the program is given an allowance for taxes on the trackage and other operating rail properties of the line admitted. The department of transportation is given the authority to contract for the purchase or lease and operation of trackage and other rail properties under certain circumstances. The department is also authorized to contract for the construction, improvement or rehabilitation of trackage and other rail properties under specified circumstances. Counties and cities are authorized to lease, purchase, construct and provide financial assistance to rail lines.

- S.B. 360 (chapter 343) Provides for the licensing and registration of experimental vehicles and exempts such vehicles from certain emission and pollution control requirements.
- S.B. 429 (chapter 580) Requires blood or urine tests for persons suspected of driving under the influence of a controlled substance, whether or not the smell of alcohol is present.
- S.B. 455 (chapter 521) Provides for special permits to operate vehicles exceeding legal maximum width on highways during weekends and holidays.

- S.B. 462 (chapter 519) Exempts employer who operates vehicle for transportation of his employees from provisions regulating motor carriers and taxicabs.
- S.B. 543 (chapter 512) Changes date after which certain motor vehicles must be inspected for compliance with standards for engine emissions.
- S.B. 545 (chapter 668) Amends the Washoe County Airport Authority Act.
- S.B. 553 (chapter 567) Conforms law requiring certain vehicles to stop at railroad crossing to federal regulations.
- S.B. 555 (chapter 514) Repeals certain provisions relating to warrants issued for violation of written promise to appear in court.
- S.B. 560 (chapter 568) Prohibits use of the files and records of the department of motor vehicles for commercial solicitation.
- S.B. 569 (chapter 569) Requires that fees collected for issuance of drivers' licenses be deposited in state general fund.

PUBLIC EMPLOYEES' RETIREMENT

- A.B. 140 (chapter 50) Relates to public employees' contributions for retirement and authorizes a refund for additional contributions abolished in 1977.
- A.B. 356 (chapter 173) Allows retired public employee to change certain retirement options and designate current spouse as beneficiary.
- A.B. 474 (chapter 487) Makes fiscal changes to the Public Employees' Retirement Act.
- A.B. 475 (chapter 424) Makes administrative change in Public Employees' Retirement Act and legislators' retirement system.
- A.B. 534 (chapter 489) Lowers age of eligibility and revises benefits for surviving spouses of deceased supreme court justices and district judges.
- A.B. 535 (chapter 542) Provides for pensions of justices of supreme court and judges of district courts to follow current salaries of those offices.
- A.B. 738 (chapter 335) Permits full service credit for part-time employment of certain public employees who are eligible to retire.
- S.B. 34 (chapter 476) Creates fund to provide investment income to pay for additional post-retirement increases.
- S.B. 181 (chapter 393) Removes prerequisite for withdrawal of certain judicial officers from public employees' retirement system.
- S.B. 258 (chapter 283) Extends and adds temporary increases in post-retirement allowances and benefits.

S.B. 415 (chapter 561) Requires consideration of age of member of public employees' retirement system at time of his retirement in computation of his full actuarial cost.

PUBLIC LANDS, PLANNING AND ZONING, DIVISION OF LAND

- A.B. 234 (chapter 188) Establishes ownership by the State of Nevada for the bed of Lake Tahoe below a line whose elevation is 6,223 feet, Lake Tahoe datum. The state department of conservation and natural resources shall adopt regulations governing the issuance of permits for various shorezone structures and activities at Lake Tahoe. However, former provisions for fees and annual rentals have been deleted from the statute.
- A.B. 366 (chapter 632) Changes scope of certain unlawful acts relating to subdivision of land.
- A.B. 406 (chapter 193) Places the financial responsibility for removing noxious weeds on federal land on the federal agency which controls the land.
- A.B. 413 (chapter 633) Claims state ownership of certain public lands within the boundaries of Nevada, creates a board of review, provides penalties and makes an appropriation relating thereto. This act, commonly referred to as the "Sagebrush Rebellion," presents a legislative finding that the State of Nevada has a strong moral and legal claim upon the public land retained by the federal government, namely the Bureau of Land Management, within Nevada's borders. This finding is based on conditions existing at the time of admission to the Union, past land grants and exchanges, and situations which have prevailed for other states which did not prevail for Nevada. From a legal standpoint, among others, the

"equal footing doctrine" as related to the State of Alabama was specified. The act states that exercise of broader control by the State of Nevada over public lands within its borders would be of great public benefit because of the preponderance of federally managed lands in many counties and the adverse effects relating to such a land ownership situation. A.B. 413 states that the purported right of ownership and control of the public lands within the State of Nevada by the United States is without foundation and violates the clear intent of the Constitution of the United States. The act provides that subject to existing rights, all public lands in Nevada and all minerals not previously appropriated are the property of the State of Nevada and subject to its jurisdiction and control. Any person carrying out any act affecting the public lands may do so only with the permission of the state land registrar or be in violation of the act. The public lands referred to are the approximately 48.4 million acres under the direct management of the Federal Bureau of Land Management within the Department of Interior. The Nevada division of state lands is authorized as the state agency to hold the public lands in the state in trust for the benefit of the people and shall manage them in an orderly and beneficial manner consistent with public policy. The public policy of the act states that the public lands of Nevada must be administered in such

a manner as to conserve and preserve natural resources, wildlife habitat, wilderness areas, historic sites and artifacts and to permit the development of compatible public uses for recreation, agriculture, ranching, mining and timber production and the development, production and transmission of energy and other public utility services under principles of multiple use which provide the greatest benefit to the people of Nevada. The act also creates a board of review consisting of the heads of various state resource agencies in order to review and approve or disapprove regulations for the management of public lands to be developed by the division of state lands. All existing rights of private citizens in the State of Nevada and other past documents of land ownership which might have been conveyed through the federal government will remain valid and intact. All persons who have lands conveyed, licensed, leased or permitted to be used by the federal government or any of its agencies will have these rights honored by the State of Nevada. The department of conservation and natural resources shall conduct an inventory and study of the public lands in Nevada to determine best methods of management to satisfy the public policy of the act and to serve as a predicate for the lawsuits which may be initiated by the attorney general. The attorney general is authorized to initiate or defend any action commenced in any court to carry out or enforce the provisions of this act.

- A.B. 428 (chapter 292) Requires a description of property by metes and bounds on the surveyor's certificate on final maps of subdivisions under certain circumstances.
- A.B. 589 (chapter 639) Authorizes counties and Carson City to pay certain amounts for salary and expenses to members of planning commissions.
- A.B. 627 (chapter 214) Repeals NRS 234.010 which specified the western boundary of Nevada in an incomplete manner. This bill was introduced in conjunction with A.J.R. 24 which proposes a constitutional amendment to adjust the boundary description of Nevada.
- A.B. 634 (chapter 273) Authorizes boards of adjustment to act by majority vote.
- A.B. 772 (chapter 358) Revises notice requirement for vacation or abandonment of streets or easements.
- S.B. 42 (chapter 428) Extends time for division of Colorado River resources of department of energy to issue bonds.
- S.B. 120 (chapter 657) Creates review and approval authority for local governing bodies relating to divisions of land into parcels each of which is 40 acres or larger in size but less than 640 acres. Under previous law the divider of land into parcels exceeding 40 acres each was required only to file an informational map with the county clerk of each county and the state division of real estate. The new law requires the filing of a tentative map, unless

waived, with the local planning commission or with the clerk of the governing body if there is no planning commission, along with a fee not to exceed \$250. The map must be entitled, "TENTATIVE MAP OF DIVISION INTO LARGE PARCELS." The map must be prepared by a registered land surveyor and show lots to be created. Also to be shown are roads or easements of access which exist or are proposed on the local master plan, easements for public utilities, existing easements for irrigation, drainage or normally continuously flowing water courses, indications of roads or easements which the owner does not intend to dedicate and the name and address of the owner of the land. Each lot must be accessible by road or easement traversable by vehicle suited to the area unless waived by the governing body. The planning commission may designate the location and width of any easements for roads and public utilities as shown on the master plan if there is one applicable to the area to be divided or which may be reasonably necessary to serve the area to be divided if there is no master plan. The tentative map must be approved, conditionally approved, or disapproved within 45 days of filing by the governing body. This action shall be based upon the requirements of the filing previously specified. The law also requires that each seller of more than one lot created by a "map of division into large parcels" must, before the intending purchaser signs any binding

agreement, disclose to him in writing by a separate document signed by the intending purchaser that the city, county, school district and special districts are not obligated to furnish any service, specifically mentioning fire protection and roads to the land so divided, and that any public utility may be similarly free of obligation.

- S.B. 229 (chapter 106) Authorizes the state land registrar to exchange or sell certain land situated in Lincoln County.
- S.B. 248 (chapter 166) Clarifies and amends the procedures for disposing of Carey Act lands.
- S.B. 259 (chapter 376) Requires appraisal of land to be acquired by state and clarifies other procedures for obtaining such land.
- S.B. 280 (chapter 383) Extends certain time and area limits respecting development of parks and playgrounds.
- S.B. 522 (chapter 613) Clarifies authority of chief of buildings and grounds division of department of general services to lease offices outside state buildings.
- A.J.R. 24 (file no. 73) Proposes an amendment to section 1 of article 14 of the constitution of the State of Nevada relating to the state boundary to adjust the constitutional boundary of the state to the actual boundary. This resolution must be passed again by the 1981 legislature before submission to the voters in 1982.

S.C.R. 25 (file no. 65) Admonishes Bureau of Land Management of Department of the Interior to cease its consideration for designation as wilderness land certain ineligible lands in Nevada.

SENIOR CITIZENS

- A.B. 66 (chapter 266) Exempts nonprofit carriers of elderly and handicapped persons from the requirement of obtaining a certificate of public convenience and necessity from the Nevada public service commission.
- A.B. 79 (chapter 139) Permits a public utility or common carrier to give free or reduced rates of transportation to elderly or handicapped persons.
- A.B. 247 (chapter 68) Enables local governments to purchase motor vehicle fuel to sell to nonprofit organizations which provide transportation especially for the elderly or handicapped.
- A.B. 250 (chapter 135) Redefines the property taxes for which senior citizens are entitled to property tax assistance in certain circumstances.
- A.B. 558 (chapter 473) Provides hunting and fishing licenses at reduced cost for elderly residents.
- S.B. 48 (chapter 654) Authorizes an increased property tax allowance for senior citizens who have owned a primary residence for at least 6 months and whose household income is \$11,000 or less. The maximum allowance, however, cannot exceed \$500.

SEXUAL DISCRIMINATION AND WOMENS' RIGHTS

- A.B. 151 (chapter 421) Establishes displaced homemaker center to provide employment counseling and training services, educational and counseling services for health care, financial management services, information regarding educational opportunities, referrals for legal assistance, and information about financial assistance programs. A displaced homemaker is an unemployed woman over 35 years of age, who has been a housewife for a substantial number of years, has had difficulty securing a job, and has lost her means of financial support. The state board for vocational education is responsible for establishing and evaluating the center. This act expires by limitation on July 1, 1985.
- A.B. 227 (chapter 204) Removes distinctions based on sex from statutes regulating prostitution.
- A.B. 229 (chapter 86) Removes an implication that a missing person is male only.
- A.B. 235 (chapter 169) Removes exclusive references to men in National Guard and militia.
- A.B. 244 (chapter 87) Removes distinctions based on sex from the compromising of claims for minor children.
- A.B. 245 (chapter 88) Removes distinction between widows and widowers as to rights of support of the families of decedents.
- A.B. 246 (chapter 89) Removes a special provision that married women be not liable for

punishment for certain crimes they commit if the crime was committed while acting under the threats, command or coercion of their husbands.

- A.B. 260 (chapter 205) Prohibits distinctions based on sex in salaries of school teachers.
- A.B. 261 (chapter 129) Removes distinctions based on sex on the application forms for insurance salesmen and brokers' licenses.
- A.B. 262 (chapter 187) Removes distinctions based on sex from certain homestead exemptions.
- A.B. 263 (chapter 225) Extends to widowers of veterans the right to request the assistance of the commissioner of veteran affairs. Widows of veterans have had such a right.
- A.B. 264 (chapter 140) Removes distinctions based on sex relating to convicted vagrants.
- A.B. 467 (chapter 241) Removes distinctions based on sex from residency for election purposes. Previously, a man who maintained a residence in more than one place could declare one as a voting residence. Now a woman may also.
- A.B. 479 (chapter 488) Provides for a temporary restraining order to be issued by a district court in domestic violence cases against an abusive spouse if physical injury has occurred to or the threat of it is present to a relative, spouse or present or former roommate. The order can either forbid physical injury or threats of physical injury, or prohibit entrance to a residence for a period

of up to 30 days. Violation of the order is a misdemeanor.

A.B. 480 (chapter 452) Authorizes a peace officer to make an arrest for spouse battery without witnessing it. An arrest can be made without a warrant on the basis of probable cause and evidence of bodily harm. Spouse battery is a misdemeanor offense. Ordinarily a police officer may not arrest without a warrant for a misdemeanor except when he witnesses it personally. This law makes an exception to this rule for spouse battery.

S.B. 437 (chapter 353) Requires counties to provide counseling and medical treatment to sexual assault victims. The victim, or the victim's spouse, can request medical treatment for the victim and counseling for both the victim and the spouse. A county must pay up to \$1,000 for the cost of such treatment. Under previous law a victim had to file a criminal complaint in order to qualify for the specified treatment. This act only requires the victim to file a police report.

STATE GOVERNMENT, PUBLIC OFFICERS AND EMPLOYEES

- A.B. 14 (chapter 394) Adds two members to the state board of agriculture and establishes their qualifications.
- A.B. 24 (chapter 365) Establishes a risk management division in the state department of administration. This bill was a recommendation of the interim study on the availability of liability and employee group insurance to local governments. The limited waiver of sovereign immunity by the state in 1965 means that the state has liability exposure for the acts and omissions of its employees up to the amount of \$35,000 per occurrence. The concept of risk management is well established in industry and is becoming common in government as well. It means the systematic analysis of the activities and work conditions of state offices and work centers in order to identify risks and to minimize exposure. The risk manager who heads the division will also assess the state's insurance needs. At the request of a local government, the services of the state risk management division can be made available to local entities as well.
- A.B. 87 (chapter 223) Extends group insurance and medical and hospital service coverage to retired public employees eligible for coverage under Medicare. The bill applies to retired local government employees only, not to state employees who have had the option for many years to continue

their health insurance by payment of the premium. The bill allows local governments to provide for the participation of retired employees in their group health plans for coverages beyond that provided by Medicare.

- A.B. 92 (chapter 31) Entitles employees of the supreme court or legislative branch of the government of the state to transfer, under certain circumstances, to the classified service on the same basis as employees may transfer within that service.
- A.B. 104 (chapter 5) Requires as an experiment that several agencies submit zero base budgets to the legislative money committees during the 1979 session. This was done but the results were not good, primarily because of inadequate time. As a result, A.C.R. 33 was passed which directs six executive agencies to prepare zero base budgets for the 1981 session. A zero base budget is one in which every item is justified in total, not just the additions to the previous budget. Such a budget also prioritizes all budget items in terms of the goals and objectives of the agency.
- A.B. 197 (chapter 395) Changes allowances for subsistence and travel expenses of state officers and employees. The maximum per diem for in-state travel was raised from \$30 to \$40. Mileage rates were increased from 17 cents to 19 cents per mile. Out of state per diem remains at \$17 for meals plus a reasonable room rate.

- A.B. 210 (chapter 627) Revises certain disciplinary and appeal procedures for classified state employees.
- A.B. 212 (chapter 115) Relates to boards, commissions and similar bodies in the executive branch of state government and, among other things, establishes uniform provisions for the appointment by the governor of members to these bodies.
- A.B. 222 (chapter 481) Exempts all emergency vehicles operated by volunteer fire departments from registration fees.
- A.B. 224 (chapter 482) Increases the amount payable by the state for group insurance coverage of state officers and employees.
- A.B. 249 (chapter 539) Provides for payment of group insurance premiums for retired state employees.
- A.B. 274 (chapter 59) Revises limitations on the purchase price of state automobiles.
- A.B. 341 (chapter 361) Provides for observance of Veterans' Day on a weekday each year.
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- A.B. 385 (chapter 415) Sets accrual rate of annual leave for state employees hired on or after July 1, 1979, and who have less than 3 years service. The rate is reduced from 15 days per year to 12.
- A.B. 407 (chapter 194) Extends the authority of the executive director of the state department of agriculture to adopt procedures for collecting fees for services of the department.

- A.B. 417 (chapter 535) Increases salaries of employees of State of Nevada in classified service. Effective January 1979, classified salaries were raised 8 percent. Another 5 percent raise will be provided January 1980.
- A.B. 443 (chapter 109) Abolishes the state land registrar appraisal and publication fund.
- A.B. 444 (chapter 486) Changes amount of and eligibility for payment to state employees for sick leave not taken.
- A.B. 445 (chapter 416) Expands number of years for which increases in payments for length of service may be made to state employees.
- A.B. 451 (chapter 451) Creates a commission on the future of Nevada consisting of 25 members appointed by the governor. Seven members are appointed from the various regions of the state, four members are state legislators, 10 members represent various interest groups, two represent local governments and two represent the general public. The commission is responsible for the identification of problems within regions, provision of a forum for the exchange of information concerning those problems, the identification of existing studies and organizations which can assist in resolving the problems and the identification of regional differences in the development of a state plan for the management of growth. In the development of that plan there is to be a clear statement of governmental policies and priorities based on issues and

citizen input as well as the recommendations of specific methods and measures for the management of growth. This act shall expire by limitation on December 31, 1980.

- A.B. 498 (chapter 143) Increases the amount which public agencies may pay for group insurance for employees.
- A.B. 523 (chapter 688) Schedules the termination of certain boards, commissions and similar bodies. This is Nevada's "sunset" legislation. The assumption behind sunset laws is that many agencies and activities of government continue to exist long after their original purpose is lost. A sunset mechanism forces a systematic examination of such agencies within a set time frame. In the absence of an affirmative legislative act, agencies would cease to exist as of a certain date. This bill is a limited sunset device. It can be viewed as a pilot project in which three agencies will be examined. They are the Nevada racing commission, the bureau of community health services and the real estate division. These three will cease to exist July 1, 1981, unless they are reestablished by the 1981 legislature.
- A.B. 576 (chapter 256) Authorizes the attorney general to charge state agencies supported from the state general fund for the services of his office.
- A.B. 802 (chapter 417) Authorizes state treasurer to invest state money and sell state securities.

- A.B. 806 (chapter 400) Provides for the pooling of money of local governments for investment.
- A.B. 850 (chapter 695) General Appropriations Act for support of state government for fiscal years 1979-80 and 1980-81. (Note: For more information about this bill, consult legislative counsel bureau publication entitled Legislative Appropriations Report Sixtieth Nevada Legislature.)
- S.B. 16 (chapter 9) Transfers certain administrative responsibilities for the Marlette Lake water system to the department of general services.
- S.B. 43 (chapter 8) Relates to depositories of public money, requires approval of the state board of finance and review by the state controller respecting certain accounts maintained by state agencies.
- S.B. 51 (chapter 499) Revises the procedures for applications to the interim finance committee for exceptions to certain limitations on salaries and permits elected county officers to submit such applications.
- S.B. 56 (chapter 18) Extends the free distribution of certain publications to libraries and the University of Nevada System.
- S.B. 96 (chapter 19) Removes the power of the secretary of state to commission notaries public.
- S.B. 127 (chapter 588) Enlarges the powers and duties of the housing division of the department of commerce. The housing division was established in 1975 for the

purpose of making mortgage loan money available to middle income Nevadans. This is done by the sale of state bonds and the lending of the proceeds to lending institutions for loans to individuals. The original amount authorized for this purpose was \$200 million. This bill raises the authorized bonding level to \$500 million. The other major feature of this bill is the setting aside of \$100 million of the total authorized for qualified borrowers who are also veterans.

- S.B. 149 (chapter 52) Changes certain accounting procedures used by the state computer facility and changes the name of the data processing commission revolving fund to the computer facility operating fund.
- S.B. 150 (chapter 43) Changes the accounting procedure for lost warrants.
- S.B. 168 (chapter 77) Broadens the provisions for the purchase of governmental surplus property among governmental entities.
- S.B. 198 (chapter 80) Restores the office of the state fire marshal, amends his powers and duties, reorganizes the state fire marshal division and makes an appropriation.
- S.B. 242 (chapter 182) Requires certain state agencies to make payments to the administrative budget account for the attorney general's office and to provide certain facilities and supplies to deputy attorneys general assigned to them.

- S.B. 265 (chapter 261) Prohibits provision for unemployment compensation coverage in state contracts for services of independent contractors.
- S.B. 285 (chapter 503) Requires periodic review by administrative agencies of their rules of practice.
- S.B. 315 (chapter 557) Allocates interest earned on funds administered by division of Colorado River resources of department of energy to those funds.
- S.B. 316 (chapter 262) Entitles classified state employees who are aggrieved by a decision of the chief of the personnel system to have their cases reviewed by the advisory personnel commission.
- S.B. 319 (chapter 363) Repeals the requirement that counties participate in the nonfederal share of the cost of certain welfare services. This bill is a part of the overall tax relief package. It repeals the requirement for counties to participate with the state in paying the nonfederal share of certain programs, most notably those for unmarried mothers, children awaiting adoption, handicapped children and children in the care of the state welfare division. The nonfederal costs are assumed entirely by the state. The counties are relieved of levying an ad valorem tax for the indigent purposes listed.
- S.B. 332 (chapter 386) Revises certain accounting practices of the state department of conservation and natural resources.
- S.B. 336 (chapter 439) Revises provisions of law concerning

- deferment of compensation by state employees.
- S.B. 469 (chapter 581) Allows fire departments to recover costs of fighting fires on state-owned property.
- S.B. 475 (chapter 350) Reorganizes communications system used by state.
- S.B. 508 (chapter 442) Reorganizes the mental hygiene and mental retardation division of the department of human resources. The bill eliminates the statutory requirement for clinic directors in each mental health clinic. The effect of the bill is to increase the flexibility allowed the director of the department of human resources and the head of the division in organizing the division.
- S.B. 512 (chapter 405) Limits submission of certain reports of inspection of state buildings.
- S.B. 537 (chapter 614) Increases salaries of certain state employees.
- S.B. 586 (chapter 672) Revises annual salaries of certain officers and employees of state.
- S.B. 590 (chapter 623) Authorizes expenditures by various officers, departments, boards, agencies, commissions and institutions of the state government for the 1979-81 biennium. (Note: For more information about this bill, consult legislative counsel bureau publication entitled Legislative Appropriations Report Sixtieth Nevada Legislature.)

TAXATION

- A.B. 32 (chapter 534) Removes provision for interest on penalties and costs on delinquent property taxes.
- A.B. 55 (chapter 83) Abolishes the requirement of an annual claim of exemption for fraternities and sororities at the University of Nevada from property tax.
- A.B. 63 (chapter 679) Imposes an additional state tax on slot machines contingent upon the expiration of the federal tax on slot machines. The total state tax would not exceed the amount of the state-federal tax combined. The purpose of this bill is to designate the additional portion of the federal slot machine tax that will now come to the state to educational purposes. Specifically, it places the first \$5 million in the capital construction fund for higher education, 20 percent in the special capital construction fund for higher education and the rest in the distributive school fund. The major change from existing law is the commitment of 20 percent to the special fund. The board of regents is then directed to use the income to the capital construction fund and the special capital construction fund to finance sports pavilions at UNLV and UNR in the amounts of \$30 million and \$26 million respectively.
- A.B. 107 (chapter 184) Removes the interest penalty on tax recapture upon sale or conversion of land with an agricultural or open space assessment. Pursuant to a

constitutional amendment passed in 1974, the 1975 legislature provided for the differential assessment of agricultural and open space land. This means that such property may be assessed according to the actual use rather than its highest and best use. The purpose was to encourage the preservation of such land in urban areas. The 1975 legislation required that if such land were sold or converted to a use not covered by the lower assessment the owner had to pay the difference between the lower taxes he paid and what he would have paid under normal assessment for a period of up to 7 years prior to the sale or conversion. The original legislation also required that the taxes recaptured have added to them 6 percent interest. This bill removes the interest payment.

- A.B. 112 (chapter 445) Changes period for filing certain statements relating to assessment and taxation of net proceeds of mines.
- A.B. 144 (chapter 156) Provides for the exemption from property tax of leases for geothermal development. This bill is a result of an interim study on the assessment and taxation of geothermal resources. The study was concerned primarily with ways that the state could encourage exploration and development of geothermal resources. Nevada's geothermal potential is rated second to that of California. This bill provides that geothermal leases are not taxable as a possessory interest until the

leases result in commercial production. The state and local governments then will impose no tax burden on geothermal exploration leases.

A.B. 268 (chapter 650) Allocates the entire proceeds of the real property transfer tax and county gaming license fees to local governments. The real property transfer tax previously was divided 75 percent to the state general fund and 25 percent to the county of origin. Now, the entire tax stays in the county where collected. It is apportioned to incorporated cities and the county on a population basis. The county receives the first 25 percent of the tax before apportionment with incorporated cities. County gaming license fees have been apportioned 25 percent to the state general fund and 75 percent to the county. Now, all of the fees remain in the county. If collected within an incorporated city, the county keeps 25 percent and the city gets 75 percent. This bill's effect was conditioned on the approval of the repeal of the sales tax on food at the election June 5, 1979. The sales tax on food was repealed in that election so this bill went into effect July 1, 1979. If Question 6 is approved again November 1980, this law expires July 1, 1981.

A.B. 405 (chapter 142) Specifies that the division of historic preservation and archeology of the state department of conservation and natural resources is the agency which may designate sites as historic for tax purposes.

- A.B. 409 (chapter 195) Increases beef promotion tax.
- A.B. 439 (chapter 637) Amends NRS chapter 467 which deals with the Nevada athletic commission and its regulation of boxing and wrestling. The measure revises the fees for promoters by separating the calculations into two categories--gross receipts from admission fees and total gross receipts from broadcasting-related rights. The method of computing the fees is also specified. The Nevada athletic commission fund is abolished, and all money which previously went into that fund is now to be deposited in the state general fund. Requirements for regulation of ring officials and employees of the commission are added, and the penalties are increased.
- A.B. 590 (chapter 326) Deletes requirement of payment of penalties, interest and costs by local governments and University of Nevada System on acquisition of tax-delinquent property.
- A.B. 616 (chapter 286) Provides for an election to amend the Sales and Use Tax Act to remove the sales tax on food. The special election was conducted June 5, 1979, and the question was approved. The sales tax on food was removed July 1, 1979. The removal of the tax from food had to go to a vote because the original Sales Tax Act of 1955 was petitioned to referendum by the people. The law was affirmed in the November 1956 referendum but, under the state constitution, such a measure can only be changed by referendum. An additional feature

of the June 5 referendum was the release of the numerous administrative provisions of the sales tax law from the referendum. In the future, the administrative aspects of the law may be amended by statute. The amount of tax relief from this action will be about \$54 million over the 2 years of the 1979-81 biennium. This bill, along with S.B. 204, constitutes the legislature's tax relief package. Finally, should Question 6 be approved a second time in November 1980, the repeal of the sales tax on food will be rescinded.

- A.B. 741 (chapter 336) Limits charitable exemption from property tax for certain corporations.
- A.B. 750 (chapter 526) Authorizes boards of county commissioners to impose an additional motor vehicle fuel tax if approved by the voters. Counties have been authorized to levy either a 1 or 2 cents per gallon county gas tax for county road projects. Under this bill, county commissioners may ask for voter approval for an additional 2 cents per gallon tax. Like the 1 or 2 cents already authorized, the additional tax would be used for street and highway improvements, extensions and upgradings. It would not be for ordinary maintenance.
- A.B. 796 (chapter 495) Makes various changes in law relating to taxation of sheep.
- S.B. 2 (chapter 1) Extends the period of time during which county boards of equalization

conduct business and preserves the validity of assessment and collection of taxes under certain circumstances.

- S.B. 59 (chapter 381) Adopts revision of Uniform Federal Tax Lien Registration Act.
- S.B. 77 (chapter 62) Eliminates the tax on certain personal property through annual reductions. At the November 1978 general election, the people approved a constitutional amendment to repeal the business inventory tax. This bill defines business inventory as personal property held for sale by a merchant or a manufacturer, raw materials held by a manufacturer and livestock held for business purposes. The assessment for the property described is reduced by 20 percent a year until the 1983-84 tax year when it becomes completely exempt from taxation.
- S.B. 158 (chapter 312) Provides for transfer of undivided interest in allotment of Indian land under certain circumstances.
- S.B. 163 (chapter 429) Removes provision for additional compensation to county treasurer for sale of tax delinquent property and clarifies provision relating to disposition of any surplus proceeds from that sale.
- S.B. 204 (chapter 593) This is the major tax relief legislation of the 1979 session. This bill and A.B. 616 constitute the tax relief package.

S.B. 204 statutorily reduces the maximum constitutional \$5

property tax rate to \$3.64 on each \$100 of assessed valuation. This new rate is the maximum for all public purposes and cannot be exceeded. This rate reduction is accomplished by repealing the requirement that counties contribute 11 cents for the state's Title XIX (Medicaid) program, by the state replacing \$1 of the current \$1.50 school levy through the distributive school fund and by the state giving up its 25 cent levy. This will save the taxpayers approximately \$169 million in property taxes during the next biennium. The bill also exempts household personal property which will save the homeowners an additional \$7.5 million over the biennium. No local government will lose any portion of their tax rate because of the reduced statutory limit since the state replaces the entire amount of property tax lost due to reducing the rate.

S.B. 204 provides that in fiscal year 1980-81 even greater property tax relief may be available if state sales and gaming revenues exceed expectations next year. The revenue produced by these two taxes for the first 3 quarters of fiscal year 1979-80 will be compared with the first 3 quarters of fiscal year 1978-79 and if these two taxes exceed their 1978-79 levels at that point by 12 percent or more, additional relief will be triggered. This relief is accomplished by adjusting the allowable school rate of 50 cents up or down and the state replacing the equivalent amount of

money through the school fund. Conversely, if available state revenues are lower than projected, a smaller amount of tax relief will be available.

As important as the tax relief to be paid over the next 2 years is, the more important long-term impact of the bill may well be the expenditure limitations on state and local governments. Without the limitations, rising property assessment would eventually undo the relief. The limitations will prevent a growth in expenditures to match the growth in tax assessments. If assessments increase, tax rates will have to fall in order to hold revenues down to allowable expenditures.

S.B. 204 provides that the governor's Executive Budget submitted for approval to future legislatures must be limited in growth by state population and inflation. Under this proposal, the 1975-77 biennium becomes the expenditure base and increases are allowed from July 1, 1974, for both population growth of the state and inflation.

S.B. 204 provides for an expenditure "cap" on all levels of local governments that receive taxes or license fees. These limitations are tied to the local entities' current year budget as a base and allowances are made for population increases and a modified inflation factor. Population increases are those from before the base year to the year in

which the new budget is being prepared as certified by the governor. If a local government disputes its estimated population, they may appeal to the Nevada tax commission, whose decision is final. Increases for growth for special districts may be based on indices other than population with the approval of the department of taxation. The inflation factor is 80 percent of the last 5 years' average increase or decrease. This factor will change each year as the oldest year is dropped off and the newest year added to the Consumer Price Index.

The bill provides that the "cap" may be overridden by the governing body of a local government to meet unforeseen situations that threaten life or property, and situations not under control of the local government when approved by the legislative commission. In addition, an override may be obtained for new programs or increased spending by a majority vote of the people. Such an approval expires after 2 years.

S.B. 204 provides for a limitation on the amount of property taxes a school district may levy. Under the tax relief plan, the state will replace the existing 70 cents mandatory tax levy and 30 cents of the optional 80 cents levy. The amount of taxes that can be derived from the remaining 50 cents levy is limited by growth. The average levy from this 50 cents tax for the previous 3 assessment years becomes the base from which the allowable

levy is calculated. The base is adjusted for changes in enrollments and inflation. The enrollment adjustment measures the change from the same 3 years that constitute the base to the current year. The inflation factor is 80 percent of the last 5 years average increase or decrease. The base levy, the base enrollment and the inflation factor all change yearly as the oldest year of each is dropped and a newer year added. These moving factors in the formula have the effect of reflecting more current conditions in the calculation of the allowable levy.

The impact of property tax relief can be seen by use of an example. The tax on a \$60,000 home last year in a jurisdiction levying the \$5 rate would have been \$1,050. The tax on household personal property would have been about \$50 more. The total tax bill was \$1,100. Under S.B. 204, the tax on the same home would be \$764 and there is no household personal property tax. The total tax reduction is 30.5 percent.

Like the repeal of the sales tax on food, property tax relief also will be rescinded if Question 6 is approved in November 1980.

S.B. 356 (chapter 602) Authorizes a tax on residential construction for the purpose of erecting or adding to school buildings. The bill applies only in those counties with less than 25,000 population. The need for this legislation arose in small counties

undergoing rapid population growth. The existing ad valorem tax base is inadequate to support the school capital construction required. The permissible tax rate is not specified. The school trustees request that the county commissioners impose a tax on homes, apartments and mobile home lots. If the commissioners agree, they submit the tax proposal to the Nevada tax commission which has final approval. Such a tax, if imposed, must be reviewed by the tax commission for continued need every 4 years.

- S.B. 442 (chapter 508) Increases limitation on value of property subject to homestead exemption.
- S.B. 453 (chapter 664) Clarifies the application of the casino entertainment tax. In addition to several changes in administrative procedures, this bill makes it clear that the entertainment tax is payable on admission tickets as well as the cost of food, refreshments and merchandise. The need for the legislation was demonstrated when at least one casino began selling admission tickets for its shows unrelated to food or refreshments. This bill assures that a 10 percent entertainment tax will be added to admission prices.
- S.J.R. 6 (file no. 54) Proposes to amend the Nevada constitution to allow the imposition of an estate tax not greater than the credit allowable against the federal estate tax. Nevada is the only state in the nation that does not

collect an estate tax at least equal to the federal credit. Forty-three states have their own estate or inheritance taxes or both in addition to collecting the estate tax that the federal government allows the state. Six more collect the amount allowed as credit against the federal estate tax. The fact that Nevada does not collect even the so-called "pick up" tax means that the federal government retains the amount it would allow Nevada to collect. Nevada estates still pay the same tax but all to the federal government. A similar resolution was passed in 1975 but the 1977 legislature failed to give it second passage. This resolution is an initiation of the constitutional amendment process again. S.J.R. 6 must be passed by the 1981 legislative session and approved at the 1982 general election before the constitution would be amended.

S.J.R. 19 (file no. 81) Proposes to amend the Nevada constitution to allow property tax exemption for property used to encourage energy conservation or the use of nonfossil fuels. The original constitutional language allowed property tax exemptions for municipal, educational, literary, scientific or other charitable purposes. This proposed amendment would add to the original list of allowable exemptions. An example of an exemption if this amendment passes would be a home using solar or geothermal heat. The value of the heating system could be exempt and the overall

assessment of such property could be lowered by a certain amount. The specifics of what would qualify and to what extent would be left to implementing legislation. This resolution must be passed again by the 1981 legislative session and approved at the 1982 general election before the constitution would be amended.

WATER, WATER SAVINGS DEVICES AND SEWAGE DISPOSAL

- A.B. 541 (chapter 696) Defines and provides for licensing and regulation of "package plants for sewage treatment" and requires surety and authorizing assessments to insure continued operation. "Package plants for sewage treatment" are defined as consisting of units or modules designed for construction, assembly, connection and installation at the site for the treatment of sewage and which are privately owned and operated to treat waste water and sewage for a limited area. The term does not include a plant for the treatment of domestic sewage whose capacity is less than 5,000 gallons. A permit to discharge water from a package plant for sewage treatment may not be issued unless sewage is not provided by a public utility, municipality or other public entity. The local governing body assumes responsibility in case of default by the builder or developer for the continued operation and maintenance of the plant in accordance with all the terms and conditions of the permit. The applicant for a package plant for sewage treatment must furnish the local governing body sufficient surety in the form of a bond or other acceptable form to the governing body to insure the continued maintenance and operation of the plant for a period of 5 years following installation of the plant or until 75 percent of the lots served by the plant are sold, whichever is later. The environmental commission shall determine and

prescribe the qualifications and duties of the supervisors and technicians responsible for the operation and maintenance of a package sewage treatment plant.

A.B. 566 (chapter 295) Repeals the toilet flush capacity law. Under previous law, no toilet installed in new hotels, motels, apartment houses or dwellings, and in most additions or renovations to such buildings, could have a flush capacity of more than 3 1/2 gallons of water for each flushing. A.B. 566 empowers the governing bodies of counties and cities to enact ordinances imposing reasonable restrictions relating to the water capacity and devices to reduce water consumption of toilets to be installed after July 1, 1979.

A.B. 572 (chapter 528) Provides for the control of water pollution from diffuse (nonpoint) sources. The act establishes legislative policy to maintain the quality of water in Nevada consistent with a balance of environment and economic interests. The environmental commission is mandated to establish water quality standards at a level to protect and insure a continuation of the designated beneficial use for a particular water body. "Diffuse source" means any source of water pollution which is diffused to the extent that it is not readily discernible and cannot be confined to a discrete conveyance. This term is intended to be the equivalent to the term "nonpoint source" as used in federal statutes and regulations. Any

surface waters of the state whose quality is higher than the applicable standards of water quality as of the date when those standards become effective must be maintained in their higher quality. No discharges of waste may be made which will result in lowering the quality of these waters unless approved by the environmental commission. The environmental commission in establishing diffuse source regulations shall delegate to each approved county or city administration the enforcement of these regulations. For those entities not containing adequate staff to administer this program, the Nevada division of environmental protection will administer the regulations.

- S.B. 184 (chapter 401) Clarifies respective powers and duties of health division of department of human resources and state department of conservation and natural resources with respect to control of sewage disposal.
- S.B. 408 (chapter 604) Revises act relating to Marlette Lake water system.

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Sixtieth Session, 1979

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